

Committee Report

Committee Date: 9 August 2017

Item No: 1

Reference: 0195/16
Case Officer: James Platt

Description of Development: Outline application for residential development of up to 58 dwellings and a new vehicular access off the B1115. All matters to be reserved with the exception of the main site access.

Location: Land West of Thorney Green Road, Stowupland

Parish: Stowupland

Ward: Stowupland

Ward Member/s: Cllr Welham

Site Area: 3.85 Hectares

Received: 15/01/2016

Expiry Date: 11/08/2017

Application Type: Outline Planning Permission

Development Type: Major Dwellings

Environmental Impact Assessment: EIA Not Required

Applicant: New Hall Properties (Eastern) Ltd

Agent: N/a

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

Defined Red Line Plan:

The defined Red Line Plan for this application is Drawing no.016.SK.02 received 5th February 2016 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

Plans and Documents:

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk via the following link:

<http://planningpages.midsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= MSUFF DCAPR 109833>

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations.

The Council accepts that it cannot currently demonstrate a five year housing land supply in the District, as required by the NPPF. 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 (as stated in paragraph 49 of the NPPF).

Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

In this instance there are specific policies relating to designated heritage assets that should be considered.

Officers conclude that these specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.

Officers are recommending approval of this application as the significant benefits that the scheme will deliver are considered to outweigh the adverse impacts of the proposal. The proposal thereby represents sustainable development and should be granted in accordance with the presumption in favour of sustainable development.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee following deferral from a previous committee meeting on the 19/07/2017. The application was deferred to enable a members site visit to be undertaken. The application was referred in the first instance for the following reason/s:

- This application is reported to committee as the application is Major Development comprising 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

1. None

Details of Previous Committee / Resolutions

2. None

Details of Member site visit

3. A members site visit is scheduled for the 08/08/17

Details of any Pre Application Advice

4. None

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. **This is a summary of the consultation responses received.**

Stowupland Parish Council- Object to the proposal on the following grounds;

- The Parish Council feel that the proposed development is too large for the village, it is in the wrong location and the proposed development is unsustainable.
- It is clear that the applicant's intention by submitting this application for development adjacent to that proposed within application no. 5024/16 is to gain permission for some 143 dwellings which would cause even greater harm than the original application on its own.
- With the move from three tiers to two the village has experienced additional traffic movements at both schools. If this development is allowed the result at peak time will be people from the new development driving their children to any primary school with spare capacity and to Stowmarket High School at the same time as pupils walking, or cycling are being driven to the two village schools.
- This amount of development will have a big and detrimental impact on the social infrastructure of the village.
- The reality is that most will commute outside the village and the area to work and most of these trips will be by car, many via the already congested A1120/B1115 junction.
- This proposed development will be in addition to the planned growth set out in the SAAP, and therefore the additional population will place an unsustainable demand on health care provision and other services and facilities (including leisure) in the Stowmarket area.

- Traffic from this development will have a detrimental impact on the whole village.
- The application shows the one access to the proposed site crossing the pedestrian/cycle route. This length of the route was constructed as part of the safer route to school from Cedars Park and any vehicular access across it is a potential danger to pedestrians and cyclists, many of whom are of school age.
- A development of such a large area will result in loss of residential amenity for those living close to it; and a loss of visual amenity to all residents of the village, particularly walkers, riders, runners, and all who use the footpaths near the site.
- The village would lose its identity. The gap between Stowupland and Stowmarket is important.
- The housing layout is urban in nature, totally unsympathetic to its rural location.
- The proposal is in the countryside outside the settlement boundary for Stowupland and it is contrary to extant policies from the 1998 Local Plan, Mid Suffolk's Core Strategy, the Core Strategy Focussed Review (CSFR), the Stowmarket Area Action Plan (SAAP), and does not comply with any of the exception criteria for development in the countryside set out in paragraph 55 of the NPPF.
- The views of across the valley stretching out to Old Newton, Haughley and Onehouse, and the groups of trees, hedgerows, and the remnants of ancient woodland will all be irrevocably damaged by this development.

Suffolk County Council – Highways – No objection subject to conditions and contributions secured through a Section 106 Legal Agreement.

Suffolk County Council – Public Rights of Way – No objection.

Suffolk County Council – Archaeology – No objection subject to conditions.

Suffolk County Council – Fire and Rescue – No objection subject to a condition.

Suffolk County Council – Flood and Water Management Team – No objection subject to conditions.

Suffolk County Council – Developer Contributions – A future bid to the District Council for CIL funds shall be made if planning permission is granted and implemented.

MSDC – Heritage – Comments that the proposal would cause less than substantial harm to a designated heritage asset because it would detract from the rural setting and character of the listed buildings on Thorney Green Road; the level of harm is considered modest.

MSDC – Strategic Housing – No objection.

MSDC - Environmental Health - Land Contamination – No objection.

MSDC - Environmental Health – Other Issues – No objection subject to conditions.

MSDC – Planning Policy – No comments received.

MSDC – Waste Services – No objection.

Suffolk Preservation Society – Objects to the scheme on grounds of coalescence between Stowupland and Stowmarket. Comments that the setting of heritage assets, in particular 28 Thorney Green Road and Oak Farmhouse, has now been assessed by the applicant more fully and concur that less than substantial harm will result from the development of the last remaining open land in these assets' setting.

Suffolk Wildlife Trust – No objection subject to recommendations and conditions.

Suffolk Constabulary – Designing out Crime Officer – Comments that they do not have the level of detail required to make comments in relation to 'designing out crime' for this outline application. However, recommend that the development should seek to achieve Secured by Design SBD New Homes 2016 accreditation.

Anglian Water – No objection.

NHS England – Comments that the proposal comprises a development of up to 58 residential dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

Ramblers Association – I have viewed this application and I am strongly against the development in that it will spoil the whole character and enjoyment of walking in this area.

Place Services – Landscape – No objection subject to recommendations.

Place Services – Ecology – No objection subject to a condition.

Natural England – No comments.

Environment Agency – No comments received.

Health and Safety Executive – No comments received.

Highways England – No objection.

Representations

6. Third party representations have been received, comments are summarised below;
- The increase in traffic arising from the development cannot be accommodated within the existing road network.
 - Highways safety issues would arise from the development.
 - Infrastructure including schools and healthcare facilities within Stowupland and the surrounding area is at capacity.
 - Development would lead to a loss of amenity to neighbouring properties.
 - Development would increase risk of flooding
 - Unacceptable levels of pollution, including light and noise would arise from the development.

- Insufficient sewage and drainage capacity to accommodate the development
- Harmful impact upon biodiversity.
- Noise and pollution from A14 would cause nuisance for future occupiers of the development.
- Development would be harmful to the landscape and countryside.
- Development is in an unsustainable location
- Proposal would represent unsustainable development
- Proposal is a greenfield site that should not be developed upon.
- Proposal would narrow the gap between Stowupland and Stowmarket resulting in a merger of the two settlements, giving rise to a loss of identity to the community of Stowupland
- Proposed development is out of keeping with the character of the area.
- Proposal represents an overdevelopment of the site.
- The cumulative impact arising from the proposal in combination with other development in Stowupland would be unacceptable.
- Proposal would result in a loss of views.
- No demand for further housing in Stowupland
- Proposal would lead to a loss of agricultural land
- Proposal is contrary to the Stowupland Neighbourhood Plan
- A poor bus service would serve development
- Proposal would provide no benefits to the local community
- More appropriate sites are available at Stowupland
- The necessary period of construction would be particularly dangerous in this location
- There is a lack of employment locally to serve future occupiers of the development
- Development would be harmful to the setting of Listed Buildings
- Proposal would add strain upon what are already poor utility services
- Proposal is contrary to the adopted Development Plan
- Proposal would put additional strain upon public transport
- The number of dwellings proposed is disproportionate to the existing number of dwellings in Stowupland
- Approval of the proposal would set a precedent for the development of other green field sites to the west of Stowupland
- Proposal would obstruct the Public Right of Way
- Harm to the enjoyment and experience of the Public Right of Way
- Development is in the countryside
- No landscaping proposed
- Proposed development is of a poor design
- Proposal would be served by good transport links and have good access to services and facilities
- Proposal would provide noise mitigation to the village
- Opportunity to provide low cost first time buyer housing and more substantial family homes

The Site and Surroundings

7. The proposal site comprises approximately 3.85 hectares of agricultural land on the western edge of the village of Stowupland. The site lies to the north of the B1115 and to the west of Thorney Green Road, existing residential development along Thorney Green Road lies opposite the site. The proposal site is bounded by the highway to the south and east and a public right of way to the north and west. The proposal site is located within The Countryside; however, lies opposite the settlement boundary of Stowupland.

8. A parcel of agricultural land to the north of the proposal site, in the same land ownership, is subject to a current planning application under reference 5024/16. The application is for outline planning permission with all matters reserved for the erection of up to 85 dwellings.
9. The applicant has confirmed that the two proposals would be developed in combination, incorporating a shared point of access from the B1115, areas of open space and landscaping, as indicated through the illustrative layouts submitted. Furthermore, a basic phasing plan has been submitted, identifying this proposal as the first phase and 5024/16 as the second phase of the residential development.
10. Officers consider that whilst the two proposals form separate applications and therefore to be considered on their own merits, due to the relationship identified between the two sites and that it remains feasible that both schemes are brought forward, the two applications should also be considered in combination, with cumulative impacts assessed where relevant.
11. The proposal submitted under application 5024/16 forms a separate item to be heard at this Planning Committee. The Officers recommendation is one of approval, however, as detailed in the accompanying report, this is subject to a grant of planning permission on this application and completion of a joint Section 106 Legal Agreement, including details of a Phasing Plan of how development will be delivered across the two sites.

The Proposal

12. This application seeks outline planning permission for the erection of up to 58 dwellings. Access is included as part of the application and proposed from the B1115, whilst the matters of appearance, landscaping, layout, and scale remain reserved. In the event that outline planning permission is granted, these reserved matters would be the subject of a future application.
13. The application was subject to an amendment, reducing the maximum quantum of development from 75 dwellings to 58. The applicant amended the quantum of development as to enable the provision of areas of additional open space.
14. The application was subject to the submission of additional information, including the following;
 - Archaeological Evaluation Report
 - Updated Heritage Statement
 - Phase 1 Contamination Report
 - Additional Flood Risk & Drainage Information
 - Amended Site Location Plan
 - Amended Indicative Layout Drawing
 - Landscape and Visual Impact Appraisal
15. The applicant has agreed to enter a joint Section 106 Legal agreement, securing obligations where required for this application and application reference 5024/16. Given the relationship identified and phased approach to development across the two sites, Officers consider a joint Section 106 Legal Agreement is appropriate.

NATIONAL PLANNING POLICY FRAMEWORK

16. 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.
- Para 6: Achieving sustainable development
 - Para 7: Three dimensions to sustainable development
 - Paras 11 – 15: The presumption in favour of sustainable development
 - Para 17: Core planning principles
 - Paras 32 and 34: Transport movements
 - Para 47: Delivering a wide choice of high quality homes (including the need to have a 5 year deliverable supply of housing)
 - Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.
 - Paragraph 55: To promote sustainable development in rural areas.
 - Paras 56 & 60: Requiring good design
 - Para 64: Development of poor design must not be supported.
 - Para 69: Promoting healthy communities
 - Para 70: Delivery of social, recreational and cultural facilities that the community needs.
 - Para 72: Provision of school places.
 - Para 73: Access to high quality open space.
 - Para 75: Protection and enhancement of public rights of way.
 - Para 100: Development and flood risk
 - Para 103: Development and increasing flood risk elsewhere
 - Para 109: Planning system should contribute to and enhance the natural and local environment.
 - Paras 112 & 117–119: Development affecting protected wildlife
 - Para 123: Planning and noise.
 - Para 125: Planning and darker skies.
 - Paras 128 & 129: Describing the significance of a designated heritage asset.
 - Para 131: Determining planning applications that affect heritage assets.
 - Para 132: Significance of heritage assets.
 - Para 134: Development and less than substantial harm
 - Para 186: Approaching decision taking in a positive way.
 - Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.
 - Para 196: Plan led planning system.
 - Para 197: Assessing and determining application applying the presumption in favour of sustainable development.
 - Paras 203 -206 – Planning conditions and obligations.
 - Paras 211 - 212: Using development plans and the NPPF in decision making.
 - Paras 214 – 215: The weight attached to development plan policies having regards to their consistency with the NPPF.
 - Para 216 – Weight given to policies in emerging plans

CORE STRATEGY

17. Summary of relevant policies Core Strategy 2008 and Core Strategy Focused

Review:

- Policy FC1: Presumption in favour of sustainable development.
- Policy FC1.1: Mid Suffolk's approach to delivering sustainable development
- Policy FC2: Provision and distribution of housing.
- Policy CS1: Settlement hierarchy
- Policy CS2: Development in the countryside & countryside villages
- Policy CS4: Adapting to climate change.
- Policy CS5: Mid Suffolk's environment
- Policy CS6: Services and infrastructure
- Policy CS8: Provision and distribution of housing
- Policy CS9: Density and mix

STOWMARKET AREA ACTION PLAN

18. Summary of relevant policies Stowmarket Area Action Plan 2013:

- Policy 4.1: Presumption in favour of sustainable development
- Policy 4.2: Providing a landscape setting for Stowmarket
- Policy 6.1: Housing and Waste Storage
- Policy 6.4: Development in the villages
- Policy 8.1: Developer contributions to a sustainable transport network
- Policy 9.5: Historic Environment
- Policy 10.3: Improving the quality of open spaces
- Policy 11.1: Developer contributions to infrastructure delivery

SAVED POLICIES IN THE LOCAL PLAN

19. Summary of saved policies in the Mid-Suffolk Local Plan adopted June 1998:

- Policy GP1: Design and layout of new developments
- Policy HB1: Protection of historic buildings
- Policy HB14: Ensuring that Archaeological remains are not destroyed
- Policy H7: Restricting housing development unrelated to the needs of the countryside
- Policy H13: Design and layout of development
- Policy H15: Development to reflect local characteristics.
- Policy H16: Protecting existing residential amenity
- Policy H17: Keeping residential development away from pollution
- Policy CL8: Protecting wildlife
- Policy CL11: Retaining high quality agricultural land
- Policy T9: Parking standards
- Policy T10: Highway consideration in developments
- Policy RT4: Amenity open space and play areas within residential development
- Policy RT12: Footpaths and bridleways

NEIGHBOURHOOD PLAN

20. Stowupland Parish Council are preparing a Neighbourhood Development Plan. The Planning Practice Guidance confirms that an emerging neighbourhood plan may be a material consideration. Factors to consider include the stage of preparation of the plan. The plan in this instance is at an early stage, with consultation on the designated Neighbourhood Plan Area completed, however, a draft Plan is yet to be

submitted for formal consultation. Given that the Plan remains at this early stage of preparation, Officers consider it should be given limited weight in the determination of this application.

Officer's Assessment

21. 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.

Housing Land Supply

22. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
23. 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 (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
24. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, as defined above.
25. In accordance with Planning Practice Guidance (PPG) paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that *'...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of*

housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'

26. The Council adopted its Core Strategy Focussed Review in December 2012 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
27. A summary of the MSDC 5 year land supply position is:
- Core Strategy based supply for 2017 to 2022 = 3.9 years
 - SHMA based supply for 2017 to 2022 = 3.9 years
28. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*
29. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight recommended to be applied to the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal

30. Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The Countryside is identified as the areas outside of those categories of settlement referred to above.
31. Policy CS2 of the Core Strategy restricts development in The Countryside to defined categories, including, rural exception housing, consisting of the following;

- agricultural workers dwellings
 - possible conversion of rural buildings
 - replacement dwellings
 - affordable housing on exception sites
 - sites for Gypsies and Travellers and travelling showpeople
32. Policy H7 of the Local Plan seeks to restrict housing development in The Countryside in the interests of protecting its existing character and appearance.
 33. The proposal site is located in The Countryside, where Policy CS1 and CS2 of the Core Strategy states that only development for rural exception housing will be permitted. The proposal does not represent rural exception housing for the purposes of the Core Strategy, whilst remaining inconsistent with Policy H7 of the Local Plan.
 34. Policy CS1 and CS2 of the Core Strategy and H7 of the Local Plan form part of a suite of policies to control the distribution of new housing, they can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that these policies should be afforded limited weight as they restrict housing development in the countryside to exception housing.
 35. In this case, despite its location within The Countryside, Officers consider the proposal when assessed against the NPPF, is a sustainable location due to the accessibility of services and facilities, including by sustainable modes of transport, as detailed below, thereby is acceptable in principle.
 36. The dimensions of sustainable development, in the context of the proposed development, are assessed in detail below.

Economic

32. The provision of up to 58 dwellinghouses will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy.

Social

Provision of New Housing

33. The development would provide a significant benefit in helping to meet the current housing shortfall in the district through the delivery of up to 58 additional dwellings, including 20% affordable housing provision.
34. The matter of the sustainability of the site in terms of access to local services and facilities is discussed further below.

Environmental

Access to Services and Facilities

35. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising 'housing should be located where it will enhance or maintain the vitality of rural communities', and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
36. The site is located in The Countryside, however, given that the site lies opposite to the Stowupland settlement boundary, Officers consider the site is related to the settlement geographically and in its dependency upon services/facilities.
37. Stowupland is served by some services and facilities, including a church, primary and high school, a petrol garage with a small shop, two pubs, two food takeaways, a butchers and a sports and social club.
38. The reasonable access to services and facilities is reflected in Stowupland being designated a 'Key Service Centre' in the Core Strategy settlement hierarchy, the main focus for development outside of the towns. However, whilst the settlement is served by some services and facilities, it is reasonable to suggest that journeys out of the village would be a requirement for the majority of residents in order to access many day-to-day services.
39. The nearest settlement offering a reasonable degree of services and facilities to meet every day needs of future occupiers is the town of Stowmarket, situated approximately 0.7 miles from the proposal site.
40. A bus service is available that connects Stowupland to Stowmarket and Bury St Edmunds. The service to Stowmarket operates hourly between approximately 7:00 and 17:00, with the final bus at approximately 19:00 Monday to Saturday. There are existing bus stops on Thorney Green Road and the B1115, approximately 0.1 miles from the site.
41. An existing footpath lies on the northern side of the B1115 and along Thorney Green Road, connecting the site to the existing footpath network and thus, those services within Stowupland and Stowmarket. It is also noted that a public right of way running the northern and western boundary of the site provides a connection to the services within Stowmarket.
42. Given the above, Officers consider the proposal is located as to enable future occupiers access to services and facilities within Stowupland and Stowmarket, whilst alternative methods of transport opposed to the private car offer a sufficiently attractive alternative for occupiers of the proposed accommodation, consistent with the environmental and social dimensions of sustainable development contained within the NPPF.

Impact on the Landscape

43. Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

44. The Stowmarket Area Action Plan (SAAP) recognises the important contribution made to the character of the villages surrounding Stowmarket, including Stowupland, by the open farmland between them and the existing edge of the town. Paragraph 6.38 of the SAAP states that the Council will require an acceptable level of separation between Stowmarket and the surrounding villages, whose character and appearance should be safeguarded through the application of good design and landscape design principles.
45. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
46. A Landscape and Visual Impact Appraisal has been submitted by the applicant in support of the application.
47. The landscape of the proposal site is not designated in any way and is not subject to the protection afforded in the NPPF to National Parks or Areas of Outstanding Natural Beauty. In addition, the site is not a locally designated Special Landscape Area.
48. The Suffolk Landscape Character Assessment defines the site and surrounding area as part of the Ancient Plateau Claylands landscape. Key characteristics identified include a flat or gently rolling arable landscape dissected by small river valleys; a dispersed settlement pattern of loosely clustered villages; scattered ancient woodland parcels and hedgerow with hedgerow trees.
49. The proposal site comprises a parcel of gently undulating, open agricultural land, with hedgerow and hedgerow trees to the sites southern and western boundaries. The western side of Thorney Green, on which the proposal site sits, is subject to residential development, albeit to the north, and residential properties lie immediately opposite the site.
50. Whilst the introduction of the dwellings would extend development into the countryside, Officers consider the proposal buildings would be mostly seen in the context of existing, relatively dense residential development along Thorney Green Road. Furthermore, whilst development would most likely remain visible, the incorporation of areas of open space and planting, to be agreed at reserved matters stage, would significantly help in reducing the level of visibility and harm to landscape character.
51. As identified by the Stowmarket Area Action Plan an acceptable level of separation between Stowmarket and the surrounding villages should be maintained. The development would inevitably narrow the gap between the settlement of Stowupland and Stowmarket, however, Officers identify the western edge and south western corners of the site as the most sensitive area in this regard. Furthermore, the proposed residential development could be situated and combined with areas of open space and planting to ensure an acceptable level of separation is maintained between the two settlements.
52. The Councils Landscape Consultant has reviewed the application and accompanying Landscape and Visual Impact Appraisal and has identified the Appraisal has been

produced to the appropriate guidance and includes mitigation measures which are appropriate and should be used to inform and influence any detailed future development layout of the site. The consultant concludes that the proposal will inevitably have an impact on the existing rural edge character of Stowupland and that the main development constraint in this instance is the requirement to ensure an acceptable amount of separation between Stowmarket and Stowupland remains.

53. The Landscape Consultant sets out a number of recommendations including;
 - a landscape strategy to establish adequate separation between Stowupland and Stowmarket
 - a detailed green infrastructure plan which demonstrates how the proposals link with the residential and movement network, in order to create an appropriate public realm and provide suitable levels of amenity space.
 - a detailed landscape planting plan, landscape maintenance plan and specification.
 - a detailed boundary treatment plan and specification.
54. Officers recommend the above be secured by way of condition and where appropriate, incorporated into the application for the approval of reserved matters
55. Further to the above, Officers recommend a condition requiring details of external lighting, in order to mitigate the impact of lighting on the surrounding countryside.
56. Officers consider it is axiomatic that the introduction of development to an otherwise undeveloped parcel of agricultural land would cause a harmful impact upon the landscape, attributed to the inevitable urbanising effect of development. Thus, Officers find that the proposal would result in a degree of harm to the existing landscape quality conflicting with Policy CS5 of the Core Strategy and paragraph 109 of the NPPF.
57. However, given the landscape qualities and characteristics of the area identified, measures that can be incorporated and agreed at reserved matters stage and those conditions recommended, Officers consider the impact of the proposal on the landscape could be mitigated, giving rise to a degree of harm to the landscape that would not be significant.
58. As identified previously within this report, a field to the north of the proposal site is subject to a current planning application under reference 5024/16 for outline planning permission with all matters reserved for the erection of up to 85 dwellings.
59. The Landscape and Visual Impact Appraisal submitted in support of that application considers the landscape impact arising from both sites.
60. Officers can confirm that the Councils Landscape Consultant has reviewed the submitted documents and provided comments on application 5024/16, similarly raising no objection to the proposal and outlining a number of recommendations.
61. Officers consider that whilst the two application sites would combine to represent a more significant extension into the countryside, development of the site under

application 5024/16 similarly would be mostly seen in the context of existing residential development and viewed as a continuation of existing residential properties on the western side of Thorney Green Road. Furthermore, the incorporation of areas of open space and planting on the site, to be agreed at reserved matters stage, would further help in reducing the level of visibility and harm to landscape character.

62. With regard to maintaining the acceptable level of separation between Stowmarket and Stowupland, Officers find that the site under application 5024/16, due to its position with respect to the built form of Stowmarket, is less sensitively located, whilst again areas of open space and planting could be incorporated to ensure an acceptable level of separation is maintained between the two settlements.
63. Given the above Officers consider that the cumulative landscape impacts are not such that significant harm to the landscape would arise.

Design and Impact upon the Character and Appearance of the Area

64. Policy CS5 requires development to be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
65. Policy CS9 of the Core Strategy seeks average densities of at least 30 dwellings per hectare unless there are special circumstances that require a different treatment
66. Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
67. Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
68. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development
69. The built form of the area includes both linear residential development extending along Thorney Green Road and 'close/cul-de-sac' type development, including at Chestnut Close and Marshalls Meadow. As such, the principle of a 'close' type development, served by a single point of access, as per the illustrative layout, would not be out of keeping with the form of the locality.
70. The application proposes new housing at a density of approximately up to 15 dwellings per hectare (dph). Whilst the proposed density falls below that sought under Policy CS9, the proposed quantum of development would enable the inclusion of open space and landscaping to allow separation from the edge of Stowmarket and neighbouring heritage assets, as identified in this report. Officers thereby consider the proposal represents a special circumstance for the purposes of Policy CS9.
71. Officers recommend a condition securing an Energy Strategy, setting out how the

development will secure energy efficiency and sustainability standards. Officers consider the condition, as requested, can ensure suitable sustainability measures are incorporated into the proposal.

72. The application is in outline only with appearance, landscaping, layout and scale remaining reserved. However, given the above, Officers consider that the site, in principle is capable of providing the proposed number of dwellings, having regard to the constraints of the site, and in manner which would not materially detract from the character of the area.

Impact Upon Heritage Assets

73. Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings
74. Policy 9.5 of the Stowmarket Area Action Plan seeks to protect the historic the historic environment of Stowmarket and surrounding villages.
75. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
76. Where policies are out of date, paragraph 14 of the NPPF says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies indicate development should be restricted. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.
77. Paragraph 129 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
78. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
79. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
80. English Heritage (now Historic England) (HE) guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Heritage significance can be harmed through development within setting.

81. The Councils Heritage Officer has identified that the proposal would potentially affect the following heritage assets: Poole's Farmhouse (Grade II Listed Building), 28 Thorney Green Road (Grade II Listed Building) and Oak Farmhouse (Grade II Listed Building), and Thorney Green (an undesignated historic green).
82. The Heritage Officer considers that the proposal would not materially harm the setting and significance of Poole's Farmhouse, similarly, the perception and appreciation of Thorney Green itself would not be affected. However, they identify that 28 Thorney Green Road and Oak Farmhouse historically belong together as a farmhouse and a detached service building ('backhouse') and should properly be regarded as an isolated roadside farmstead. The effect of the proposal would be to compromise the remaining connection between the listed farmhouse and its associated backhouse and their rural surroundings. The Heritage Officer concludes that since the proposal would further erode this contribution, harm to significance is considered modest, that is between medium and low.
83. In conclusion, Officers consider the proposed scheme would lead to a degree of harm to the settings of heritage assets at 28 Thorney Green Road and Oak Farmhouse that is modest, conflicting with the aims of Core Strategy Policy CS5, Local Plan policy HB1 and SAAP policy 9.5. The degree of harm that would occur falls well within the category of 'less than substantial harm' as set out in paragraph 134 of the NPPF. Officers find that considerable importance and weight should be attached to this harm.
84. In identifying 'less than substantial harm' paragraph 134 of the NPPF engages, requiring the harm to be weighed against the public benefits of the proposal.
85. In this instance, the public benefits of the proposal are considered to include the following:-
 - Delivery of up to 58 no. dwellings, that would have inherent social and economic benefits and would meet housing need and delivery of economic growth.
 - An affordable housing provision of 20% on site units.
 - Public open space delivery.
 - Infrastructure contributions including improvements to Public Rights of Way.
86. It is considered that in combination these public benefits are sufficient to outweigh the potential 'less than substantial harm' to the designated heritage assets identified, even when considerable importance and weight is given to the desirability of preserving those relevant designated heritage assets.
87. Further to the above, the Heritage Officer has identified development of the site under application 5024/16, deeming it appropriate to address the potential for cumulative impact upon Heritage Assets. The Officer finds that the harm arising from that proposal is considered moderate, however as the combined impact would remove all rural context for 28 Thorney Green Road and Oak Farmhouse, apart from a modest

undeveloped area, cumulative harm would be considered above moderate.

88. Suffolk Preservation Society have provided comments and identify the cumulative impact of the proposals would give rise to less than substantial harm from the development of the last remaining open land in these assets' setting.
89. Again, Officers concur with the findings of the Councils Heritage Officer and Suffolk Preservation Society with respect to cumulative harm, finding the harm to fall within 'less than substantial', albeit above moderate.
90. As such Officers deem it necessary to assess the cumulative harm to the Heritage Assets' in line with paragraph 134 of the NPPF.
91. The public benefit of this proposal when considered cumulatively with the adjacent site, which will also deliver additional houses, including affordable, public open space and infrastructure improvements, it is considered that the cumulative benefits of both schemes outweigh the 'less than substantial' harm that the proposals will have on the heritage assets identified.
92. The Heritage Policies within the NPPF do not therefore indicate that the development should be restricted in this instance.

Residential Amenity

93. Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents.
94. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.
95. Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
96. The application is accompanied by a Noise Assessment, considering traffic noise from the A14 dual carriageway and B1115 which leads into Stowupland.
97. The Councils Environmental Protection Team raises no objection to the proposal subject to conditions ensuring internal and external noise levels being met and a Construction Management Plan.
98. The application is in outline only and therefore the layout plan submitted is for illustrative purposes. However, Officers consider, at this stage, that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity of future occupiers of the proposal and neighbouring properties. Conditions securing a scheme of noise mitigation measures as to ensure suitable noise levels are met and details of a Construction Management Plan are recommended.

Highway Safety

99. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the

provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles.

100. The Policy is supplemented by Policy T9 of the Local Plan, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district.
101. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
102. The proposal is to be accessed from the B1115.
103. The Local Highway Authority raises no objection to the proposal subject to conditions, including the provision of improvements to the junction of the A1120 and B1115, including kerb alignment and carriageway widening and widening of footway on the western side of Thorney Green Road. The land required to provide the improvements is within the adopted highway, it is thereby considered to be reasonable to secure the improvements by way of condition.
104. This consultation response formed the main material consideration in determining the impact of the proposal on highways safety. Officers thereby consider the proposal to be acceptable in this regard.
105. The Local Highway Authority have confirmed that in assessing the proposals impact upon the highway, the cumulative impact arising from other developments including development proposed under application 5024/16 and an approved application for outline planning permission, under planning reference number 3112/15, for the erection of 175 dwellings at Land Between Gipping Road and Church Road Stowupland have been considered.

Public Right of Way

106. Policy RT12 of the Local Plan seeks to safeguard the footpath and bridleway network and, where appropriate, will support proposals to secure its improvement and modification, including extensions and extinguishments.
107. Paragraph 75 of the NPPF seeks to protect and enhance public rights of way and access.
108. As identified previously within this report, a public right of way lies to the north and west of the proposal site. Officers recommend an obligation is secured for rights of way improvements to Public Footpaths 31 and 57, this is covered in greater detail in paragraph 144-147 of this report.
109. Suffolk County Council Right of Way and Access raise no objection to the proposal with respect to impact upon public rights of way, Officers thereby consider the proposal to be acceptable in this regard.

Flood Risk

110. The proposal site lies within Floodzone 1 of the Environment Agency flood mapping, where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year.
111. Further to the above, the Suffolk County Council Flood and Water Management Team raise no objection to the proposal subject to details of surface water drainage and sustainable urban drainage secured by condition. Officers consider the conditions suitably address matters of possible flood risk and drainage at this outline stage.

Land Contamination

112. The application is supported by a Phase 1 Contaminated Land Survey.
113. The Councils Environmental Protection Team have reviewed the information and raises no objection to the proposal with respect to risks associated with potentially contaminated land. Officers consider the proposal is thereby acceptable in this regard.

Archaeology

114. Suffolk County Council Archaeological Service have identified that the site lies within an area of archaeological interest, as recorded in the County Historic Environment Record. No objections to the proposal are raised, however planning conditions securing a programme of archaeological work are requested. This consultation response formed the main material consideration in assessing risks associated with archaeological assets. Officers consider the conditions suitably address matters of archaeology at this outline stage.

Trees

115. Officers consider that the site does not contain any trees of arboricultural significance.
116. However, as identified within this report, landscaping and planting would be required to help mitigate the landscape impact of the development. Furthermore, due to the location of those existing trees to the sites periphery, there appears an opportunity to incorporate and retain existing trees where possible.
117. Officers thereby recommend a condition securing a soft landscaping scheme, which shall include identification of existing trees and planting, those to be retained and tree protection measures to be implemented during the construction phase of development.

Biodiversity

118. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
119. Suffolk Wildlife Trust raise no objection to the proposal, however make a number of recommendations, including compensation for Skylark and measures to enhance biodiversity wherever possible.
120. Further to the above, the Councils Ecology Consultant confirmed the requirement of a skylark mitigation strategy that can be secured by way of condition.

121. Officers thereby recommend conditions securing a skylark mitigation strategy, a scheme of ecological enhancement measures and that the recommendations made within the submitted ecological survey report are implemented in full. Officers consider the conditions suitably address matters of biodiversity at this outline stage.

Loss of Agricultural Land

122. Paragraph 112 of the NPPF states that local authorities should take into account the economic and other benefits of the best and most versatile agricultural land when making planning decisions. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in preference to that of higher quality land.
123. The Agricultural Land Classification of England and Wales provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long- term limitations on agricultural use. Land is graded on a scale of 1-5, with Grade 1 deemed excellent quality and Grade 5 deemed very poor quality agricultural land.
124. The application site is a predominately Grade 2 and partially Grade 3 agricultural land. However, in reviewing the agricultural land classifications for Mid Suffolk, the majority of the land within the district is classified as Grades 2 and 3, with limited land in the lower categories. Accordingly, Officers thereby consider there to be limited poorer quality land available that would represent a preferable location.
125. Nonetheless, the proposal would give rise to the loss of agricultural land and thus give rise to a degree of harm in this regard. However, Officer consider as the district is predominantly rural in character, it is considered that the loss of this parcel of agricultural land either on its own or considered cumulatively with the neighbouring site submitted under application 5024/16, will give rise to limited harm.

Other Matters

Affordable Housing Provision

126. Altered Policy H4 of the Local Plan seeks an affordable housing provision of 35% of total units.
127. The application proposes affordable housing provision at 20%.
128. Paragraph 173 of the NPPF states the following:
129. “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 development to be deliverable.”
130. The PPG states that where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. A site is viable if the value generated by its development exceeds the costs of developing it and also

provides sufficient incentive for the land to come forward and the development to be undertaken.

131. Where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that the planning obligation would cause the development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations.
132. In this instance the applicant has submitted evidence which has been assessed by the Council's own viability consultant. It has been demonstrated to the satisfaction of Officers that the scheme cannot be viewed as being viable and deliverable where a requirement for 35% affordable housing is rigidly held. On site affordable housing provision of 20% has been agreed and although contrary to policy, Officers consider the reduction in affordable housing is necessary to ensure that this development is both viable and capable of delivery.
133. It is therefore considered that the proposal, with a reduced level of affordable housing, should not be considered as unacceptable in this respect. Officers recommend affordable housing be secured through a Section 106 legal agreement.

Open Space

134. The proposal shall include the provision of areas of open space, including public open space. It is recommended that details of the provision and future management and maintenance of open space be secured through a Section 106 legal agreement.

CIL and Planning Obligations

135. The Community Infrastructure Levy is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.
136. Mid Suffolk District Council adopted a CIL Charging Schedule On 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016. Mid Suffolk are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.
137. The current Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:
 - Provision of passenger transport
 - Provision of library facilities
 - Provision of additional pre-school places at existing establishments
 - Provision of primary school places at existing schools
 - Provision of secondary, sixth form and further education places
 - Provision of waste infrastructure
 - Provision of health facilities
138. With particular regard to education provision, Suffolk County Council forecast that

there will be no surplus places available at the catchment primary or secondary schools to accommodate children arising from the proposal. CIL funding will therefore be sought.

139. The information below would form the basis of a future bid from Suffolk County Council to the District Council for CIL funds if planning permission is granted and implemented. This will be reviewed when a reserved matters application is submitted.
 - Primary School Provision - £12,181 (per place)
 - Secondary School Provision, age range 11-16 - £18,355 (per place)
 - Secondary School Provision, age range 16+ - £19,907 (per place)
 - Libraries - £216.00 (per dwelling)
140. NHS England have confirmed that two GP practices, Combs Ford Surgery and Stowhealth fall within the 2km catchment of the proposed development. The GP Practice does not have capacity for the additional growth resulting from this development. Therefore, a developer contribution towards the capital funding to increase capacity within the GP catchment area would be sought to mitigate the impact. A Capital Cost Calculation for additional primary healthcare arising from the development proposal would form the basis of a future bid to the District Council for CIL funds.
141. The above are considered to fall within the Councils CIL 123 list. As such, these infrastructure improvements should be dealt with by a future bid for CIL funds.
142. Further to the Community Infrastructure Levy, developers may be asked to provide contributions for infrastructure by way of planning obligations.
143. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations, including where tariff style charges are sought, may only constitute a reason for granting planning permission if they meet the tests, as set out in The Community Infrastructure Levy Regulations 2010 and reiterated in the NPPF. The tests comprise the following:
 - that they are necessary to make the development acceptable in planning terms,
 - directly related to the development,
 - and fairly and reasonably related in scale and kind.
144. Suffolk County Council have set out requests for Planning Obligations to be secured through a Section 106 Legal Agreement. Comprising the following offsite improvements to the public rights of way network;
 - Public Footpath 31: A section to be levelled and improved which is currently a steep narrow slope - £400.00
 - Public Footpath 57: Clearance of overgrowth, replace steps and tarmac a 2m strip at the top of the steps - £1,800.00

- Public Footpath 57: Replace the concrete steps over metal crash barrier with wider, deeper steps - £1,500.00

- Upgrade Public Footpaths 29, 31 and 58 to bridleway status – Public Path Order £4,000.00.

- Compensation to landowners where public footpath are upgraded to bridleway (increase in route width), approx. cost £1,400.

The subtotal of these works, including staff time and contingency is calculated at £11,102.00.

145. Officers consider that occupiers of the proposed development are likely to utilise footpaths 31 and 57 in accessing services and facilities within Stowmarket and Stowupland by foot. The improvements to public rights of way 31 and 57, as proposed, are deemed to meet the tests for obligations set out in The Community Infrastructure Levy Regulations.
146. However, public footpath 29 and 58 form part of a wider footpath network that access the surrounding countryside and Stowmarket via a more extended route. With respect to the proposed bridleway upgrades, Officers consider existing cycle connectivity to Stowmarket is acceptable. These improvements thereby fail to meet the tests as they are not necessary to make the development acceptable in planning terms and should not be sought through a planning obligation.
147. In conclusion, Officers recommend the rights of way improvements to Public Footpaths 31 and 57, at a cost of £4514 (including staff time and contingency) be secured through a Section 106 Legal Agreement.

PART FOUR – CONCLUSION

Planning Balance

148. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. 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 (as stated in paragraph 49 of the NPPF).
149. Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
150. In this instance there are restrictive policies relating to designated heritage assets that should be considered. Paragraph 129 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

151. Officers find that the proposed scheme would lead to 'less than substantial harm' to the settings of heritage assets at 28 Thorney Green Road and Oak Farmhouse.
152. Paragraph 134 of the NPPF states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
153. Officers have applied the balance required by Paragraph 134 of the NPPF. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, even when that harm is given considerable importance and weight, satisfying Paragraph 134.
154. Officers conclude that these specific policies do not indicate development should be restricted. Therefore, the proposal in this instance, should proceed to be determined in accordance with the presumption in favour of sustainable development.
155. The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.
156. In this case the adverse environmental impact, associated with harm to the landscape arising from the introduction of development to an otherwise undeveloped parcel of agricultural land, loss of agricultural land and harm to the setting of designated heritage asset, does not significantly and demonstrably outweigh the benefits of the development, including the significant benefit in helping to meet the current housing shortfall in the district. The proposal would thereby represent sustainable development and should be granted in accordance with the presumption in favour of sustainable development.
157. The application is therefore recommended for approval.

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

158. 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.
159. In this case The Local Planning Authority requested the applicant reduce the quantum of development to enable the provision of areas of open space as to maintain separation between the settlements of Stowmarket and Stowupland.

Identification of any Legal Implications of the decision

160. It is not considered that there will be any adverse Legal Implications for planning consideration should the decision be approved.
161. 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

- (1) That the Corporate Manager for Growth and Sustainable Planning be authorised to secure a planning obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:-
 - 20% Affordable Housing
 - £4514 Rights of Way Improvements
 - Details of provision, future management, and maintenance of open space, including public open space.

- (2) That, subject to the completion of the Planning Obligation in Resolution (1) above, the Corporate Manager for Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including: -
 - Time limit for reserved matters (standard)
 - Definition of reserved matters
 - Approved plans
 - Quantum of residential development fixed to a maximum of 58 no. dwellings
 - Details of external facing materials
 - Proposed levels and finished floor levels details
 - Energy Statement
 - Details of noise mitigation measures
 - Details of surface water drainage scheme
 - Programme of archaeological investigation and post investigation assessment
 - Fire hydrant provision details
 - Details of external lighting
 - Details of ecology enhancement measures
 - Details of Skylark Mitigation Strategy
 - Development to be completed in accordance with Ecology Report recommendations
 - Hard landscaping scheme (including boundary treatments and screen/fencing details)
 - Soft landscaping scheme (including identification of existing trees, planting, tree protection measures, landscape management and maintenance)
 - Details of scheme to improve the junction of the A1120/B1115
 - Details of footway widening
 - Details of street lighting
 - Details of the proposed access
 - Parking, maneuvering, and cycle storage details

- Details of a construction management plan
- Details of the areas to be provided for storage of refuse/recycling
- Deliveries Management Plan
- Details of estate roads and footpaths
- Construction of carriageways and footways
- Residents Travel Information Pack

(3) That, in the event of the Planning Obligation referred to in Resolution (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 the development plan and national planning policy.