

Committee Report

Item No: 2

Reference: 4455/16

Case Officer: Kathryn Oelman

Ward: Onehouse

Ward Member/s: Cllr John Matthissen

Description of Development

Erection of 300 dwellings, access, internal roads, garages, fences, walls, parking, landscaping, public open space, ecological enhancement works, drainage infrastructure and associated works.

Location

Land to the South of Union Road, Onehouse

Parish: Stowmarket

Conservation Area: None

Listed Building: Affects Setting of Grade II

Received: 01/11/2016

Expiry Date: 07/04/2017

Application Type: FUL - Full Planning Application

Development Type: Major Large Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Hopkins Homes Ltd

Agent: Savills (UK) Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 001 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 a selection of the key plans upon which this decision has been reached:

Drawings numbered 002 F, 003F 004 F and 005G.

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 residential development over 15no. dwellings which is accompanied by a development brief for endorsement by Members.

PART TWO – APPLICATION BACKGROUND

History

There is no direct recent planning history for the site. Application OL/364/87 is noted, but given the time and current policy context is given only very limited weight. This is included in the bundle.

Details of any Pre Application Advice

This application is on land designated as a ‘reserve’ site via the Stowmarket Area Action Plan (SAAP) adopted early in 2013 for potential to deliver 200 dwellings. The SAAP proposed the site to be considered for allocation as part of the Chilton Leys development area on first review of the SAAP. 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 the site has formed a mechanism to frame pre-application discussions regarding the internal principles and internal design layout of the site. The SAAP provides the policy framework for development of the site alongside the Core Strategy 2008 and its Focussed Review as well as the saved policies of the Mid Suffolk Local Plan 1998.

Details of Previous Committee / Resolutions

None

Details of Member site visit

None

Consultations and Representations

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

Summary of Consultations

Stowmarket Town Council

Support: confirmed on 20th April that they still support the application and consider the amended plans address their previous comments.

Onehouse Parish Council

Object; consider other sites are more suitable. Raise concerns in relation to traffic generation, highway safety, health and education provision, lack of affordable dwellings and consider flooding on Starhouse lane will be exacerbated by the development.

Confirmed they continue to object in response to further consultations.

Coombs Parish Council

Do not object, but raise the following concerns; highway safety and traffic impact, cycle path connectivity, and potential to exacerbate flooding on Coombs Lane.

Great Finborough Parish Council

Do not object, but raise concerns regarding highway safety, traffic congestion, pressure on school and medical facilities. Would like to see cycle link provided from the site towards Gt Finborough.

Natural England

Confirm they have no comments

NHS England

CIL funding cannot be obtained and therefore a total of £113,551 is required towards the refurbishment and reconfiguration of Stow Heath Surgery. Payment should be secured prior to commencement under a S106 agreement.

Sport England

Objects as there is a failure to make provision for formal indoor and outdoor recreation facilities, (lack of off site contributions).

Highways England

Confirm they have no objection

SCC Highways

Initially recommended refusal due to concerns regarding junction safety and footway connectivity.

Revised plans were received and the County Highway Authority confirmed they do not object, but raised the following concerns:

- Alternative traffic calming measures should be agreed under S278 agreement
- Minor layout changes requested to improve footpath and cycle link connectivity
- Contribution requested towards footpath improvements in vicinity and bus stop improvements
- Consider broad principles of the travel plan are realistic. Request details and minor amendments to travel plan prior to determination of application and recommend implementation is secured via S106 agreement.

A revised plan (No. 005 Revision G) has been submitted to address the issues over the footpath and cycle link connectivity. The plan is undergoing consultation with the County Highway Authority and the recommendation is subject to them confirming they raise no objections to this plan.

SCC Section 106

Do not object provided that the following supporting infrastructure is funded via S106 agreement. Contributions required to secondary school and the primary school delivered via the Chilton Leys where there is a strategic allocation for a new on-site primary school and integrated early year's facility. Libraries and waste contributions requested.

SCC Waste Management Services

Bin collection points should be specified and all road services capable of supporting a 32 tonne vehicle. Refuse vehicle tracking should be demonstrated with 24m turning circle.

SCC Archaeology

The field has potential for prehistoric, Roman, Medieval and Saxon finds and its location in the River valley suggests high potential for archaeological deposits. Determination of the application has been delayed to allow trenched archaeological evaluation of the site and submission of any findings. Following this SCC Archaeology confirm that they have no objections to the development subject to standard conditions.

SCC Fire and Rescue

No objections, recommends condition to ensure fire hydrants are installed

Historic England

Do not consider it is necessary to be notified.

Network Rail

Confirm they have no objections.

MOD

Initially concerned that attenuation basin may attract significant numbers of waterfowl and clarification required on nature of these basins. This information was supplied by the agent and the MOD confirmed no objections to the proposal.

RSPB

No objections, support for ecological mitigation measures (nest bricks) specified

Suffolk Constabulary

No objection, make a series of general recommendations for reference.

Suffolk Wildlife Trust

Does not object but made comments regarding proximity of development to badger sett, loss of hedgerow and skylark mitigation. Request conditions to ensure biodiversity mitigation occurs and impacts are minimised for lifetime of development.

Essex Place Services

Raise no objection. They are satisfied that the £2,000 contribution will be sufficient to allow skylark plots to be secured elsewhere and that, with suitable conditions, ecological impacts can be sufficiently mitigated. They are also satisfied with the Landscape and Visual Assessment provided and the level of impact upon the surrounding landscape.

SCC Flooding & Drainage

Do not object, request conditions. Comment that surface water is proposed to be piped to the Rattlesden River; note this will be dependent upon obtaining the relevant consents.

Network Rail

Confirm they have no objections

Environment Agency

Confirm they do not wish to make comments.

Anglian Water

Raise no objections.

Corporate Manager – Community Planning & Heritage

No objections, consider the proposal will cause no harm to designated heritage assets; the proposal has the potential to impact the setting of four listed buildings, it is considered that although there will be an impact upon these buildings, the impact will not be a harmful one due to the natural topography of the site, existing vegetation, separation distance and retention of Stow Lodge's open frontage.

Corporate Manager – Sustainable Environment: Land Contamination

Confirm they have no objections.

Corporate Manager – Sustainable Environment: Sustainability

The Sustainability advisor submitted a holding objection requesting that a Sustainability Statement be submitted. This was submitted by the agent on 13th March. A number of questions were then raised in response to this by the sustainability advisor on 10th April which does not appear to have yet been addressed. The agent is working hard to address the queries and it is expected that this will have been resolved by the time the application gets to committee or shortly afterwards.

Corporate Manager – Sustainable Environment: Other Issues

Do not object. Confirm the noise assessment in relation to pumping station is satisfactory. Recommend construction management conditions/restrictions.

Corporate Manager – Public Realm

Raise no objections.

Corporate Manager – Development (Housing and Regeneration)

Confirms they are happy in principle with the 20% provision of affordable dwellings agreed from the viability perspective and intend to issue a formal response once the negotiations over the tenure split of the affordable properties have been finalised; this is expected to be reported in the late papers circulated prior to committee.

Corporate Manager – Communities

No comments received to date (consultation period expired).

Viability Officer

Raises no objection and considers the case made for reduction in affordable component is justified. Extensive negotiation now means that an increased S106 mitigation contribution will be provided.

Planning Policy

Raise no objection.

Arboricultural Officer

No objections, recommend condition to ensure tree protection occurs in accordance with arboricultural report. Comments that trees to be lost are small in number and of limited amenity value.

Stowmarket Society

Object. Comment that they would like to see a link road provided between Chilton Way and Finborough Road. Consider significant harm to be caused to the setting of Stow Lodge and recommend layout changes be requested to address this.

Representations

29 letters of objection/comment and 3 letters of support have been received raising the following concerns:

- o Congestion on surrounding roads
 - o Additional traffic on Onehouse Road,
 - o Increased potential for accidents at Union Rd/Starhouse Lane/Forest Road junction
 - o Narrow surrounding road network will increase risk of accidents
 - o Previous applications rejected on highway safety grounds
 - o Starhouse Lane and Union Road should be widened
 - o Traffic patterns are not as described - there is more traffic accessing A14 at Cedars Park
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- o Traffic Assessment does not take account of traffic projected from Chilton Leys and any diversions which regularly occur in the area.
- o Impacts of construction traffic
- o Main access opposite entrance to Stow Loge; this may create conflicts between road users
- o SAAP suggests Starhouse Lane should be upgraded and this should be considered in the SAAP review process i.e. before Union Road brought forwards
- o Impact upon road maintenance from increased use
- o Cycle route 51 would be more busy and dangerous
- o Pressure on doctors and dentist surgeries
- o Pressure on schools, leisure and waste services
- o No primary school in place on Chilton Leys yet to take the demand generated
- o Necessity to support public transport and pressure on town centre (provision of parking)
- o Lack of policy compliant affordable provision
- o More bungalows should be provided
- o Brownfield over greenfield (Ashes Farm)
- o Pre-emptive development; SAAP suggests all other sites should be developed first and then if demand still exists this site should be developed
- o Development lies within Onehouse Parish and is not in the settlement of Onehouse
- o Coalescence of Stowmarket/Onehouse
- o Lack of strategic planning
- o Increased light, noise and pollution
- o Loss of Grade 2 (best and most versatile) agricultural land
- o Loss of countryside
- o Loss of open space/character
- o Impact upon wildlife (badgers, birds, deer etc)
- o Isolation of Badger sett which will increase risk of collisions on surrounding roads and result in foraging damage to gardens
- o Necessity for ecological mitigation to be defined on plans
- o Little employment in Stowmarket - dormitory town
- o Concern that run off from development will exacerbate flooding on Starhouse Lane and Finborough Road
- o Query where overflow water will go.
- o Concern that sewage system may fail
- o Lack of information on how energy efficiency gains will be secured

In response to further consultations two letters of objection were received raising the following new concerns/queries:

- o Will pelican crossing be paid for by developer?
- o Where will the cycle paths on site lead to?
- o Facilities should be provided before development is approved

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The site lies on the north-west side of Stowmarket and is designated countryside, but abuts settlement limits. The site is currently agricultural field with a hedgerow that dissects the site running east-west and a footpath (FP22) that crosses the centre of the site running north-south.

The north of the site is bordered by Union Road with the Grade II listed Stow Lodge Hospital opposite. In the south there is a steep vegetated bank to the B1115 Finborough Road. To the east lies existing residential estate development allied to Stowmarket and in the west there is an existing area of woodland and agricultural field with Starhouse Lane beyond. The topography of the site is sloping north-south with a particularly steep drop in the centre. Surrounding countryside south of Finborough Road comprises the Rattlesden River Valley and is designated Special Landscape Area.

2.0 The Proposal

Please note details of the proposed development including plans and application documents can be found online.

- 2.1 The application proposes 300 dwellings laid out with a large area of open space in the west. The existing footpath would be retained and realigned in order to provide an improved access onto Finborough Road in the south. Informal open space areas are also proposed in the centre of the site, where the majority of the existing field boundary hedgerow is retained. In south an area of open space is proposed which would contain the attenuation basins necessary to catch surface water run-off from the site. A LEAP (Locally Equipped Area of Play) is proposed in the centre of the site close to the eastern boundary.
- 2.2 The design layout has been governed to an extent by how the road network interacts with the existing topography; however, there is central spine road with two new access points formed off Union Road. The road network within the site forms a loop into the south of the site. Housing is predominantly two storeys in scale with some three and two-and-a-half storey dwellings located in the north-west. The mix also contains a number of bungalows.

3.0 Planning Policy Considerations

- 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 considered for decision-making purposes.
- 3.2 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.
- 3.3 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”.

3.4 Policy CS1 provides that the majority of 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 the site subject to review of the SAAP. Regardless of the current allocation the site lies on the edge of a sustainable settlement and, in the absence of a 5 year supply, there is a presumption in favour of it provided that the benefits are not outweighed by the demonstrable adverse impacts (paragraph 14 of the NPPF).

3.5 Policies CS3, CS4, CS5, CS6, CS9, CS11 are also of consideration, along with the following Core Strategy Focused Review 2012 policies: FC1, FC1.1, FC2, FC3, SB2, GP1, GP2, HB1, H2, H13, H14, H15, H16, H17, CL5, CL8, CL11, T4, T9, T10, T11, T12, T14, RT1, RT4, RT12, ST4.

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. 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 a reserve site within the SAAP and there are no other principle issues against the development arising from the local plan.

3.6 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 within the defined Action Plan area. Originally this site and the field adjacent in the west were identified as a ‘reserve’ site with potential for 200 homes. This was in conjunction with the allocation of land at Chilton Leys for up to 1,000 dwellings. The SAAP establishes the principle of development on the site, leaving the appropriate timing of this delivery to a later date.

3.7 Paragraph 6.63 of the Stowmarket Area Action Plan states that, “The land between Union Road and Finborough Road is currently used for arable farming and parts of the site provide a rich habitat. Due to local topography there are important views through the site which contribute to the character and appearance of the river valley. The topographical issues can be addressed through strategic planting and transport issues can be addressed following the implementation of the sustainable transport measures for the town. Proposals for Union Road will be held over until a review has confirmed that development is acceptable.”

3.8 In the absence of 200 dwellings coming forwards at Chilton Leys an argument can be made that there exists a deficit not provided for in the SAAP allocated sites, in fact that it is clear there is already a need for additional housing in the district given the absence of a five year supply of housing land. Whilst there has not been a review of the SAAP, the principles of landscape, ecological and highway capacity are clearly identified for consideration. The SAAP also provides a list of possible consideration of supporting infrastructure, as too does the Development Brief

SPD adopted. It is noted that there is no priority order of such infrastructure considerations and that an application should not be refused for failing to include any specific element of infrastructure.

- 3.9 Paragraph 6.63 mentions a previous planning appeal on the site, known colloquially as the “Luck” decision (OL/364/87). The decision dates from the 1980s. Whilst addressing considerations that are still pertinent today; such as the impact of traffic upon the town centre of Stowmarket and landscape impact of development on Stowmarket’s rural edge, this decision did not preclude the reserve allocation of this site in 2013. The Highway Authority offer no support for the concept that the site should be ruled out on highway safety grounds and the SAAP is worded openly enough for to allow an informed judgement to be made on the proposals impact upon local highway capacity. It is noted that the NPPF paragraph 32 instructs applications should only be refused where their residual cumulative impacts are ‘severe’ and the Highway Authority raise no such objections to this proposal.
- 3.10 SAAP Policy 6.6 specifically requires that development briefs are provided to ensure that the overall vision and development objectives, and associated infrastructure requirements, are delivered comprehensively. A development brief has been produced for this site which is considered to have complied with the consultation criteria and methodology set out in paragraphs 4.4 to 4.8 of the SAAP. The submitted application is the product of the development brief process and the design principles set out therein.

4.0 Main Considerations

- 4.1 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.
- 4.2 The following are identified as the main considerations in assessing this application

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1 In terms of vehicular access the proposed development would utilise two new accesses created onto Union Road. The development would also provide a pedestrian route for the length along its northern frontage on Union Road and a footpath link onto Finborough Road in a location where the bank is less steep creating improved refuge and visibility. A toucan crossing is proposed to be provided in the north to facilitate pedestrian access across Union Road and to facilitate connectivity with the existing cycle and footpath networks to the new school located on Chilton Leys. It is acknowledged that whilst cycle path provision has been provided within the site this does not link up to the existing network and therefore this should be resolved through submission of an amended layout. It is likely that the development will benefit, and does make provision for, a new bus route which would be provided in association with Chilton Leys.

- 5.2 Concerns have been raised regarding traffic generation and the impact of this upon a number of junctions in the immediate surrounding area, notably the levels of traffic passing through Onehouse, using Coombs Lane, Starhouse Lane and Finborough Road. Despite these concerns it is considered likely that the majority of the traffic from the site would pass north to the A14 junction and that, overall, the provision of 100 dwellings over and above that planned for in the SAAP would not lead to significant traffic congestion in the surrounding area.
- 5.3 The Transport Assessment provided indicates to the satisfaction of the County Highway Authority that traffic impacts in the surrounding area would not be 'severe'. The County Highway Authority is satisfied with the principles of the Green Travel Plan, which seeks to achieve a 10% reduction in vehicle trips and is satisfied that this is realistic given the sites edge of town location. Whilst further amendments to the detail of the Travel Plan are requested by the Highway Authority it is considered these can be secured prior to determination and that the formation of the S106 agreement will allow the matter to be explored to the satisfaction of the Highway Authority.

6.0 Design And Layout

- 6.1 The layout has been governed by the necessity to provide active frontages to the extensive areas of open space and pedestrian corridors. This has resulted in use of rear parking courts which is not ideal, but which have been largely hidden from view and sensitively landscaped. The outward appearance of the development from public viewpoints would therefore be positive.
- 6.2 There is a central spine road which loops between the two accesses on Union Road and is proposed to be lined with trees. In the north, the western access into the site contains a symmetrical square which is designed to mimic the layout and open feel of Stow Lodge opposite and enhance its open setting. Development has been drawn away from the sites western boundary, with a soft transition with the rural countryside being provided by the presence of the informal open space and a lower scale of development in this area. Overall it is considered that the scheme has been successful in providing a legible, permeable, attractive and usable layout which does not compromise the design objectives of the Local Plan or the NPPF.
- 6.3 It is considered that the density of housing on the site responds sympathetically to its edge of town setting and the large areas of formal and informal open space provided. There is a wide range of house types and sizes which integrate well within the layout. This is consistent with the objectives of local plan policy CS9 which seeks a good mix for housing provision, but is not prescriptive over how this should be achieved.
- 6.4 A sustainable design statement has been provided which accompanies the application. It is not clear whether this meets with the approval of the Councils sustainability advisor. However, it is noted that policies CS3 and CS4 raise no issues of principle to which this proposal would be contrary and that the details of such measures are likely to be required to be submitted under a condition in any event. The applicant is currently engaging to resolve any outstanding queries.

7.0 Landscape Impact

- 7.1 The application has been accompanied by a Landscape and Visual Assessment which has appraised the impacts of the development from key viewpoints in the surrounding countryside. The methodology and findings are to the satisfaction of the Council's Consultant Landscape Architect. Over the course of the application visualisations have been provided from key viewpoints which offer reassurance that the development will assimilate successfully into the surrounding landscape.
- 7.2 In terms of the likely visual effect on the surrounding landscape, the proposal (due to the scale of the development) will inevitably have an impact, but this impact has been generally limited to the northern and southern boundary edges of the site where the proposals front onto the surrounding site boundary along Union Road and the B1115. Subject to successful landscaping and detailed planting plan secured under a condition these affects should be mitigated within the wider landscape in order that they are acceptable and safeguard the qualities of the special landscape area.

8.0 Environmental Impacts – Flood Risk, Trees, Ecology And Land Contamination

- 8.0 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. The objective of the surface water drainage strategy is to ensure that surface water discharging from the site cannot exceed the existing greenfield run-off rates and accounts for 40% plus climate change. Despite the site lying on clay soil, the extensive system of on-site soakaways piped to the attenuation basins will result in a slowed transit of surface water off the site and prevent any additional flooding of surrounding roads or land.

9.0 Heritage Issues

- 9.1 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.”

- 9.2 There are four Grade II listed buildings lying within the vicinity of the development; Stow Lodge Hospital, The Shepherd and Dog public house, Starhouse Farmhouse and the barn west of Starhouse Farmhouse.

Stow Lodge Hospital is a former workhouse converted into residential use and lies directly north of the application site. It is an impressive red brick building with slated roof and detailed fenestration scheme. The setting of the Lodge would be affected by the proposed development as traditionally a workhouse would have been deliberately built on the edge of the parish. The development will extend a suburban character into this setting, but Stow Lodge would still retain its open frontage and thus the visual importance of the site would not be harmed by the proposal. There would obviously be a change in the setting as the rolling farmland as the site would become built upon; however, the Heritage Team feel that the loss of already compromised views of the Lodge from the river valley would not fundamentally be harmful to the setting of the Lodge.

- 9.3 Due to the sloping effect of the valley topography the setting of the Shepherd and Dog public house would not be affected by the proposal. Whilst there may be a limited degree of intervisibility between the listed buildings at Starhouse Farm and the development, the distance and intervening vegetation are substantial enough to ensure the impact of development would not be harmful to their setting.

10.0 Impact On Residential Amenity

- 10.1 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. In this case the proposed housing is a reasonable distance away from existing neighbouring properties and lies approx. 21m from the closest existing dwellings on Heron Close to the east. The lighting is not likely to be excessive beyond standard requirements for an estate. There is a distance of 15m from the LEAP to the nearest proposed dwelling which is considered adequate to safeguard the amenity of inhabitants considering the road is intervening and the play equipment can be specifically located further than this if it is likely to generate amenity concerns.
- 10.2 The change from an undeveloped field to urban estate will be noticeable in terms of noise, but for existing residents it will be not unlike the current background levels of noise that many other neighbours experience in the wider area. 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.

11.0 Biodiversity And Protected Species

- 11.1 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.
- 11.2 In this case the site is a field and accordingly it is considered of low ecological value. The ancient hedgerow which borders and crosses the site is of ecological merit and will for the most part be retained and gapped up. The site lies in close proximity to an established badger sett and a suitable maintenance buffer around the badger sett secured within the maintenance regime for the open space area. Loss of territory for skylarks has been highlighted and shall be mitigated for. 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 west boundary and green gaps. The informal open space within the site has been designed as to provide permeability and preserve wildlife corridors which currently exist. There will also be new garden habitats created alongside which many types of wildlife will use. Overall the development is not considered to harm biodiversity interests and will seek to promote certain habitats positively.

12.0 Planning Obligations / CIL (delete if not applicable)

- 12.1 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.
- 12.2 As a strategic site the development is not liable for Community Infrastructure Levy payments. As such it is necessary to seek fair and reasonable contributions to facilities and community services under a Section 106 Agreement.
- 12.3 The applicants initially submitted a viability assessment which made the argument for 20% provision of affordable dwellings (195 open market, 83 affordable rent and 22 shared ownership) and a contribution of £1,000,000.00 towards S106 requests. This was on the basis of extraneous costs generated by the extensive engineering works necessary to stabilise the sloping site, provide retaining walls, extra over-strip foundations, installation of services and SUDs drainage solutions given the clay soil as well as the need for provision, planting and laying out of large

areas of formal and informal recreation/open space. The viability assessment mentions that construction of the development would comprise seven phases.

- 12.4 The policy expectation for this development is that it would provide 35% affordable dwellings and pay its way as fair and necessary in Section 106 contributions. However, the Local Planning Authority is bound under the NPPF to have regard for viability considerations and the developer has a right to expect a reasonable profit for delivering homes which are much needed within the district. On this basis the following provision/contributions have been negotiated which have generated an uplift of £9,28,738.00 towards S106 contributions in comparison to that originally argued for by the applicant:

Affordable (20% = 195 units - precise tenure mix to be confirmed)

School Primary = £1,232,175.00 (as requested by County)

Early Years = £131,100.00 (as requested by County)

School Secondary = £252,742.00 (reviewed and reduced by County Council in respect of their original response)

Specific Public Rights of Way/Access to Countryside improvements = £77,000

Travel Plan = £150,000.00 (£196,531.00 originally sought)

NHS (improvements to Stow Health) = £83,721.00 (£131,551.00 originally sought)

Skylarks Mitigation = £2,000

Total: £1,928,738.00

- 12.5 A scheme being unviable does not mean the development should be approved without being also sustainable in the round. A balance of these matters must be weighed in consideration of the economic growth agenda. In terms of what the obligation package this is considered to be compliant to secure the critical infrastructure required and therefore compliant with SAAP Policies (11.1 and 6.12), Local Plan, and Core Strategy that list potential obligations to be considered for this site.

- 12.6 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 a further consideration must also be:

- E) whether the obligation been sought more than 5 times.

- 12.7 The following obligations were requested, but it has not been possible to provide this either due to priorities, pooling restrictions or issues of fairness and reasonability:

Library = £64,800

Waste = £15,300

Passenger information and RTPI Screens = £70,000

- 12.8 At their own expense the developer is also providing an equipped LEAP, Informal Open Space area, improved footpath access onto Finborough Rd, internal cycle path, toucan crossing and bus stops within the site.
- 12.9 It has not been possible to seek any community and leisure contributions as suggested by Sport England as discussions with the Council's communities section have not yielded a project into which it would be reasonable and fair to place funds. Furthermore, given the critical nature of providing other services, any such project would need to be weighed in the balance given that viability review suggests only limited funds are available.
- 12.10 On the basis of pooling regulations alone SCC Waste contribution cannot be secured as it has been pooled many times. Equally SCC general libraries contributions have also been pooled hundreds of times and so cannot be secured in full. The justification has not been provided and the current levels of pooling are unclear for passenger RTPI screens. Aspects such as bus service, primary school and others have been pooled before for phase 1 and 2 of Chilton Leys, but not more than five times and can form part of the obligation package for this development.

12.11 **Affordable Housing**

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 195 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 or 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 indicated by the SAAP and would represent a 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.

12.12. **Skylarks Mitigation**

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.

12.13 **School - Primary**

Phase 1 of Chilton Leys 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 to serve the Chilton Leys development. The £1,232,175.00 sought under S106 for this development would secure additional classrooms to serve the additional pupils generated by it and allow this to become their main feeder school.

12.14 **Early Years**

Essentially this would form part of the primary school above and would also not exceed pooling requirements. The multipliers for this contribution has been reduced as the Early Years facility is part of the Primary School.

12.15 **School - Secondary**

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

12.16 **Public Rights of Way/Access to Countryside**

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: -

- Footpaths Gt Finborough FP19 (in part) and FP48; Coombs FP27, FP26, FP20 and FP25 (part) FP24 = £17,000 for upgrading of bridleways and patching work
- Creation of bridleway between Boyton Lodge and Boyton Hall Cottages = £16,000
- Extinguishing of footpath FP18 (Great Finborough) = £4,000
- Diversion of footpath FP20 (Great Finborough) = £4,000
- Crate bridleway link from Great Finborough along C439 Coombs Lane = £36,000

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.

12.17 **Travel Plan**

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

12.18 **NHS (improvements to Stow Health)**

The development would contribute to Stow Health Centre and improvements, which have also sought to be funded by Chilton Leys phase 1 and 2. The contribution has been reduced in comparison to that stated by the NHS in order that it is the same per dwelling as that sought by for Chilton Leys phase 2.

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

- 13.1 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

14.0 Planning Balance

- 14.1 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 as the benefits outweigh any demonstrable harm. The development represents a significant proportion of housing, 200 dwellings of which compensating for the under provision of numbers coming forwards on the Chilton Leys allocation. 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.

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

- 15.1 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. In this case the planning authority has directly worked with the applicants to resolve issues in respect of viability, ecology, noise pollution and archaeology.

16.0 Identification of any Legal Implications of the decision

16.1 The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.

- Human Rights Act 1998
- The Equalities Act 2012
- 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.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Approve Planning Permission, subject to the confirmation that the County Highway Authority do not wish to object to the amended plan no. 005 G and 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. Provision of 60 affordable dwellings.
2. Should there be any surplus monies unspent having regard to any obligations that these be directed to affordable housing contributions.
3. Skylarks Mitigation contribution £2,000.
4. School Primary Contribution of £1,232,175.00.
5. Early Years Contribution of £131,100.00.
6. Stowmarket High School Secondary Extension Contribution of £252,742.00.
7. Play Equipment -Leap, phasing of onsite provision to be agreed.
8. NHS (improvements to Stow Health) contribution of £83,721.00 to be held by the District Council and award to projects in association with Stow Health.
9. 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 and the transfer of all open space areas (including attenuation basins) to a resident's management company unless an alternative mechanism is identified.

10. Travel Plan to be agreed.

And including the following conditions to be imposed.

- Standard Time Limit
- Approved Plans Agreed
- Archaeological Programme of Works Conditions
- Protection of existing trees and planting
- Materials
- Landscape management and planting plan
- Construction management plan
- Conditions as required by the County Highway Authority
- Conditions as required by the County Flood and Water Team
- Provision of fire hydrants, number and position to be agreed
- Implementation of mitigation measures identified in Ecological Survey & Assessment Report
- Timing of hedgerow removal restricted to protect nesting birds
- Biodiversity mitigation and management plan
- Notwithstanding submitted lighting details, submission of lighting scheme for biodiversity
- Bin collection points to be submitted (taking account of and demonstrating refuse vehicle tracking with 24m a turning circle)