

Committee Report

Item No:

Reference: 4555/16

Case Officer: Rebecca Biggs

Ward: Stowmarket North.

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

Description of Development

Erection of 143 dwellings and 15 Class B1 units

Location

Phases 3A & 3C Cedars Park, Land South Of Gun Cotton Way, Stowmarket, IP14 5EP

Parish: Stowmarket

Site Area: 58000 m²

Conservation Area:

Listed Building: Not Listed

Received: 07/11/2016

Expiry Date: 14/02/2017

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mr Haydon

Agent: Mellville Dunbar Associates

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1467-3A-LOC _1467-3C-LOC received 07/11/2016 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Air Quality Assessment - Received 07/11/2016

ARCHAEOLOGY REPORT - Received 07/11/2016

Ecological Survey/Report - Received 07/11/2016

Noise Assessment - Received 07/11/2016

Flood Risk Assessment - Received 07/11/2016

Draft Travel Plan INTERIM TRAVEL PLAN - Received 07/11/2016

Odour Assessment - Received 07/11/2016

Land Contamination Assessment - Received 07/11/2016

Transport Assessment - Received 07/11/2016
Viability Assessment - Received
PLANNING STATEMENT - Received 25/11/2016
Ecological Survey/Report - Received 21/04/2017
Drainage Details 45391-C015 - Received 12/06/2017
Drainage Details 45391/3A/101 - Received 12/06/2017
Drainage Details 45931/3C/100 - Received 12/06/2017
Drainage Details MAINTENANCE SCHEDULE - Received 12/06/2017
Drainage Details CORRESPONDENCE-ANGLIAN WATER - Received 12/06/2017
Drainage Details 45391-C-SK04 - Received 12/06/2017
Drainage Details 45391-C-SJ03 - Received 12/06/2017
Defined Red Line Plan 1467-3A-LOC _1467-3C-LOC - Received 07/11/2016
Proposed Site Plan 1467-3A-P001A - Received 13/07/2017
Street Scene - Proposed 1467-3A-P002 - Received 07/11/2016
Street Scene - Proposed 1467-3A-P003 - Received 20/07/2017
Street Scene - Proposed 1467-3A-P004 - Received 07/11/2016
Street Scene - Proposed 1467-3A-P005 - Received 07/11/2016
Floor Plan - Proposed 1467-3A-P101 - Received 11/11/2016
Elevations - Proposed 1467-3A-P102 - Received 11/11/2016
Plans - Proposed 1467-3A-P103 - Received 11/11/2016
Proposed Plans and Elevations 1467-3A-P104 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P105 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P106 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P107 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P108 - Received 30/11/2016
Floor Plan - Proposed 1467-3A-P109 - Received 07/11/2016
Floor Plan - Proposed 1467-3A-P110 - Received 07/11/2016
Floor Plan - Proposed 1467-3A-P111 - Received 15/11/2016
Plans - Proposed 1467-3A-P113 - Received 15/11/2016
Floor Plan - Proposed 1467-3A-P114 - Received 07/11/2016
Plans - Proposed 1467-3A-P115 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-116A - Received 13/07/2017
Proposed Plans and Elevations 1467-3A-P117 - Received 13/07/2017
Proposed Plans and Elevations 1467-3A-P118 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P119 - Received 30/11/2016
Tree Protection Plan LSDP 11444 3A 01 - Received 07/11/2016
Proposed Site Plan 1467-3C-P001 - Received 13/07/2017
Street Scene - Proposed 1467-3C-P002 - Received 30/11/2016
Street Scene - Proposed 1467-3C-P003 - Received 30/11/2016
Street Scene - Proposed 1467-3C-P004 - Received 30/11/2016
Street Scene - Proposed 1467-3C-P005 - Received 30/11/2016
Plans - Proposed 1467-3C-P101 - Received 07/11/2016
Plans - Proposed 1467-3C-P102 - Received 07/11/2016
Plans - Proposed 1467-3C-P103 - Received 30/11/2016
Plans - Proposed 1467-3C-P104 - Received 30/11/2016
Plans - Proposed 1467-3C-P105 - Received 30/11/2016
Plans - Proposed 1467-3C-P106 - Received 30/11/2016
Plans - Proposed 1467-3C-P107 - Received 30/11/2016
Plans - Proposed 1467-3C-P108 - Received 30/11/2016
Floor Plan - Proposed 1467-3C-P109 - Received 07/11/2016
Plans - Proposed 1467-3C- P110 - Received 07/11/2016
Floor Plan - Proposed 1467-3C- P111 - Received 07/11/2016

Floor Plan - Proposed 1467-3C-P112 - Received 07/11/2016
Plans - Proposed 1467-3C-P113 - Received 07/11/2016
Proposed Plans and Elevations 1467-3C-P114 - Received 07/11/2016
Proposed Plans and Elevations 1467-3C- P115 - Received 13/07/2017
Proposed Plans and Elevations 1467-3C-P116 - Received 01/12/2016
Tree Protection Plan LSDP 11444 3C 01 - Received 07/11/2016
Landscaping Plan LSDP 11444 3C 02 - Received 07/11/2016
Landscaping Plan LSDP 11444 3A 02 - Received 07/11/2016

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

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

0592/14	Erection of fifteen business units, associated external works and access road.	Granted 02/07/2014
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The planning history below is relevant to the application:

4556/16	Hybrid planning application consisting of full planning permission for the erection of 48 dwellings and outline planning permission for 3 commercial units (1 no. Class A3, 1 no. Class A4 and 1 no. Class A3/A5) with 'appearance' and individual plot landscaping as reserved matters.	Resolution to Grant awaiting S106 agreement
0019/17	Erection of six commercial units for B1 or B8 business units.	Resolution to Grant awaiting S106 agreement
2375/15	Outline application with all matters reserved except access for erection of 52 dwellings and commercial use of land (4975 sqm) for B1 (office only), A1 (Pharmacy only) and/or D1 (Doctor's Surgery only).	Refused 07/04/2016

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

GP01 - Design and layout of development
H02 - Housing development in towns
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
SB02 - Development appropriate to its setting
E02 - Industrial uses on allocated sites
E04 - Protecting existing industrial/business areas for employment generating uses
E12 - General principles for location, design and layout
E02 - Industrial uses on allocated sites
H04- Altered Policy H4
T07 - Provision of public car parking
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists
HB13 - Protecting Ancient Monuments
RT12 - Footpaths and Bridleways
CL08 - Protecting wildlife habitats
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
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC03 - Supply Of Employment Land
SP4_01 - SAAP - Presumption In Favour Of Sustainable Development
SP4_02 - SAAP - Providing A Landscape Setting For Stowmarket
SP7_08 - SAAP - Cedars Park Employment Site
SP10_1 - SAAP - Protection And Enhancement Of Cultural Facilities
SP8_01 - SAAP - Developer Contributions To A Sustainable Transport Network
SP8_02 - SAAP - A14 Trunk Road
SP9_01 - SAAP - Biodiversity Measures
SP9_05 - SAAP - Historic Environment
SP11_1 - SAAP - Developer Contributions To Infrastructure Delivery
NPPF - National Planning Policy Framework

List of other relevant legislation

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

Details of Previous Committee / Resolutions and any member site visit

None.

Details of any Pre Application Advice

Pre application advice has been given on this site in respect of the principle of development, layout, local policies and current constraints. Details of documents to be provided were also discussed. Advice was also given regarding ecology.

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

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

NHS England provides a combined response to this application and application 4556/16- Phases 3D Cedars Park. The NHS advise that there are two GP Practices within 2km catchment to the proposed development. These practices do not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. A developer contribution via CIL processes towards the capital funding to increase capacity with the GP catchment area would be sought to mitigate the impact. This development is not of a size or nature that would attract a specific Section 106 Planning Obligation. It is anticipated that any funds would be utilised to reconfigure Combs Ford Surgery. Should the level of growth in this area prove this to be unviable, options of relocation of services would be considered and funds would contribute towards the cost of new premises. Assuming the comments are considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

Environmental Health - Air Quality

The Environmental Management Officer has reviewed the Air Quality Assessment submitted with the application and confirm that he has no objection to the proposed development from the perspective of air quality issues. Given the scale of the development and the relatively low background concentrations within the vicinity I can confirm that the likelihood of the development comprising local air quality is very low.

Environmental Health - Sustainability Issues

The interpretation of the 1000m2 threshold for renewable energy provision does apply. The total property within the application exceeds the threshold and so the 10% of the predicted energy requirement must be supplied from renewable energy requirement must be supplied from renewable technology. Would like to see some sustainability credentials for the residential elements. Recommendation is for refusal as council policy has not been sufficiently addressed.

Infrastructure Team

As this is not a strategic site the residential new build, if granted, would attract a CIL liability of £50sqm. The B1 Development, if granted, will attract a CIL Liability of £0sqm. Please could you ensure that the CIL Additional Information Form is submitted to the Infrastructure Team.

Asset Utilisation

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

Suffolk Police - Design Out Crime Officers

The Suffolk Designing Out Crime Officer has no objection to the plans in its current form but does have concerns regarding how the perimeter from the North Western side at Tomo Industrial Estate down to the south eastern side by Tesco's store. At present the site, particularly along phase 3c backs onto arable land while phase 3A by Tomo Industrial Estate has a poor quality chain link fence. Also has concerns regarding permeability of Phase 3A with access pathways between plots. A large number of walkways are known to act as crime generators that allow offenders ample routes to and from the site. If paths are deemed essential they should be gated. The response also provides details of Secure by Design and advise.

Landscape - Place Services

The proposals are located on sites which link the existing development environment while mitigating the impact development will have on the adjacent residential areas to the north and limiting views to the industrial areas to the south. It is important that the proposal delivers a comprehensive landscape scheme for the site to both create a suitable and high quality development environment while mitigating the impact on the adjacent residential areas. Recommend planning conditions for detailed soft landscape planting plan and specification, hard landscape material plans and specification, boundary treatment plan and specification and landscape management plan.

Rambling Association - Suffolk, Essex, Norfolk & Cambridge

The Ramblers Association have viewed these plans and do not have any comments or observations to make.

Historic England

The application site has not been subject to systematic archaeological field evaluation. Archaeological investigations undertaken in earlier phases of the Cedar's Park development identified significant remains dating from the Iron-Age and Roman periods. There is high potential for further remains to extend into the development site. SCCAS recommend that any consent is subject to conditions relating to archaeological work.

SCC - Archaeological Service

The application site has not been subject to systematic archaeological field evaluation. Archaeological investigations undertaken in earlier phases of the Cedar's Park development identified significant remains dating from the Iron-Age and Roman periods. There is high potential for further remains to extend into the development site. SCCAS recommend that any consent is subject to conditions relating to archaeological work.

Suffolk Wildlife Trust

The unsigned ecology statement summarises the reptile translocation works which have taken place on site 3A. The statement includes reference to the reduction in size of the reptile receptor area. We query whether this is large enough to support these animals particularly as it appears that animals from application 4556/16 will also be translocated to this area. We recommend that this is assessed before any further translocation activity takes place. A new receptor site must be found if no capacity exists in the current receptor area.

Stowmarket Town Council

The Town Council opposes the application. The application site has been designated for commercial use and any change to the designated use would be contrary to planning policy CS11 of the Core Strategy. If the site were to be developed for housing contrary to the original designation, there would be a loss of much needed employment opportunities for the town and that contrary to planning policies ENV05, H17 and PPS23, the site is wholly unsuitable for housing due to its proximity to the Anglian Water Sewage Treatment Works.

Heritage Team

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

Environmental Health - Land Contamination

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

SCC - Rights Of Way Department

Regarding site 3A, Public Footpath 15 is not shown on the plans so it is not clear how the acoustic fencing will affect the route. Blackthorn hedging alongside the footpath is not desirable and if coppiced will cause a thicket. A maintenance plan for the hedging is required to avoid encroachment onto the right of way. There should be pedestrian access links onto the public footpath. Recommend links from the cul-de-sacs through to footpath 15 that footbridge/culvert at each link to be able to cross the ditch.

Public footpaths 39 and 40 are recorded alongside the site 3C. Informative notes are suggested to be included with any decision notice to grant permission.

MSDC - Planning Policy - Contrary To Dev Plan/Departures

No response received

Anglian Water

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

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

This is an open market development and offers 2 affordable housing units on 3C which (2.5%) and 26 affordable housing units on 3A (41.2 %), giving an overall affordable housing provision of 19.5% across the two parcels.

The proposed seeks shared ownership for one bedroom apartments. It is unlikely a Registered Provider would come want such properties. Therefore it is recommended the tenure mix is altered to -

Plots 1 - 12 all for affordable rent.
Plots 60 - 65 for affordable rent.
Plots 68 - 73 for shared ownership
Plots 29 - 30 Discounted market Sale

SCC - Highways

Highway raise concern regarding the proposal. Site 3A should have a 2m wide footway provided against the road edge. The levels on the Tomo Road frontage are such that without significant earth works and retaining walls it would not be possible to provide the footway and verge as shown on Drawing Number 1467-3A-P001/A. The required frontage details are laid out on the Richard Jackson Drawings contained within the Transport Assessment.

The shared surface road service strips are too narrow at 0.5m. Many of the visitor spaces are positioned where demand is least required, especially for Area 3C. The result will be on-street car parking. Highlight areas of Plots 13-18, 23-30, 35-39, 54-55, 59-63 where there is no provision but demand exist.

Apartments 1-12 (site 3A) should have 17 spaces whereas 15 are provided. Plots 14-19, all 2 bed should have 11 spaces, only 8 provided, Plots 25 and 26, 2 beds, only appear to have 1 parking space. Other parts of the site, predominantly 2 bed Type L units, rely on parking spaces which are distant/not well related to the units. There will be resultant car parking issues within Area 3A.

In terms of landscaping the verges on Area 3A it should be noted that trees will not be permitted within the highway verges. A spacing of at least 5 metres is required between any proposed tree and the edge of roads and footways. Any landscaping scheme will need to consider these requirements.

If the LPA is minded to approve this application, then they recommend certain conditions. Also recommend as part of a S106 agreement, contributions towards public footway improvements, bus stop improvements and securing a Travel Plan.

Communities

No response received.

SCC - Corporate S106 And Education

The SCC Planning and Infrastructure Officer sets out County's view on the infrastructure requirements associated with this application. Identifies that the local catchment school, Stowmarket Cedars Park Community Primary School will have no surplus places available at the catchment primary school. Cedars Park is unable to expand this school. Therefore, Primary age pupils will be offered a place at Trinity Church of England Voluntary aided primary school. County request that £114,000 will arise in terms of additional school transport costs. This is to provide free travel facilities for students and will form a site specific mitigation which will be covered by a planning obligation. County also set out the basis for a future CIL contribution

SCC - Fire & Rescue

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

Economic Development & Tourism

The Core Strategy Focused Review acknowledged constraints of delivering employment land on Cedars Park and subsequently additional land was allocated at Mill Lane essentially for Class B uses. There is a policy requirement for a buffer zone from the sewage treatment works that impact on site 3A. This accommodated within the application by the position of the small business unit.

The application represents a reduction to the quantum of valuable employment land in an area suited to such use due to its proximity to the railway station and the A14. It is vital the business units are developed and marketed efficiently.

Employment land is vital to growth and sustainability of the local economy. Although there is a need for new housing unless additional employment opportunities become available residents of Stowmarket may have to out-commute to find employment. This could reduce potential spend in the local economy.

The Team wish to support this application subject to certain matters.

*The receipt of satisfactory site viability in respect of proposed B1 buildings and affordable housing provision.

* Review of the proposed class B1 use for small business units to ensure viability. The possible broadening of use class to allow alternative use classes. Ensure that the developer undertakes appropriate market research to identify demand.

* Condition to ensure that the small business units are developed at the same time as the housing.

* Safeguard B Class uses on other employment land allocation at Mill Lane as a priority.

* Ensure all commercial units are constructed to highest possible sustainability/energy efficient standards.

* Developer to be responsible for securing all boundaries and ensure security of these boundaries are maintained particularly those boundaries adjacent to established industrial/business operation.

SCC - Flood & Water Management

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

Environmental Health - Noise/Odour/Light/Smoke

The Environmental Health Officer provided comments in regards to noise. The assessment of noise by Loven Acoustics dated 28 October 2016 was carried out with reference to World Health Organisation guidelines and British Standard 4142 which is reasonable and robust. The report considers environmental noise from existing road traffic and current commercial operations along with predicted noise levels from the proposed B1 operations. The report concludes that providing dwellings have window glazing constructed to certain specification (including ventilation) and an acoustic barrier is constructed there will be no adverse noise impact on residential occupiers. It is recommended this is included as a condition.

Site 3A and 3C are close to the Stowmarket Sewage Treatment Works and an odour assessment has been carried out.

For site 3C the results indicate that it is not anticipated that significant odour impacts occur at any of the residential or other sensitive locations. The Environmental Protection Team have no adverse comments in respect of odour and site 3C.

For site 3A the results indicate that the impact on the nearest residential premises will be between 7 and 10 odour units. It is widely accepted that odour concentrations between 5 and 10 may generate

complaints and may give rise to nuisance. The report identifies that dwelling on the opposite side of Gun Cotton Way are in the same circumstance. Whilst the Environmental Protection Team have concerns about the introduction of more odour sensitive premises near to the sewage treatment works. In the absence of any experience of odour currently causing adverse impact or nuisance the Environmental Protection Team are minded not to recommend refusal.

Highways England

Highways England offer no objection.

Natural England

Natural England has assessed this application and is satisfied that the proposed development being carried out in strict accordance with the details of the application as submitted will not damage or destroy the interest features of Combs Wood SSSI. The SSSI does not represent a constraint in determining this application.

Natural England have not assessed the application for protected species and refer the Local Planning Authority to their published Standing Advice.

The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment

Cedars Park Residents Association

No response received.

EDF Energy - New Supply

No response received.

The Environment Agency

Environment Agency raised concerns regarding capacity and the Stowmarket Sewage Treatment Works. However following discussions with Anglian Water the Agency are satisfied that their holding objection can be removed.

Also commented that the application is within 250m of a facility under the Control of Major Accident Hazards Regulations 2015. The Environment Agency advised that we should consider the consulting the Health and Safety Executive.

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

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

Ecology - Place Services

No objection subject to securing ecological mitigation and enhancements. The mitigation measures identified in the Ecology Report (Applied Ecology, 2015) and Ecology Report update (April 2017) should be secured and implemented on full. Also recommends conditions to obtain reptile mitigation strategy,

Biodiversity Enhancements shall be submitted and approved prior to determination and lighting design scheme agreed.

Health & Safety Executive

No response received.

B: Representations

Four letters of objection received; two of these letters are from one property with an initial objection letter and reply to the agent's comments. In summary;

- * Concern regarding significant increase in traffic. Already a busy road due to Tomo estate.
- * Aware that there are improvements being made to the sewage works. Has this been taken into account for the additional housing.
- * Cedars Park School is already at capacity and children from this estate will have to go to a different school.
- * Residents were assured when they bought their properties that provision would be made for doctor's surgery, part-time dental practice, small independent shops and a village centre around the pond. This was suppose to be a new type of village.
- * Increase in traffic will affect residents amenity especially more lorries.
- * No community facilities on Cedars Park other than the community centre.
- * Cars parked all over the estate with busy roads and noisy lorries. Object to additional development especially commercial.
- * Understood the use of this land would be for commercial/business units which would be a maximum of one and half storey.
- * Three storey apartment block will tower above the adjacent dwellings and as such will cause loss of light particularly in the winter months. No lighting scheme has been provided to confirm that no loss of light will be apparent.
- * Topography of the land will add to the dominance of the apartment block to the dwellings on Goosander Road.
- * Three storey buildings are not in-keeping with the surrounding area which is predominately two and half storey or less. Design and access statement does not validate the design approach. It appears to be competing with the height of neighbouring industrial units. Could the apartment blocks not be elsewhere on the substantial site?
- * Loss of privacy cause by overlooking from juliet balconies and the scale/mass of the apartment block which will directly look over the dwellings on Song Thrush Close and Goosander road. With our only amenity space to the side of our dwellings. Due to the higher ground levels and building height the distance between those existing is somewhat reduced.
- * There are no current windows which overlook the properties on the existing development.
- * Limited landscaping around the apartment block.
- * Prefer that the acoustic fencing extends to the entrance of the Tomo industrial estate.
- * It is noted that more parking spaces are to be provided on this development than on the rest of Cedars Park but parking continues to be a problem.
- * Concerned regarding B1 units being accessed from one road and the potential issues from on-street parking as happens on Cedars Park already blocking and restricting access to these units. No information regarding prevention of on-street parking from commuters.
- * Understood the position of the industrial units is placed next to the sewage treatment plant because of odour issues. However it seems to create a piecemeal form of development with residential dwellings dividing the industrial estate from proposed B1 units. A more logical flow to the development would be for commercial units to back onto the industrial estate. All of the commercial units have gardens/open

- space and appear to be designed with the provision to be residential. Should there be no interest in the B1 use so surely the development could already be switched around.
- * Concern raised by Climax Molybdenum regarding the potential conflict between their operation and the new neighbouring properties. The business can operate 24 hours. Activities involved large vehicles visit has reversing alarms and flashing lights on plant and lorries. Potential noise complaints from future occupiers due to activity on site.
 - * Existence of slag storage on site and the associated risk of an adjacent residential use and concerns regarding security requirements for the site
 - * The Stowmarket Society object to this application on the grounds that the site is part of a strategic allocation of employment land meant to form part of a mixed use development on the edge of the town. There is no evidence that the original needs either no longer exist or will be met adequately elsewhere.
 - * Mill Lane Employment has permission but may never commence. Perhaps the owners of that site will prefer to bide their time and then seek residential development. The Gun Cotton Way sites are serviced and ready for development with the only thing standing in their way is a perceived opportunity for a higher value residential development.
 - * This allocated land is closer to the Railway station and the town centre bringing benefits that cannot be achieved at Mill Lane. The employment use would also shield the existing industrial uses on Tomo Industrial Estate and Climax Molybdenum.
 - * Wish to ensure full recognition is made by the planning authority for the access and use of the road network and in particular Gun Cotton Way from businesses located on Tomo Industrial Estate. The traffic flow from the estate is likely to increase as businesses continue to grow. Any move to restrict access to the estate now or in the future will jeopardise employment in the town. Must consider the application in light of the continued access required to and from the Estate to ensure Gun Cotton Way and the surrounding roads can continue to support future road use.

PART THREE – ASSESSMENT OF APPLICATION

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

1. The Site and Surroundings

1.1. The site is divided into two parcels of land, phase 3A and phase 3C, which lie on the southern side of Gun Cotton Way. Gun Cotton Way is the distributor road which provides a link between the A1120 and the B1115 Relief Road. The land is currently undeveloped and is approximately 5.8ha in area. The site slopes down north-west towards the Industrial Estate. The topography allows for views of the town centre of Stowmarket.

1.2. Phase 3A is situated to the east of Tomo Industrial Estate and forms a triangular plot bounded by Tomo Road and Gun Cotton Way. The site is accessed from an existing roundabout where Gun Cotton Way extends north-east and Tomo Road extends north to the industrial estate. Residential development and public open space is situated to the east of phase 3A on the opposite side of road network. To the south is the Stowmarket Sewage Treatment works. The Sewage Works' access road encloses the southern boundary. Running between the site and the Tomo industrial estate is a public right of way, footpath 15, which extends from Tomo Industrial entrance around the sewage treatment plant along the edge of the railway line and back towards Gun Cotton Way.

1.3. Phase 3C is located south-east of phase 3A and forms a square plot. To the south-west of phase 3C is open space containing a drainage lagoon and wooded area and to the north-east is residential development. To the south of the site is an industrial unit operated by Climax Molybdenum UK Ltd. Phase 3C is enclosed by hedgerow and a trim track with hard surface and street lights around the perimeter. Phase 3C is accessed from an existing roundabout on Gun Cotton Way.

1.4. To the south west of Phase 3C is another parcel of land known as Phase 3D. This is undeveloped land subject to application 4556/16 for 48 dwellings and three commercial units. There is a committee resolution to grant permission for this application subject to a section 106 agreement.

1.5. Between phase 3A and phase 3C is a parcel of land known as phase 3B. This is subject to application 0019/17 for over 5000sqm of B1 and B8 commercial units. This has a committee resolution to grant permission subject to a section 106 agreement.

1.6. Both sites are also connected to the town centre of Stowmarket and Stowmarket railway station by footway and cycleways along Gun Cotton Way. Both parcels of land are within the Stowmarket Settlement Boundary and is included within the Strategic Development Area (SDA) for Stowmarket. The Local Plan allocates the application site for the purposes of B1 - light industry; B2 - general industry and B8 - warehousing storage and distribution.

2. The Proposal

2.1. The proposal is for full planning permission for the erection of 143 dwellings and 15 B1 industrial units. The housing is divided across both parcels of land with 80 dwellings on phase 3A and 63 on phase 3C.

2.2. For phase 3A the residential area is located to the northern section of the site with the 15 commercial units to the southern section. The commercial units form a crescent providing a cordon area between the residential units and the sewage treatment plant.

2.3. Phase 3A has one main access road utilising an existing arm of the roundabout on Gun Cotton Way. The access road extends into the site curving south-eastward ending as a cul-de-sac to the commercial area. The road branches at three points providing access to the residential units and shared roadways.

2.4. Phase 3C also has one main access utilising an existing arm of a roundabout on Gun Cotton Way. The access road extends into the site curving northwards and looping back onto itself. With shared road ways and cul-de-sacs.

2.5. Across both parcels there is a mix of single, two storeys, two and half storey and three storey properties. The bedroom mix across phase 3A is-

- 9- One bedroom apartments
- 21- Two bedroom apartments
- 41- Two bedroom dwellings
- 9- Three bedroom dwellings

For phase 3C

- 9- Two bedroom apartments
- 4- Two bedroom bungalows
- 24- Three bedroom dwellings

26- Four bedroom dwellings

2.6. Phase 3A has a contemporary approach in terms of the design and materials, with picture windows, accent panels and mix of weatherboarding and brickwork. The dwellings will have slate roofs to create unity. The dwellings are predominately two storeys with terraces, detached and semi-detached. There are also three apartment blocks which are three storeys. Three of the apartment blocks include balconies.

2.7. Phase 3C draws from the 'Arts and Craft' architectural movement with roof proportions, front gable articulations and fenestration design. These are largely two and two and half storey properties with some bungalows to add to the variety. The dwellings will have buff/light brick with predominately slate roofs.

2.4. Parking is provided in a variety of forms with parking courts, on street parking bays, garages, and private driveways. For phase 3A there is 95 designated parking spaces, 28 communal parking spaces and 19 visitor parking spaces (142 in total). Each 3 bed property will have two designated spaces and each one bed property will have one space. 6 of the two bed properties will have two spaces whilst the remaining 56 dwellings will have one designated space and share one communal space (1.5 spaces per two bed).

2.5. Phase 3C also has a mix of parking arrangements with parking courts, garages, cart lodges, on street parking bays, and private driveways. There are 168 spaces overall with 19 being visitor parking spaces. Each three bed has two designated spaces and most of the four bed properties have 3 spaces. One four bed has two spaces which is below the minimum standard and three four beds have four spaces which exceeds the minimum standard. The apartments and one two bed property have 1.5 spaces and all other 2 bed dwellings have two spaces within their respective curtilages. The visitor parking is arranged around the periphery of the development.

2.6. The industrial units are of a domestic scale equivalent to two storey dwellings and include pitched roofs. The commercial units will be metal framed with metal cladding. Each unit is designed with cladding, glazing and front shutter doors. Each unit has at least five spaces with one larger vehicle parking space. Overall there are 106 spaces for the business units.

2.7. Trees are to be planted to break-up the on-street parking bays, with new planting on the sites boundary and between the commercial and residential units. Acoustic fencing is to be erected along the western boundary between the site and the industrial units. All properties have a reasonable garden area and good back-to-back distances.

3. National Planning Policy Framework

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

4. Core Strategy

4.1. Core Strategy 2008-

- * FC01 - Presumption in Favour of Sustainable Development
- * FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
- * FC03 - Supply of Employment Land

- * CS01 - Settlement Hierarchy
- * CS03 - Reduce Contributions to Climate Change
- * CS04 - Adapting to Climate Change
- * CS05 - Mid Suffolk's Environment
- * CS06 - Services and Infrastructure
- * CS09- Density and Mix

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

5.1. Stowmarket Area Action Plan 2013-

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

6. Saved Policies in the Local Plans

6.1. Mid Suffolk Local Plan 1998-

- * SB2 - Development appropriate to its setting
- * GP1 - Design and layout of development
- * HB1 - Protection of historic buildings
- * Altered Policy H4- A Proportion of Affordable Housing in new housing developments
- * H13- Design and Layout of Housing Development
- * H14- Encourage a variety of house types and designs to cater for different accommodation needs and to avoid undue uniformity.
- * H15- Development to Reflect Local Characteristics
- * H16- Protecting Existing Residential Amenity
- * T9- Parking Standards
- * T10- Highway Considerations in Development
- * E02 - Industrial uses on allocated sites
- * E03 - Warehousing, storage, distribution, and haulage depots
- * E04 - Protecting existing industrial/business areas for employment generating uses
- * E09 - Location of new businesses
- * E12 - General principles for location, design, and layout
- * CL8- Protecting Wildlife Habitats
- * SDA03 - Comprehensive development within the SDA
- * SDA04 - Sustainable development
- * SDA06 - Employment Land
- * SDA08 - Principle issues to be included in SDA
- * SDA01 - Programmed B1115 Relief Road
- * SDA02 - Funding for B1115 Relief Road

7. The Principle Of Development

7.1. The site forms part of a parcel of land to the south of Gun Cotton Way which is allocated as 'Employment Land' in Local Plan Policy SDA6 of the Mid Suffolk Local Plan for the purposes of General

Industrial [B2], Light Industrial [B1]; and Storage/Warehousing [B8] businesses. In 1999 a Strategic Development Area Stowmarket masterplan was adopted highlighting the land uses.

7.2. The Core Strategy Focused Review sets out that the Cedars Park employment allocation has good strategic transport links; forming a strong employment location in the future. However, paragraph 5 identifies that the Cedars Park site is too constrained to be the major employment allocation for Stowmarket. Paragraph 5.31 lists the constraints of the site as the size, topography, shape of the site, proximity to residential uses, and the recent designation of part of the site as a County Wildlife Site (phase 3D). Therefore, land adjacent to this site has been allocated as Stowmarket Business and Enterprise park (Gateway 14). A planning application for the Enterprise Park was submitted in February 2015 and has a committee resolution to grant planning permission. The Planning Obligation remains under consideration.

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

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

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

7.6. The proposal seeks to depart from the local plan by providing a mixed-use development with commercial units of B1 industrial uses and residential use. The commercial units will provide employment opportunity. It is identified that these commercial units will provide approximately 100 jobs. The other land parcels forming the Cedars Park employment site have identified 160 jobs on phase 3B (ref. 0019/17) and 145 jobs on phase 3D (ref. 4556/16). As such the proposed development, alongside the other applications under consideration, would provide approximately 405 jobs. Despite the departure from the employment allocation the development will still provide contribution to employment.

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

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

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

7.10. Given the material growing housing need and that this land has remained undeveloped, there is potential that this site could be reasonably considered for other uses given the position of paragraph 22. On this basis the application seeks the potential for enabling development for both housing and employment uses with one element helping to enable the other. Furthermore, the provision of the commercial units will provide some employment opportunity for the existing residential properties as to support the sustainable local communities and support the employment use of the Stowmarket Business and Enterprise Park.

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

8. Site Access, Parking, and Highway Safety Considerations

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

8.2. Several issues raised by SCC Highways have been resolved. However, SCC Highways provide comments relating to the level of parking across the site leading to on-road parking, the position and design of the footway and the width of the shared access service strip.

8.3. Suffolk County Council's 'Suffolk Guidance for Parking- Technical Guidance' adopted November 2014 and updated November 2015 is the adopted standards that the Local Planning Authority seek development to adhere to. This document sets out the minimum parking standard for a dwelling depending on the number of bedrooms.

One bed= 1 space

Two bed= 1.5 spaces (one allocated and 1 shared between 2 units); two spaces per dwelling when provided within curtilage

Three bed= 2 spaces per dwelling

Four or more bed= 3 bed

8.4. Highways raise concern regarding parking on phase 3A. Apartment A, plots 1-12 has 9 x one beds and 3 x two beds and apartment block M plots 14-19 are all 2 bed. The parking standards details that there should be 17 spaces for plots 1-12; 1 space per one bed property, 1.5 spaces per 2 beds and 3 visitor spaces. Only 15 spaces are provided with the shortfall being 2 visitor parking spaces. Plots 14-19, should have 11 spaces (9 spaces overall with 2 visitor parking spaces). There is a shortage of 2 visitor parking spaces.

8.5. Whilst these two apartment blocks do not provide the minimum standard of visitor parking space (1 space for every 4 dwellings) within the associated parking courts; the development of phase 3A will provide 19 visitor parking spaces overall. This is a shortfall of 1 space across the 80 dwellings. Considering the position of the site with footway and cycleway connection to the town centre of Stowmarket and the railway station and the proximity of bus stops; this lack of provision is not considered likely to cause significant harm to the flow of traffic.

8.6. Highways also raise concern that Plots 25 and 26, only appear to have one parking space and many other 2 bed units rely on parking spaces which are distant or not well related to the units.

8.7. The two bed properties form linear rows with terraces and semi-detached properties forming three cul-de-sacs branching of the main access road. On-street parking is provided in front of these properties with parking bays and lay-bys. This form of parking allows for the shared spaces to be communal rather than designated bays which allows for some level of flexibility in use. Whilst the related spaces may not be directly adjacent to the property they are close in proximity and 1.5 space is available for these two bed properties.

8.8. Plots 25 and 26 have one space to the front of the property within their respective curtilages. Communal spaces are located nearby adjacent to plot 24. When parking is to be provided within the curtilage of a two-bed property the standards require a minimum of two spaces. As such the parking does not accord with the adopted parking standards. The agent advised that the average number of cars per household in the Stowmarket North (ward) is 1.37 and, applying this figure to the development does allow for a reduced level of 1.5 spaces for some of the two bed dwellings. Furthermore, the site is near local services and the town centre, connected by cycleway, footway, and public transport. Given the level of average parking in Stowmarket, the nature of the site in relation to daily facilities; a reduced level of parking for plots 25 and 26 is deemed acceptable.

8.9. The amount of parking across the site is considered suitably designed to avoid, or reduce on-street parking which may restrict the flow of traffic or visibility of the new roads. Furthermore, the provision of on-street parking bays will restrict the ability to park outside of the parking bays. There is the possibility of parking on the access road leading up-to plots 1-12 where there is a 2m wide footway. Also along the main route through leading to the commercial units. However, the provision of grass verge between the roadway and the footway, the level of traffic and type of traffic and the nearby junctions, parking on the main route is restricted and likely to be undesirable.

8.10. SCC Highways also raise concern regarding the visitor parking spaces on phase 3C. The design submitted suggests that sufficient overall numbers of visitor spaces are provided however many spaces are positioned where demand is least required. The result will be on-street car parking. SCC Highways highlight areas of Plots 13-18, 23-30, 35-39, 54-55, 59-63 where there is no provision but demand will exist.

8.11. Phase 3C provides 19 visitor parking spaces which is 3 more than the parking standard. The dwellings all have parking provided within the curtilage of the respective dwellings or within parking courts. The visitor parking spaces are provided in lay-bys and on-street parking bays on the periphery of the site as not to impact on the main road and appear car-dominant. Whilst ideally there would be

provision of visitor spaces along the main road, given the amount of spaces exceed the requirements and given the size of the site; the distribution of the visitor parking spaces is considered acceptable.

8.12. It is noted that Suffolk County Council have not raised an objection as to highway safety.

8.13. Highways also advise that the shared roads service strip is too narrow at 0.5m. Suffolk Design Guide provides that shared surfaces should provide a verge of 0.5m. Therefore, the width of this strip is considered acceptable.

8.14. SCC Highways also comment that for phase 3A, the Gun Cotton Way and Tomo Road site frontages should have a 2m wide footway provided against the road edge and there is no need to incorporate an additional verge. The required frontage details are laid out on the Richard Jackson Drawings contained within the Transport Assessment. The footway is to be positioned in accordance with the drawings in the Transport Assessment and an updated layout plan is to be submitted showing the footway adjacent to the road.

8.15. In conclusion, the development is considered to provide the appropriate level of parking within the site and would not cause harm to the existing highway network. The road layout and design accords with the Suffolk Design Guide. SCC Highways set out the recommended conditions and contributions sought as part of the planning obligation.

9. Rights of Way

9.1. Footpath no. 15 runs along the western section of the Phase 3A. Public Rights of Way advise that Public Footpath 15 is not shown on the plans so it is not clear how the acoustic fencing will affect the route. The public footpath sits behind the existing trees and drainage ditch and adjacent to a metal fence associated with the Tomo industrial estate. The acoustic fencing is to be positioned on the east side of this hedgerow as not to affect the right of way. This route is obstructed by a fallen down metal fence and trees along with significant vegetation.

9.2. Rights of way advise that there should be pedestrian access links onto the public footpath. They recommend links from the cul-de-sacs through to footpath 15 and that footbridge/culvert be provided at each link to be able to cross the ditch. To provide such links would involve gaps in the acoustic fencing which would impact on the effectiveness of this fence.

9.3. The development has been designed with a strip of land running the length of the industrial estate boundary. This will provide a green lane leading to the new commercial units. It is likely residents will opt to use this green lane rather than footpath 15 which appears to have been obstructed for some time.

9.3. Public footpaths 39 and 40 are recorded alongside the site 3C. Informative notes are suggested to be included with any decision notice to grant permission.

10. Design And Layout [Impact On Street Scene]

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

10.2. It is appreciated that the proposed development would sit somewhat in contrast to the existing residential development which is largely pastiche drawing from a variety of traditional forms and materials. However, the application site is well separated from these residential areas as to provide an opportunity to respond to local distinctiveness and create a strong sense of place. The proposed dwellings still draw from the Suffolk vernacular in terms of gable roofs, chimneys, roofing materials and being largely symmetrical. Phase 3A, as described in the design and access statement is designed to be of a contemporary approach with clean lines and picture windows. Phase 3C is described in the design and access statement as drawing from the 'Arts and Crafts' style with mainly two and two and half storeys with gable projections and generous roof proportions.

10.2. The dwellings are not uniform in their form and scale as to provide visual interest and variety however the palette of materials, use of accent panels and similar front articulations provides cohesion and a strong sense of place. As such the proposed dwellings are considered of good quality design which whilst not distinctly of Suffolk vernacular would complement the adjacent existing residential dwellings and not detrimentally affect local distinctiveness.

10.4. Concern has been raised by a resident regarding the provision of three storey apartments blocks being out-of-character with the existing residential units and being overly prominent. The topography of this area slopes down northwards towards Tomo Road but also slope westward to the public right of way. Dwellings opposite the sites are two storey and two and half storey with some three storey properties visible along Gun Cotton Way as it turns north east into the existing Cedars Park Development.

10.5 Both Phase 3A and 3C are set lower than the existing highway verge and adjacent road network. As such the floor level of the apartment blocks will be slightly lower than the housing opposite. The apartment blocks on phase 3A are positioned over 20m from the properties on the opposite side of Tomo Road and on phase 3C over 30m. The apartments blocks on phase 3A will also sit in context with the industrial buildings on Tomo Industrial Estate one of which, due its footprint, orientation, white cladding and blank elevations is visually prominent The distance and levels will help reduce the perception of their scale however they will be prominent buildings in the street scene.

10.6. On phase 3A plots 1-12 Apartment A, will be softened somewhat by landscaping to the northern triangular point at the top of the site and to a certain degree screened by existing planting around the pumping station opposite. Blocks M (plots 14-19, 60-65 and 68-73) on phase 3A and block A on phase 3C (plots 1-9) will be softened by tree planting along the road frontage. Having regard to the above points, it is considered that the provision of three storey apartments would add to the visual interest to the development rather than forming incongruous additions which would harm the character and appearance of the surrounding area.

10.7. The layout for both phases 3A and phase 3C provides for one access into the residential area with properties addressing the new road. The layout includes shared surfacing and sensitively positions car parking spaces as not to dominate the street scene. The dwellings are positioned close to streets and footways as to provide a good sense of enclosure. The new road on phase 3A leads to the commercial area. These units will result in through traffic and potentially large vehicles using this road. The majority of dwellings on phase 3A front on to cul-de-sacs which branch of this main through road. Due to position of the residential units and the road layout with grass verge and footways it is not considered that the through traffic is likely to cause harm to residential amenity. The impact is similar to the existing impact to dwellings fronting Gun Cotton Way which experience many large articulated lorries heading to the industrial estate.

10.8. The proposal incorporates focal buildings to accentuate the overall character but also to create

visual richness. The layout of dwellings addressing the street also provides pleasurable internal views, a good sense of continuity and well defined streets. The positioning of the dwellings also provides natural surveillance over footways and parking courts.

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

10.10. The scheme, both phase 3A and phase 3C, further will add to the quality of the area, respond to local character, and create a visually attractive area with inclusive design as to accord with paragraph 57 and 58 of the NPPF. The layout accords with paragraph 58, 69 and 70 of the NPPF, CS5 of the Core Strategy and policies SB2 and GP1 of the Mid Suffolk Local Plan. The layout will provide a development which functions well and establishes a strong sense of place. The layout provides for a safe and accessible environment with clear and legible pedestrian routes. It is well integrated with the surrounding area as not to create a standalone development un-related to its context.

Commercial area

10.11. As stated above the main access road for phase 3A runs through the residential development and into the commercial area which form an end crescent. Each unit is set behind small areas of on-street parking bays. As such the commercial area will not appear overly car dominated. The provision of soft landscaping, good quality surface materials and high-quality design of the units should improve the public realm. Adequate lighting should also be provided to improve the perception of safety of these car parks.

10.12. The units will be built around a steel frame with metal cladding and corrugated roof. Pitched roofs are included as to relate to the residential units as will the height being similar to two storey dwellings. Details of the finish and materials should be agreed by a condition.

10.13. Concern has been raised in regard to the position of these business units away from the existing industrial units making the development appear piecemeal. The commercial units have been positioned adjacent to sewage treatment works in an area that sensitive end uses, such as residential, would not be supported due to the odour issues. The commercial units will complement the 5000sqm of commercial units granted permission on the adjacent site, phase 3B and the Sewage Treatment Works and as such will not form a disorganised or disjointed development.

10.14. The buildings are of a domestic scale as to harmonise with the residential units nearby. It is not considered that they have been designed with a future residential use. The units have been provided with outside areas which will likely form outside yards or amenity areas for staff. The use of enclosed outside space will provide greater flexibility of these units for the potential end-users. Nevertheless, given the proximity to the sewage treatment works and considering the employment allocation of Cedars Park, it is considered reasonable and necessary to remove permitted development rights for the conversion of the B1 units to residential.

11. Landscape Impact

11.1. Due to the topography, existing boundary landscaping and surrounding development both parcels of land are well contained and relate to the existing built-up area of Cedars Park. As such the development will have a limited impact on the wider landscape. However, the Planning Authority's landscape consultant advises that the development should demonstrate a comprehensive landscape

vision for the site to create a high quality new development and mitigating the impact on residential development to the north and limiting views to the south. The consultant recommends conditions regarding the management and details of the landscaping.

11.2. The existing boundary trees and vegetation are largely to be retained nevertheless, a condition will secure tree protection measures. The indicative landscaping plan for phase 3A shows the provision of dense tree boundary between the commercial and residential units. It also provides some on-street planting to soften the car parking areas and improve the public realm. Additional planting is proposed along all three boundaries. A similar approach is provided for phase 3C where the existing boundary hedgerow will be reinforced and there is provision for street planting.

12. Environmental Impacts - Trees, Ecology And Land Contamination

12.1. The site is located close to the Stowmarket Sewage Treatment works. An odour assessment was provided with the application. The dispersion modelling indicates that for phase 3C the odour concentrations at the nearest dwelling are 3ou (odour units). An odour less than 3ou is considered unlikely to generate complaints and exposure below this level is unlikely to constitute significant pollution or significant detriment to amenity unless the locality is highly sensitive or the odour highly unpleasant in nature. Environmental Health have advised they are satisfied with the findings of the report and odour is unlikely to harm the sensitive end use of phase 3C.

12.2. For phase 3A the results indicate that the nearest residential premises will be between 7 to 10ou. It is widely accepted that odour concentrations between 5 and 10ou may generate complaints and may give rise to nuisance. The Environmental Health Officer advises that he would not ordinarily support approval of dwellings with this level of exposure. However the Odour Report highlights that there are existing dwellings on the opposite side of Gun Cotton Way in the same circumstances with odour concentrations predicted to be at 10ou. Whilst the Environmental Health Officer has concerns about the introduction of more odour sensitive premises near to the Sewage Treatment Works, in the absence of any experience that odour is currently causing adverse impact on nuisance the Environmental Health Officer is not minded to recommend refusal of the development of phase 3A as proposed.

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

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

12.4. Based on the findings of the report it is accepted that the proposed mitigation measures of acoustic fencing, double glazing including ventilation would be sufficient in ensuring suitable levels of amenity to avoid the conflict between the industrial operations and the new residential properties.

12.5. A resident requested the acoustic fence be extended the whole length of the site boundary as to benefit adjacent properties on Goosander Road and Song Thrush Close. The addition of further landscaping will buffer noise from the Tomo industrial estate to the existing properties as to offer some way of improving any noise from the industrial estate.

13. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

13.1. Along Gun Cotton Way views of the St Peter and St Mary's church spire are visible. The church spire provides a landmark identifying the centre of Stowmarket and its historic core. Whilst the development will restrict views the spire will still be prominent due to the topography.

14. Impact On Residential Amenity

14.1. The proposed business units are a suitable distance from existing properties as not to adversely affect neighbour amenity. It is considered appropriate to control the hours of construction, hours of operation and agree details regarding any external lighting.

14.2. Concern has been raised regarding the apartment blocks causing overlooking and overshadowing existing properties opposite. On phase 3A there are three apartment blocks. Apartment A is sited as to provide a focal building to the top of the development site and addresses Tomo Road. It is positioned over 60m away from Goosander Road and whilst it will be visible due to the distance, its orientation of the windows, the existing boundary treatment, and the existing landscaping around the pumping station it is not considered that this building will significantly harm the amenity of residents on Goosander Road.

14.3. Apartment A has windows facing north-east across Tomo Road at the road junction with Song Thrush Close. No. 21 Song Thrush Close is positioned fronting Tomo Road with a side garden enclosed by a brick wall which runs parallel Tomo Road. Properties on Song Thrush Close located to the rear and side of No. 21 already significantly overlook this rear garden. Apartment A (plots 1-12) is positioned over 20m away from No. 21 Song Thrush Close. Due to the distance between these properties, topography of the locality, existing level of over-looking and the existing garden wall; it is not considered that the provision of this apartment block will lead to a significant increase in the existing level of overlooking to the properties on Song Thrush Close.

14.5. Additionally, due to the orientation of these buildings to the south-west and the distance between this apartment block and the dwellings opposite it is not considered that there will be significant levels of overshadowing as to harm neighbour amenity.

14.6. Apartments M, plots 14-19 and 68-73 of phase 3A, are positioned to face onto the roundabout. These blocks include balconies. Given the orientation of these buildings facing the roundabout and the distance between these new units and properties opposite they are not considered to create any overlooking issues or overshadowing. Block 60-65 will look onto the existing public open space.

14.7. On phase 3C there is one apartment block located to the eastern-most corner. This is positioned over 30m from the dwellings opposite. Given the relationship between the proposed apartment block and the dwellings opposite and the proposed landscaping it is not considered this will harm neighbour amenity.

15. Biodiversity And Protected Species

15.1. The Planning Statement sets out that an application granted permission in 2014 (ref. 0592/14) found the presences of slow worms on phase 3A. The scheme set out the requirement to establish a grassland receptor area. The area has been created and is located to the south west corner near the sewage treatment works. This grassland has been established and the land managed to provide this

permanent reptile receptor area. The receptor area was extended as part of the development of phase 3D. The proposed development of phase 3A seeks to retain this reptile area.

15.2. An additional Ecology note was submitted in April 2017 which sets out the works which have been undertaken and that an inspection of site 3A was undertaken on 27 March 2017. This inspection was to check the site and receptor area. The development site had been ploughed and is therefore unsuitable for reptiles. The reptile receptor area is still intact and the fence is still in place and in overall good condition. It is recommended that a reptile mitigation strategy is prepared following completion of an up to reptile survey for the receptor area in site 3A as to confirm reptile presence and the suitability of the reptile receptor areas. This area is to be used as part of the development of phase 3D (4556/16). This reptile survey will overcome the issues raised by Suffolk Wildlife Trust.

15.3. An Ecology Report for phase 3C by Applied Ecology Ltd dated October 2016 was submitted with the application. This report concluded that the site is of limited ecological value in terms of protected species. The site's perimeter hedgerow could support small numbers of common nesting birds during the bird breeding season. The report sets out recommendation to ensure the impacts of the site's existing ecology are minimised and avoided during construction. Enhancement measures are also identified such as including bird and or bat boxes within the new buildings and incorporate wildlife-friendly planting. These measures shall be secured via condition.

15.4. The Local Planning Authority's Ecology Consultant is satisfied with the ecological appraisals and recommends certain conditions be secured to ensure protected species are not harmed by the development.

16. Floods and Drainage

16.1. The site is in a flood zone 1 and therefore is an acceptable site for residential and commercial use. Details regarding surface water drainage were submitted with the application and additional details following comments from SCC Floods. The proposal seeks to connect to the existing Cedars Park Drainage System. Discussions have been undertaken with Anglian Water regarding connection to the existing system and they have raised no objection to the proposed scheme. The drainage system for this phase 3a includes a detention basin in the northern point of the site. SCC Flood are satisfied with the proposed scheme and recommend approval subject to conditions. These conditions will be worded to ensure they are enforceable and reasonable.

17. Sustainable Construction

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

17.2. No details have been submitted regarding renewable energy technology to be integrated into the construction of the buildings. However, it is considered acceptable that sustainable construction details should be secured by way of a condition.

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

18. Planning Obligations / CIL

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

18.2. The County Council and the NHS have set out that they are likely to seek CIL contributions to mitigate the infrastructure impact. The County Council identify that Cedars Park Primary School is at capacity and therefore children from this development will be offered a placement in a nearby school in Combs. Due to the distance from the site and the school Suffolk County would seek to provide free school travel to eligible children. A contribution fund of £114,000 to be paid to SCC to facilitate the free school travel. This is agreed as a site-specific contribution and would be agreed through a Section 106 agreement. This is the same approach taken for the recent permission in Phase 6C of Cedars Park which was granted consent in 2016. The agent has advised they consider this to be covered by CIL. Clarity on this matter is being sought from the Infrastructure team.

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

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

18.5. Altered Policy H4 of the Local Plan seeks to promote inclusive and mixed communities and requires that all residential development provides a provision for affordable housing; ordinarily this would equate to 35% of the total homes to be provided on the site. The application provides for 28 affordable properties (19.5%) across phase 3A and 3C. A viability assessment was submitted with the application following negotiations an agreement was reached with the Council's Viability Officer that this level of affordable units was acceptable. Strategic Housing have agreed the tenure of these units and the amount to be provided.

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

18.7. SCC Highways seek contributions towards bus stop improvements and improvements to rights of way. The CIL 123 list includes improvements to passenger transport. SCC can therefore utilise CIL monies to improve these bus stops. It is not considered that the improvements to the bus stop are necessary to make the development acceptable in planning terms. The bus stops are also outside of the application site.

18.8. Likewise, the contributions towards upgrading the public footpaths are not considered to be necessary to make the development acceptable in planning terms and directly relate to the development. One footpath put forward for improvement is footpath 15 which runs along the northern boundary of the Tomo Industrial Estate and behind the sewage treatment works and then joins the existing trim track. This footpath is not distinguishable from the trim track I and is considerably overgrown (and has been for a while). It is obstructed by trees, overgrowth and fallen down railing adjacent to the industrial estate. As such this footpath is not well used. Apart from the obstructions this is likely due to the proximity to the industrial unit and the proximity to the sewage treatment plant. To widen this path will involve the removal of a number of trees and vegetation along with altering the drainage ditch.

18.9. Access from this development to the footpath will be restricted due to the need to place acoustic fencing along the boundary. Furthermore, the landscaped area between the residential properties and the acoustic fencing provides a green lane which is more to form the desired route used by residents. It is not considered necessary that this footpath be upgraded to make this development acceptable in planning terms; especially given the existing lack of maintenance and inability to use this path.

18.10. The other footpaths are along the River Gipping on the other side of the railway line to this application site. Given the limited connectivity from this site to this footpath and the nature of this path; its improvement is not considered necessary to make the development acceptable nor does it reasonably relate to the scale of this development.

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

18.12. It is noted that the development will provide new footways along the site frontage and within the development site connecting to the Trim Trail which leads to open space to the south-west of phase 3C. Both phase 3A and 3C are close to the main public open space on Cedars Park which has a good provision of play equipment.

18.13. Furthermore, improvements to public rights of way can be secured through a section 38 (Highways) agreement which is agreed with County and the developer.

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

19.1. The development will result in CIL payments to the Council and depending on advice from the infrastructure team, contributions to Suffolk County Council for the provision of free bus service. The new dwellings will provide additional council tax payments to Mid Suffolk District Council and the commercial units will provide additional business rates to Mid Suffolk District Council. There will also be monies from the New Homes Bonus Scheme.

PART FOUR – CONCLUSION

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

20.1. 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.

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

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

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

22. Planning Balance

22.1. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

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

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

RECOMMENDATION

1) That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Grant Full Planning Permission for 143 dwellings and 15 B1 Units subject to the prior completion of a Section 106 to secure the following heads of terms and that such permission be subject to the conditions as set out below:

Section 106-

- * Secure the provision of affordable housing as submitted with the application
- * Secure contribution towards funding free school transport (only if this provision it is not considered covered by CIL)
- * Land Management details
- * Reptile Mitigation Strategy for phase 3A
- * Travel Plan and Contributions
- * Phasing plan

Conditions-

- * Standard time limit
- * Submission of Reserved Matters
- * Accord with approved plans
- * Materials to be agreed
- * Prior to commencement of development written scheme of investigation for archaeological works to be agreed and implemented
- * Prior to occupation the site investigation and post investigation assessment has been agreed.
- * New road layout to be in accordance with approved plans and made available prior to first use
- * Construct new footway

- * Details of estate roads and footpaths to be agreed and implemented
- * No building occupied until the road and footway serving that building have been constructed
- * Parking to be provided prior to first use and thereafter retained
- * Visibility splays to be implemented in accordance with the plans and thereafter retained.
- * Details of secured cycle storage for B1 units to be agreed and thereafter retained
- * Details of electric vehicle charging points to be agreed and thereafter retained.
- * Fire Hydrants to be agreed and implemented
- * Tree Protection Measures to be implemented
- * Detailed soft landscaping plan and specification to be agreed
- * Implement soft and hard landscaping as agreed
- * Hard landscape material plan and specification to be agreed and implemented
- * Boundary Treatment Plan and specification to be agreed and implemented
- * Landscape Management Plan to be agreed and implemented thereafter
- * The strategy for surface water drainage scheme and the Flood Risk Assessment shall be implemented
- * Details of all the Sustainable Drainage System to be submitted for inclusion on the Flood Risk Asset Register.
- * Prior to commencement, details of construction surface water management plan to be agreed and implemented in accordance with the approved details.
- * Mitigation measures in noise assessment (acoustic fence and glazing (including ventilation)) to be installed and thereafter retained prior to occupation.
- * Construction Management Plan to be agreed and implemented accordingly.
- * Construction working hours to be between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays with no works on Sundays or bank holidays
- * Prior to construction of commercial units' details of sustainable construction measures including renewable technology to be agreed and implemented
- * Compliance with Ecology Appraisal received 07 November 2016 and additional notes received 19 April 2017.
- * Reptile Mitigation Strategy for phase 3A to be agreed and implement prior to commencement
- * Biodiversity enhancements as detailed in the ecology appraisal, additional ecology notes and agreed reptile strategy.
- * Prior to occupation lighting to be agreed and implemented. No other lighting to be installed except for the agreed details
- * Remove permitted development for illuminated signs to commercial units.
- * Remove permitted development rights for conversion of B1 units to residential.

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

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