

Committee Report

Item No: 1

Reference: 5007/16

Case Officer: John Pateman-Gee

Ward: Stowmarket Central

Ward Member/s: Cllr Paul Ekpenyong. Cllr Lesley Mayes

Description of Development

Application for Outline Planning Permission for erection of 600 new dwellings together with a local centre, sports pavilion, open space and recreation facilities. (All Matters Reserved).

Location

Land North of Chilton Leys, Chilton Leys, Stowmarket,

Parish: Onehouse

Conservation Area:

Listed Building: Affects Setting of Grade II

Received: 16/12/2016

Expiry Date: 13/04/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Taylor Wimpy

Agent: Boyer Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

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:

The Corporate Manager - Growth & Sustainable Planning considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and / or the extent and planning substance of comments received from third parties and / or the location, scale and / or nature of the application.

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

Phase 1 adjacent to the site was approved and now implemented for 215 Dwellings, School and Employment area.

The estate road for this phase has been approved under Ref 5005/16 on the 3rd July 2017.

Application for full planning permission for highway and utilities infrastructure, including: main spine road, emergency access, drainage and attenuation, a pumping station, electricity substations and other utilities.

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
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
CL11 - Retaining high quality agricultural land
FC03 - Supply Of Employment Land
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
SAAP - Stowmarket Area Action Plan
GP01 - Design and layout of development
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
T10 - Highway Considerations in Development

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

This application is proposed within one of the allocation sites designated via the Stowmarket Area Action Plan (SAAP) adopted early in 2013. Of the different allocations contained within the SAAP, Chilton Leys is one of the largest allocations of housing and proposes up to approximately a thousand new homes over the next fifteen years.

Most of the allocations as part of the SAAP policy requirement seek a development brief to be prepared and adopted as SPD. In this case a development brief for Chilton Leys was adopted by members on the 16th December 2013 and provides a lead for the consideration of this case as it did for the previous outline application for phase 1. Together both the SPD and SAAP provide the policy framework for development of Chilton Leys alongside the Core Strategy 2008 and its Focussed Review as well as the saved policies of the Mid Suffolk Local Plan 1998.

Public engagement has included the continuation of the place shaping group set up for phase 1 and has been a useful forum for discussion and feedback. The place shaping group had several meetings throughout 2016/2017 and included the Applicant, Local Planning Authority, Council members, Town/Parish Council members at various points.

Public engagement over time has made some alterations to the proposal both as an overall allocation and in respect of more specific aspects of this application. One alteration has been the removal of a community centre and its replacement with something else. The community centre was indicated to be a separate building adjacent to the primary school and retail unit. However, it became clear no authority had the resource to manage a separate building and there was concerns over viability of such a project. So "plan B" was considered and this was to explore a combined community use with the new primary school. While at first this was supported, the introduction of new free school considerations meant that we could no longer ensure that the operators of the school would accept dual school and community use and we had no means to secure this. This concluded with the scheme having to be considered without a community centre for the proposed housing and on balance it was considered not to be a significant problem given other available halls within Stowmarket and Onehouse. In fact, Onehouse village hall is a thriving use and residents of the new housing would likely to support this further as a competing resource would not be provided.

At the same time it became much clearer that sports provision within Stowmarket was lacking and upgrading the recreational provision of the scheme became an opportunity to explore. This has become "plan C" and is what is before members today. Previously the development brief indicated what was just a general recreation ground with small pavilion shelter to the south of the site, but now this has been altered into a more significant sports related hub with a more substantial supporting building with changing rooms to serve both sport interests and ancillary community use without competing with other facilities in the area. Also included is a multi-use games area. As an outline application the details are indicative at this stage, but it will be an opportunity for a building of interest at the end of the Chilton Leys development and would also happen to be on the route for the new bus service to serve this side of town including both Union Road and Chilton leys developments. The indicative details show football pitches, simply because these are the larger space users of potential recreation uses that could be located on this site, but it may be that any of the different sports or a range of sports could take the available space sought to be provided.

In conclusion through public engagement the developer and local planning authority has worked through several proposals to explore realistic and viable opportunities for the local area. They have taken what was a large open space originally considered to be necessary to ensure a buffer to the Paupers Grave site and keep a visual separation between Stowmarket and Onehouse village and while keeping this benefit have a defined purpose serving sport and recreational interests alongside this ensuring its maintenance and management for the long term.

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

Stowmarket Town Council (Full)

No objection be raised to the grant of planning consent, subject to the successful negotiation with the Planning Authority to ensure the timely implementation of suitable and sufficient infrastructure to adequately support increases in dwellings and residents within the local community.

Onehouse Parish Council (Summary)

Lack of strategic gap between Onehouse and Stowmarket. Concerns of bus entrance and bus route potential conflicts. Notes Listed Buildings in area and considers that there will be a detrimental effect on the VIOS of the Paupers Graves and this must be protected. Contrary to policies T10, CL11, HB1, GP1, H4, H13, H16, Cor6. Non planning matter comments also made.

Natural England (Summary)

Provides general comment and guidance.

MSDC - Heritage (Summary)

Has no objection in general to most historic assets, but notes potential risk to Shepherds Farm and change in setting for this rural building that will need to be addressed further under reserved matters.

SCC - Rights of Way Department (Summary)

No objections

Ramblers Association (Full)

I have viewed these plans. If this development goes ahead this will totally change the enjoyment of walking in this area. It will then be a walk through suburbia from Stowmarket to Onehouse.

Suffolk Police - Design Out Crime Officers (Summary)

Unable to make detailed comment as outline application. Provides general advice for reserved matters to consider at a later stage.

Anglian Water (Summary)

Recommends condition on foul water drainage strategy, no objection to foul or surface water matters or capacity.

The Environment Agency (Full)

Does not wish to formally comment. (Case officer note, this is taken to be no objection).

Highways Agency (Full)

Offers no objection

SCC - Corporate S106 (Summary/Comment)

Suffolk County Council's Obligations Manager has outlined what the county councils wishes to seek for its services and this includes money for education provision and other areas.

The amounts sought have been subject to negotiation given the viability of the scheme, alignment with Phase 1 Chilton Leys and need for consistent requests across all developments including Union Road nearby. In addition, while this is a strategic site and CIL is reduced to zero, rules regarding double dipping and pooling still apply. Accordingly, not all of the requests from Suffolk County Council can be considered as these would be in breach of the current regulations. On this basis the resulting obligation package does not match the formal requests of the County Council, but the Local Planning Authority has worked with the County Obligation manager to achieve as much of the requests as possible. More detail on this issue is found later in this report.

NHS/Primary Care Trust (Summary/Comment)

The NHS has made a request for monies for StowHealth stating it is required for “significant reconfiguration internally and Information Technology infrastructure at Stow Health”. This is the same project monies from Phase 1 Chilton Leys paid towards and so represents a second pooling of monies that is acceptable. A maximum of five times pooling is allowed under the CIL/106 regulations. Members will note that the recommendation of monies does not match the amount sought by the NHS, these have been adjusted to be consistent with Phase 1 Chilton Leys specially as they are towards the same project as phase one.

SCC Flood & Water Management (Summary)

On basis of amended details and discussions with applicant, no objections

Suffolk County Council - Archaeological Service (Summary)

No objections – recommend standard programme of works condition. (Case officer note: Extensive work including survey work has been undertaken to reach this point and no initial indication has been made to suggest any significant archaeological finds are likely, but further works are recommended as a precaution.)

B: Representations

Summary of neighbour and other representations

- Needs careful consideration regarding design of buildings near Shepherds Farm (Listed)
- Potential overlooking to Shepherds Farm
- Noise pollution (During construction and occupation)
- Need landscaping to screen Shepherds Farm.
- Not clear regarding drainage proposals.
- Should include dog waste bin provision
- Design and layout suggestions
- Welcomes games pitch and pavilion for sport provision, a major need for the area.
- Unclear if broadband coverage will drop as a result of housing.
- Welcome much needed local shop.
- No objection in general as long as business not disrupted during construction.

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. Chilton Leys Phase 2 is currently agricultural fields to the north and west of the existing Chilton Hall Housing Estate and Chilton Fields Sports Club. Essentially it wraps around the Chilton Fields Sport Club. The northern boundary is marked in part by Shepherds Lane, a private drive with a public footpath (FP35) running along the edge of the field that serves Shepherds Farm (Listed Building) and Woodfield Farm situated a little further beyond the site. The same boundary is then existing hedgerow as you go westward and is adjacent to further fields. The exception to this is a little piece of the site that extends around to the back of Shepherds Farm, while this is field it is intended this becomes an attenuation basin.

1.2. The east boundary if not the Chilton Fields Sport Club is Phase 1 Chilton Leys of 215 dwellings, primary school and employment site that is now being constructed.

1.3. At the north west corner is Chilton Leys Farmhouse enclosed with a small wooded area and its long tree lined driveway forms part of the west boundary for the site become joining up Forest Road and Starhouse Lane. The trees along the drive are protected via a TPO order. The remaining west boundary is then Starhouse Lane where Starhouse Farmhouse is located on the opposite side of the road and enclosure by mature landscaping that also forms part of Fieldens, an industrial site.

1.4. The rear of two detached properties that front Union Road form the further southern boundary of the site. Paupers Graves site, a VIOS designation, also forms part of the southern boundary of the site. There is no access to Union Road from the site given other 3rd party interests and this is not possible to achieve. However, there is a public footpath between Chilton Meadows Residential and Nursing Home and Chilton Fields Sports Club that leads from the site to Chilton Way.

2. The Proposal

2.1. Please note details of the proposed development including plans and application documents can be found online. The proposal can be broken down into four main elements.

2.2. Erection of 600 dwellings (17.55ha). This is outline with all matters reserved and so only the number of dwellings is set. Please note there is also a separate full application for the main estate road being considered and this is separate due to requirements to commence the estate road in advance of any housing to ensure adequate gas supply is available to the school and employment land for them to be completed for phase 1 development.

2.3. However, in this case while there is not a layout plan for consideration the applicant has provided a land use plan that defines the areas for housing, open space and other uses and this forms part of the application to be secured.

2.4. Provision of a local centre (0.13ha). This might be one larger shop or a few smaller ones for local retail purpose. Except for provision of the area and general location defined by the land use plan all other matters are reserved.

2.5. Outdoor Sport / Recreation Area (3.22ha). This includes a multi-use game area (MUGA) and new sports hall/pavilion. Except for provision of the area and general location defined by the land use plan all other matters are reserved and this includes knowing the set up and arrangement of the land for any particular sport/s. The land available is noted to be sufficient for the larger of potential recreation uses available and accordingly represents a flexible and wide ranging space for any sport that may take this area.

2.6. Informal open space. This is given specific mention as it represents a large part of the site (9.88ha) and includes a local equipped area of play (LEAP). A neighbourhood equipped area of play (NEAP) could also be provided on site, but this is not defined on the land use plan as there is an option for these monies to upgrade a nearby existing play area instead.

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.

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3.2. The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The NPPF also provides (para 187) 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. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

3.3. Much of the NPPF will be applicable to this proposal given the included components of employment, housing, open space and transport. The entire document should be considered, but a few key points are outlined below for member consideration, some particularly relevant to the consideration of obligations assessed at the end of this report.

3.4. Section 6 of the NPPF for housing provides that (para 49) Housing applications should be considered in the context of the presumption in favour of sustainable development.

3.5. Under Paragraph 173 of the NPPF it provides that "Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable".

4. Core Strategy and Focus Review

4.1. Policy CS1 provides that the majority of employment, retail and housing development shall be directed to towns and key service centres. Policy CS2 provides a list of possible development in the countryside. The SAAP as part of the development plan should be read in conjunction with the Core Strategy and allows in principle for the development of Chilton Leys.

4.2. Policy CS3 (in part based on the now revoked East of England Plan) encourages sustainable construction and for dwellings to achieve a three star rating under the Code for Sustainable Homes. However, while encouraged, this is not a specific requirement and in any event Code Sustainable Homes as also been revoked. Accordingly only very limited weight can given to this policy at this time.

4.3. Policy CS4 provides that all development will contribute to the delivery of sustainable development and reflect the need to plan for climate change and then outlines issues of flood risk, pollution and biodiversity. Also included is encouragement of the implementation of Sustainable Urban Drainage Systems (SUDs) that this application does include such provision within its proposals. There are no principle issues raised in CS4 to resist the proposed development or make it contrary to the development plan.

4.4. Policy CS5 provides that all development will maintain and enhance the environment, including the historic environment, design and landscape and retain the local distinctiveness. There are no principle issues involved in this policy given this is an outline application.

4.5. Policy CS6 provides the need for consideration of appropriate infrastructure and what may be considered. In this case the SAAP also provides a list of possible consideration of supporting infrastructure as too does the Development Brief SPD adopted. This will be considered further in the assessment below. However, it is noted that there is no priority order of such infrastructure considerations nor that an application should be refused for failing to include any specific element of infrastructure. The one exception is in relation to public transport considerations and on this basis the development proposes to complete its investment into public transport begun in Phase 1 by paying for a new bus service to serve the site. Equally this would also serve the Union Road development given the available route to complete the commercial loop. Accordingly this policy offers no principle issues to resist the proposed development.

4.6. Policy CS9 provides requirements on the density and mix of new housing development. The policy seeks a mix of types, sizes and affordability in terms of residential schemes, but does not set any specific levels or percentages to achieve. The policy also provides that new development should provide an average density of at least 30 dwellings per hectare. In this proposal a density of 34 dwellings per hectare is proposed if you take the housing area only and fulfils this requirement (the same as phase 1). While the policy also provides that a higher density of at least 40 dwellings per hectare may be achieved in more sustainable locations and this would include Stowmarket, being an edge of town site it is considered that the proposed density is suitable and appropriate in this location with consideration to the adjacent Chilton Hall estate.

4.7. Policy CS11 was replaced by the Core Strategy Focused Review 2012 policy FC3. This provides that major new allocations of employment land should be situated primarily in or close to towns with good access to the districts major transport routes and good access by public transport. The policy also includes allocation of employment land within the Chilton Leys allocation and this has been dealt with under Phase 1 of the Chilton leys development. The proposal includes the development of a local retail unit/s and employment opportunities in terms of recreation use and building works required. Accordingly, the development is not considered to be in conflict with Policy FC3 nor is it contrary and the principle of the development is accepted.

4.8. The Core Strategy Focused Review (CSFR) was adopted by Full Council on 20 December 2012 and should be read as a supplement to Mid Suffolk's adopted Core Strategy (2008). This document updates some of the policies of the 2008 Core Strategy as already addressed above. The CSFR document does introduce new policy considerations, including Policy FC 1 - Presumption in favour of sustainable development that refers to the National Planning Policy Framework (NPPF) objectives and Policy FC 1.1 - Mid Suffolk approach to delivering Sustainable Development that provides "development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the

Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan. Proposals for development must conserve and enhance the local character of the different parts of the district. They should demonstrate how the proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the Mid Suffolk Core Strategy and other relevant documents."

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

5.1. The Stowmarket Area Action Plan was adopted 21st February 2013. This provides a few new policies in respect of this site as well as overarching policies that apply to relevant housing or commercial development within the defined Action Plan area. Several these policies will be addressed in the appropriate sections below, but none seek to resist the principle of development or its phasing.

5.2. Specifically Paragraph 6.58 through to 6.70 of the SAAP refers to the Chilton Leys allocation and includes SAAP policies 6.5 to 6.12 with policy 6.5 itself allocated the site for mix use, including residential, employment and open space. Policy 6.6 seeks the development brief that was adopted on the 16th December 2013. Policy 6.7 allocates a new VIOS for the Paupers Graves and this phase does not include this site, but will be adjacent.

6. Saved Policies in the Local Plans

6.1. Members will be aware that the weight to be attached to the 1998 Local Plan must be considered carefully by reference to the NPPF to ensure consistency.

6.2. The saved Local Plan through policies GP1, H13, H15, H16, and T10 supports good design that reflects Suffolk character, avoids adverse impacts on amenity and considered traffic and highway implications of development. Policy HB1 while not wholly NPPF compliant refers to setting of historic buildings and along with other policies including employment matters shall be considered in the detailed assessment below. This development would normally be contrary to local plan policy H7, but is not the case as an allocated site within the SAAP and there are no other principle issues against the development arising from the local plan.

7. The Principle Of Development

7.1. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues including the lack of a five year land supply for housing; the main planning considerations considered relevant to this case are set out below 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.

7.2. The principle of development is established for this application under the SAAP, Core Strategy and its review and the adopted SPD for Chilton Leys. Essentially the allocation itself has accepted the expansion of Stowmarket in the form proposed and there will be changes to the setting of listed buildings, footpaths and the relationship between Onehouse and Stowmarket.

7.3. On consideration of the Core Strategy, Local Plan, SAAP and adopted Development Brief (SPD) officers consider that in broad terms there are no principle issues that the proposed phase two application is in conflict with. The proposed development includes all required elements as sought by the local policy framework established for this allocation. Matters of detail and sustainability are addressed in sections below.

8. Sustainability Assessment Of Proposal

8.1. The site is adjacent to the Town and an allocated site. As a result there are good connections in terms of footways and also the proposed development will include a new bus route to loop around the development and includes Phase 1 and the Union Road site. The development proposes a significant level of housing supported by policy in terms of the policy allocation as part of the housing supply needed by the district. The economic benefit matches the scale of the development in both construction and services needed by occupiers. At the same time the burden of the development needs to be mitigated and the details of this is detailed below.

9. Site Access, Parking And Highway Safety Considerations

9.1. In terms of vehicular access the proposed development would continue the estate road from Phase One that leads to Bury Road and the junction designed and built ahead with the entire allocation in mind. There are no objections on this matter. One access point will serve the phases 1 and 2 a total of 815 houses and the development plan adopted and masterplan has always agreed this approach. This means no traffic would be directed towards the villages of Combs or Onehouse and associated road network, except for a bus loop.

9.2. There is a bus access / emergency vehicular access proposed to access Starhouse Lane in accordance with the adopted Development Brief. On this matter SCC Highways would prefer an access that allows both entrance and exit for buses as this would in their view future proof the arrangement, but an exit only is proposed. In safety terms no objection to either approach has been made, but it could be argued exit only would be slightly safer as this would not require a bus to cross over the road and it would only turn left onto Starhouse Lane to loop around and back to Stowmarket. Should in the future a change to bus routing require consideration of both entrance and exit and associated works, this will be the subject of a separate application for the District council to consider on its own merits.

9.3 The principles of this development in terms of highways are in accord with the development plan, area action plan and development within phase 1 where highways works have been carried out to support both phase 1 and put in place to support this proposal.

10. Design And Layout [Impact On Street Scene]

10.1. Appearance and layout are reserved matters and shall be the subject of a further application. However, while layout is reserved, the main estate road is essentially fixed because of the traffic and emergency considerations that have been established and form part of this application and by the separate full application for the estate road given the need to run a new gas line to service the area. At the same time the land uses for recreation and open space land is also essentially fixed as this is proposed to be secured via section 106 and so the actual location for housing shall be placed between these secured road, recreation, and open space areas. Indicative plans indicative a similar approach to the development to phase 1 and would continue the character of that development.

11. Landscape Impact

11.1. Much of this application wraps around the existing housing and sport fields and adjacent to the Phase 1 development. The development in terms of buildings would not exceed the building line created by the first phase. When considering with the changes in ground levels and existing landscaping around Shepherds Farm and Woodfields and Northfield Wood there are several elements that obscures the wider views of this proposed development.

Views across from the elevated A14/Haughley interchange will always be available as no amount of additional landscaping will entirely hide the development from that viewpoint, but new landscaping does have to opportunity to allow the development to blend in.

11.2. In terms of phase 2 there is a wider and more open area of change in landscape in terms of the north west boundaries that must be carefully addressed. The indicative proposals that carry forward the principles established under the adopted development plan have demonstrated a significant deep green strip and green wedges will be available for consideration under reserved matters, but essentially secured ahead via the Section 106 agreement as strategic open space given the significance of the open space being offered. It is considered on balance that the development will very much alter a view as the allocation intended, but would not be intrusive to the character of the wider area to warrant refusal.

11.3. Good landscaping and layout has always been upheld as vital to ensure the identity of the Onehouse village and rural setting is not lost. The specific allocation of Paupers Graves as a VIOS was designated by the SAAP for this reason. The development brief seeks to place most of the future recreational pitches and more significant landscaping requirements towards Onehouse to protect it and this is demonstrated and secured through this application. In terms of the detailed landscaping schemes these are reserved matters and will be the subject of a further application where officers and the SAAP recognises that the identity of both Onehouse and rural setting are of significant importance to be protected.

12. Environmental Impacts - Trees, Ecology And Land Contamination

12.1. The majority of the site is in use as an agricultural field and not recorded or considered likely to contain contamination issues above normal expectations. While not in flood zone 2 or 3, for a development of this size there would be potential surface water flood risk considerations. This has in this case been considered alongside a significant SUD system to manage surface water issues and no objection has been made by the Environment Agency and all matters raised have been resolved with the SCC Floods team.

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. Mid Suffolk's development plan refers to historic buildings and seeks to protect them and their settings in accordance with policy HB1. In addition to the SAAP Policy 9.5 seeks to protect the historic landscape of Stowmarket and surrounding villages, including protecting man made landmarks, archaeological features and safeguard our built heritage. This policy refers back to the NPPF and under paragraph 17 states development should "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". Para 131 goes on to provide that "In determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness." Furthermore Para 132 states "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

13.2. In this case Shepherds Farm House is a Listed Building and is likely to be affected by this development given its location to the north east of the site. Other designated assets may be impacted by the nature of the development within the landscape, given the potential inter-visibility available. Most historic buildings that are listed are of significant distance away and not considered likely to be affected by any adverse harm to such extent to warrant refusal. Others such as Stow Lodge Hospital are enclosed by various buildings and significant landscaping to the east of the site and avoid being significantly adversely affected. Starhouse Farm while adjacent to the proposed recreational areas is hidden away by trees and landscaping.

13.3. The allocation of the Chilton Leys site via the SAAP would have assessed the principle of development on the setting of Listed Buildings, but not the elements of a proposed scheme and any resulting harm. However, it is important to note that the allocation site area adopted has included an area that allows new development on three sides of Shepherds Farm and close to the Listed Building where currently the surrounding fields are undeveloped. It is recognised and would have been a consideration of the allocation through the SAAP that the setting of the farm will be altered significantly and its context of a rural isolated building will be removed. On the other hand the listed Shepherds Farm House is not open to the current fields and is a large plot with mature landscaping enclosing its setting that in part is a consideration in terms of its historic and functional relationship with the wider setting. This setting is considered by the adopted SPD brief and as illustrated by that document the setting of the listed building is proposed to be buffered against the new development by extensive landscaping and the north will serve a second attenuation basin rather than housing maintaining a green setting for the historic building at least.

13.4. Archaeological value of the proposed phase 1 site became very important as a number of finds were found in the initial work carried out across the application site. Due to the extent of finds the cost of further works amounted to have an enormous bearing on the viability of phase 1 scheme when that was considered. The result being that phase 2 has needed to carefully consider the archaeological potential and again has become one of the factors in a reduced total for other obligations that can be sought. The need for archaeological works is recognised in material guidance of the NPPF and expressed in the SAAP adopted policy. Accordingly, a condition as recommended by Suffolk County Council for a full programme of archaeological works is recommended by officers.

14. Impact On Residential Amenity

14.1. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. It is considered that this proposal does not give rise to any concerns of loss of neighbour amenity by reason of form and design in principle and specific details can be assessed at reserved matter stage.

14.2. While outline, most the proposed housing is a reasonable distance away from existing dwellings and buffer to be adopted in the form of the open space and landscaping. The lighting is not likely to be excessive beyond standard requirements for an estate and the lighting of the main street especially is essentially sandwiched within the centre of the site. Lighting of the recreation area has been recommended to be specifically controlled with an appropriately worded condition for any lighting of that area to be agreed with the Local Planning Authority. In conclusion it is considered that the existing residents who are already within an urban lit environment will be affected by the proposal in terms of lighting, but it is not considered to be of significant harm to warrant refusal or outweigh the benefits of the scheme.

14.3. The change from an undeveloped field to urban estate will be significant in terms of noise, but for existing residents it will be not unlike the current background levels of noise that already exists. Again the existing and proposed landscape buffer and placement of houses away from existing neighbours will mitigate some of this impact.

The estate road proposed will have noise associated, but given its location within the development is it not considered to be so adverse to warrant refusal. Construction will have an adverse impact, but for a temporary period that is not considered unreasonable given the gain benefits of housing development in consideration of wider economic growth.

15. Biodiversity And Protected Species

15.1. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive. Woolley v Morge determined that in order to discharge its regulation 9(5) duty a Local Planning Authority must consider in relation to an application (full, outline or listed building) the following:- (i) whether any criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed; and (ii) if one or more such offences are likely to be committed, whether the LPA can be satisfied that the three Habitats Directive ""derogation tests"" are met. Only if the LPA is satisfied that all three tests are met may planning permission be granted. In addition SAAP Policy 9.1 seeks that all development proposals repair and strengthen ecological corridors, not isolation habitats, assess harm on species and propose mitigation if possible and retain nature features, plant tree belts where the site borders open countryside.

15.2. In this case the site is a field and accordingly it is considered of low ecological value compared to others except as an area to cross to reach other habitats. Territories of skylarks has been highlighted for the site and shall be mitigated for and the applicant has been involved with the SCC checking service. The scheme has the potential to improve biodiversity interests given the location of the public open spaces that leads to the Attenuation Basin and new landscaped buffer to the north boundary and green gaps. These will create new wildlife corridors and there will be new garden habitats created alongside that many levels of wildlife will use. Overall the development is not considered to harm biodiversity interests and will seek to promote certain habitats positively

16. Planning Obligations / CIL (delete if not applicable)

16.1. As other sections have indicated the issue of viability has been a significant issue in the consideration of this application. A lot of work has been undertaken by your officers and experts in the Council's team on the viability assessment and this has also been with consideration of previous work carried out in conjunction with the District Valuer and other independent assessors.

16.2. If all obligations sought were pursued the conclusion has been that the scheme is not viable. This is a "greenfield site" and while this might be not as significant in cost to say "brownfield" sites in broad terms it should not be a general assumption. Greenfield sites have no existing services and all these must be put in. In this case the site does have some advantage over a normal greenfield given the burden of costs taken on by Phase 1, but equally costs have increased in the short time since then, for example costs for SuDs and associated permeable paving have significantly increased due to higher requirements. Brownfield sites have potentially more contamination issues to consider, but greenfield still needs to consider a range of contamination issues in terms of chemicals used for the agricultural fields over time. While a brownfield site may have already found or destroyed archaeological finds and so the cost has been accounted for already; a greenfield site has the potential to have this as a significant cost and as it has been the case for Chilton Leys allocation. The conclusion being that each case must be considered on its merits, that a viability assessment is individual and dependant on location.

16.3. Being unviable does not mean the development should be approved without being also sustainable in the round. A balance of these matters must be found and be weighed in consideration of the economic growth agenda.

In terms of what the obligation package should officers have referred to various policies within the SAAP (Policies 11.1, 6.11 and 6.12), Local Plan, and Core Strategy that list potential obligations to be considered for this site. The development brief also includes a list of potential obligations and officers have needed to consider phase one of Chilton Leys. Also officers have taken on board dialogue from the place shaping group for over the last year and considerations through the life of the application. Accordingly, a number of potential obligations have been identified as listed.

Affordable (35% = 210 units)

Skylarks Mitigation

School Primary

Early Years

Play Equipment -Leap

MUGA

NEAP

Recreation and Community

Public Rights of Way/Access to Countryside

Informal Open Space (Natural play area to south)

Public Transport (New bus route and bus)

Travel Plan

NHS (improvements to Stow Health

School Secondary

Library

Waste

Because of the monies available don't match the total cost of all of these obligations sought by various parties, the district needs to prioritise and considered each of obligation on the basis of:

- A) if essential given the development plan policy context available,
- B) if the scheme remains sustainable without the obligation,
- C) to what extent the obligation relates to the scheme and,
- D) ability to ensure the monies secured would be used in direct relation to the impact of the scheme and used accordingly.

And because of the introduction of CIL and regulations that refer to pooling that stop monies for a single project/obligation being pooled more than 5 times since phase 1, a further consideration must now be:

- E) As the obligation be sought more than 5 times.

16.4. On the basis of pooling regulations alone SCC Waste contribution can not be secured as it has been pooled many times. Equally SCC general libraries contributions has also been pooled hundreds of times and so can not be secured in full, but a project for books could be considered. The Districts general OSSI fund can not be added to further due to pooling constraints and so these funds have been redirected to on site provision instead and direct mitigation of the scheme. Aspects such as bus service, primary school and others have been pooled before for phase 1, but not more than five times and can form part of the obligation package.

16.5. A lot of upfront costs were loaded onto phase 1 and as a result it the obligation package secured for that scheme equated to £8,718.35 per dwelling, a total of £1,874,445.00 for the 215 dwellings, but with no on site affordable housing. On average a CIL payment per dwelling is around £9,000.00 per dwelling for comparison. For this application Phase 2 officers have concluded a single recommendation.

Recommendation: An obligation package of £9,964.09 per dwelling, a total of £5,978,456.00 for the 600 dwellings. In addition 20% Affordable Housing on site.

16.6. This is more per dwelling than phase one and the development will provide 20% affordable houses being 120 affordable dwellings on site. Accordingly, the actual obligation package in value terms is far higher.

Recommendation

Affordable Housing 20%

Skylarks Mitigation £50,000.00

School Primary £2,464,350.00

Early Years £262,200.00

Play Equipment -Leap £150,000.00

MUGA £150,000.00

NEAP £250,000.00

Recreation and Community £1,200,000.00

Public Rights of Way/Access to Countryside (For 4 separate off site footpaths) £243,317.00

Informal Open Space (Natural play area to south) £75,000.00

Public Transport (New bus route and bus) £280,000.00

Travel Plan £150,000.00

NHS (improvements to Stow Health) £167,442.00

School Secondary Extension Contribution £526,547.00

Library £9,600.00

Affordable Housing

16.7. The council's affordable housing policy is for up to 35% and accepts that viability issues will affect the amount of affordable housing that can be achieved up to the target sought. The proposed development seeks to secure 20% affordable homes given the other obligations sought to be secured. Officers have examined all the other obligations and given the scale of the development and nature of the other requirements do not recommend to reduce these further to increase the amount of affordable housing. Reduction of any other obligations sought would risk the sustainability of the development and in some cases not allow specific obligations to be achieved at all. It is noted that Members have taken a "case by case" approach to the delivery of affordable housing elsewhere in the District informed by both local housing need issues and matters of other planning merit. In this case officers take the view that, whilst affordable housing is a development plan priority the benefits of delivering a development in this location as allocated by the SAAP with employment land and recreation provision as well as significant contribution to the Council's 5yr land supply. The opportunity to promote economic growth and employment within the construction industry are matter of some weight with the total obligation package presented.

Skylarks Mitigation

16.8. This requirement is based on the location, impact on this ecological interest and the evidence that skylarks would potentially be using this site. Accordingly it does not tally that more housing would proportionate to more or less mitigation and so this is a fixed assessed figure. This is required under the duty of care in respect of protected species and so is of the high priority and cannot be adjusted or risk challenge. This is bespoke to the site and not a matter for pooling regulations.

School - Primary

16.9. Phase 1 included land and a contribution in relation to 215 dwellings for a new primary school. The full contribution recommended to be secured for phase 2 for the 600 dwellings would be in line with that sought under phase 1 and would complete the contribution requirement for a new primary school for it to go forward. As the new primary school was pooled for once previously under Phase 1, this would only be the second time for pooling and acceptable under the CIL regulations.

While SCC are under a duty to provide education or transport to such education with or without a contribution, it is considered acceptable to seek such a contribution for this new primary school as part of the allocation and related development brief, in relation to the needs of the development and sustainable development of the area.

Early Years

16.10. Essentially this would form part of the primary school above and would also not exceed pooling requirements.

School - Secondary

16.11. Phase 1 did not include the need for secondary school provision as capacity was available at that time. A full contribution recommended will be required for phase 2 for the 600 dwellings. The secondary school is Stowmarket High School (close to the site) and this is due to be replaced soon thanks to separate funding. The contribution secured from this development would be to extend the capacity of the secondary school site. Pooling for Stowmarket High School has not exceeded five times and it could be argued that when replaced the school is new and pooling resets. While SCC are under a duty to provide education or transport to such education with or without a contribution, it is considered acceptable to seek such a contribution for secondary school as part of the allocation and related development brief, in relation to the needs of the development and sustainable development of the area

Play Equipment -Local Equipped Area of Play (LEAP), Multi Use Games Area (MUGA) and Neighbourhood Equipped Area of Play (NEAP)

16.12. These are on site requirements and identified by the adopted development brief and area action plan. The Town Council has expressed an interest in securing monies towards a nearby existing play area that serves a wide area and would include the development site. Accordingly, the NEAP could be instead a contribution to the Town Council towards upgrading the existing site and this option is recommended to be left available in the Section 106 agreement. During the course of the application it has been considered appropriate to place the MUGA close to the recreation area to ensure appropriate supervision and management of the space as well as changing facilities. This has allowed for the creation of a potential recreation hub and community focal point to serve the development and wider area.

Sports, and Community

16.13. A community centre was envisaged for this development in the development brief. However, until the place shaping and conversations regarding this application took place no one had defined what the community centre should achieve or how should manage it. Stowmarket Town has a range of centres available community venues, equally Onehouse village hall is close by and understood to be a successful venue. A new community centre would not fulfil a direct standalone need and risks being a competing venue to be successful and viable on its own at the detriment of other sites. It was also clear than no organisation wished to take on the direct management of a single community centre use and this represented a significant risk to actual implementation of any centre if secured.

16.14. As detailed under the pre application section, it was considered that perhaps making the primary school bigger that a community centre could be integrated and managed by the school, but could not be secured. Instead officers considered further the use of recreational area further along with the MUGA. At this time there is a recognised lack of recreation within the District and this development represents an opportunity for land to be secured for recreation, but with investment could also be an enhanced provision. The actual use of recreation being football, cricket to athletics is not a planning issue, but football pitches are shown on the indicative plan to demonstrate that the most land hungry use could be accommodated and this site could be a single use or as a combined number of sports.

16.15. Chilton Fields Sports Club adjacent to the site is operated by Mid Suffolk District Council and the Council in its leisure service role have expressed interest in taking both the recreation land and all the open space as a strategic open space area. This potentially means the new recreation area has an option to be managed as part of Chilton Fields or could be separate. The proposed open space and recreation land would be well related to the existing Chilton Fields site as well as maintaining its initial brief to serve as a buffer of non residential land towards the village of Onehouse and buffer to such residential use around Paupers Graves. As a viable, well managed and as a much needed recreation use for the wider area the recreation and community provision proposed would be a significant benefit and result land that would not be under pressure for future residential development.

Public Rights of Way/Access to Countryside

16.16. Discussion between your officers, Suffolk county council and the applicant took place a number of times in respect of the footway links both within and outside of the site. All footways within the site are proposed for integration and improvement as part of the costs of the development and not listed as direct obligations. Beyond the site the scheme would contribute to the improvement or new provision of: -

- Footpath FP17 + FP19 - £101,000;
- Link between BR14A and FP25 - £65,575;
- Create bridleway from FP45 to BR51 - £32,742;
- Link to Onehouse - £44,000

16.17. Your officers consider these to be the routes directly affected by this development. Other connections that would be affected are already in place and in good condition and do not require further funding. Many of the proposed improvements do not just relate to the new development, but also Chilton Field and Onehouse village and will ensure well maintained and managed connections between these areas representing a significant community and sustainable benefit.

Public Transport (New bus route and bus)

16.18. Phase one included an internal loop and monies to secure the extension of an existing bus route to serve that phase. Essentially that was an interim step because on the completion of the road link through phase 2 a new bus shall serve the development and whole allocation. It is recommended to secure the contribution to ensure this is provided and serves the development and sustainable development interests. It is noted that it is likely that the bus route would go through phase 1, then phase 2 exit via the proposed bus gate and loop around back to town via the Union Road development if that is approved. Accordingly, this development would have a wider community impact supporting sustainable transport options for it's future occupiers and also that of other existing development and potentially other development that may be approved.

Travel Plan

16.19. The proposal is to secure a travel plan in line with phase 1 provisions and with consideration of the public transport provision and footpath improvements secured.

NHS (improvements to Stow Health)

16.20. Again in line with the provisions secured by phase 1, phase 2 would contribute further to Stow Health and improvements to that centre. It is proposed that as with Phase 1, the monies secured are retained by the District Council and the NHS practice seeks the funds for specific projects at the appropriate time to ensure compliance with pooling regulations.

Library

16.21. Contributions were not sought under phase 1 for general library provision as to do so would be in conflict with pooling requirements and nor is it proposed for phase 2. However, funding for books has been agreed as a single project that has not been pooled. Accordingly, it is proposed the monies secured are retained by the District Council and SCC / Stowmarket Library seeks the funds for book related project/s at the appropriate time to ensure compliance with pooling regulations.

16.22. 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.

17. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

17.1. The development if approved would result in council tax and business rates payable to the Council, including new homes bonus. The development may also result in land and associated revenue being obtained in respect of recreation and community interests. These interests are not material planning considerations and are identified as required by the Housing and Planning Act 2016.

PART FOUR – CONCLUSION

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

18.1. 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. This has been discussed in the pre application section.

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

19.1. No known implications.

20. Planning Balance

20.1. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. The development represents the conclusion of the largest current allocation site and includes employment, recreation, community, education, and housing provision for the town. There is a presumption in favour of sustainable development and with consideration of the location and infrastructure provision the proposed development is considered both sustainable and seeks to serve wider interests for the benefit of the area. The application is therefore recommended for approval.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Grant Planning Permission, subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms and that such permission be subject to the conditions as set out below:

1. Phased delivery of development. Agreed delivery of employment (presumably through the local centre), housing and recreation land in accordance with phasing. A Phasing Plan can be included within the Parameter Plans.
2. Should there be any surplus monies unspent having regard to any obligations that these be directed to affordable housing contributions to increase the level towards increased policy compliance.
3. Provision of 20% Affordable Housing.
4. Skylarks Mitigation contribution/mitigation (to value of £50,000.00). Phasing of payments to be agreed. Land or if alternative land is needed to be provided to agreed, prior to the commencement of the development within each phase or sub phase of the Outline application site, a scheme for Skylark nest plots shall be submitted to and approved in writing by the LPA. The approved "scheme" shall be implemented in full for a period of 10 years from the commencement of development.
5. School Primary Contribution £2,464,350.00, phasing of payments to be agreed.
6. Early Years Contribution £262,200.00, phasing of payments to be agreed.
7. Stowmarket High School Secondary Extension Contribution £526,547.00, phasing of payments to be agreed.
8. Play Equipment -Leap, phasing of on site provision to be agreed.
9. MUGA, phasing of on site provision to be agreed or contribution of £150,000.00 towards a MUGA provision within recreation land area, phasing of payments to be agreed.
10. NEAP provision and phasing to be agreed on site unless the otherwise agreed by LPA that a £250,000.00 contribution is made to existing play provision within Stowmarket, phasing of payments to be agreed.
11. Open Spaces shall be available to the public in perpetuity for use as open space for recreation subject to any temporary closure of the said open space for repair, maintenance and/or safety reasons. Option for District Council to take ownership and control first.
12. Recreation and Community Building (The Sports Pavilion) and creation of recreation area contribution of £1,275,000.00 on land defined for recreation on approved plans. Option for District Council to take ownership and control first.
13. Public Rights of Way/Access to Countryside contribution (For 4 separate off site footpaths) £243,317.00, phasing of payments to be agreed.
14. Public Transport (New bus route and bus) contribution of £280,000.00, phasing of payments to be agreed.

15. Travel Plan to be agreed.
16. NHS (improvements to Stow Health) contribution of £167,442.00 to be held by the District Council and award to projects in association with Stow Health. Phasing of payments to be agreed.
17. Library £9,600.00 contribution to be held by the District Council and award to book projects in association with Stowmarket Libraries. Phasing of payments to be agreed.

And the following conditions to be imposed.

For All:-

- Standard Time Limit
- Reserved Matters
- Approved Plans Agreed
- Archaeological Programme of Works Conditions.
- Highways SCC as recommended
- Development is carried out in accordance with the Flood Risk assessment submitted by applicant
- Resource efficiency measures to be agreed during construction
- Scheme of rainwater harvesting
- Provision of fire hydrants, number and position to be agreed.

For Housing:-

- Removal of permitted development rights for any side and front extensions and any alterations that face a highway, no new or enlargement of openings above ground floor including rooflights. (In addition no satellite dishes on forward elevation facing a highway)
- Protection of existing trees and planting
- Materials
- Landscape management

For Employment Land (Local Centre) and Recreation/Sports

- Working hours shall be agreed
- No open air storage unless agreed by LPA
- Any external Lighting to be agreed
- Removal of permitted development for change of use, extensions and alterations.
- Protection of existing trees and planting