

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 17 February 2016

AGENDA ITEM NO	4
APPLICATION NO	3308/15
PROPOSAL	Erection of 97 dwelling houses and apartments, associated roads, car parking, public open space and landscaping including vehicle access from Wagtail Drive and cycleway access from Stow upland Road.
SITE LOCATION	Phase 6C Cedars Park, Stowmarket
SITE AREA (Ha)	2.96
APPLICANT	Crest Nicholson Eastern
RECEIVED	September 14, 2015
EXPIRY DATE	December 16, 2015

BACKGROUND AND UPDATE

1. This application was considered by Members on 20th January and deferred for a site visit that took place on 27th January. At Development Control committee on the 27th January the application be deferred to enable further negotiation with the applicant to address and explore

[a] issues and concerns regarding design and overlooking in the areas of Hill House Farm and Elizabeth Way

[b] the possibility of a cycleway connection onto Stow upland Rd

[c] enhance bats and biodiversity mitigation

[d] relocate construction / emergency access / cycleway onto meadow to safeguard the old lane

Following this committee resolution a further site meeting between your officers, Sue Hooton SCC Ecologist, Phil Watson SCC Landscape Officer and the applicant took place to consider the four issues raised and the addressed as follows:-

A) Considerations of resiting dwellings were considered, but given the levels of site this would potentially increase the extent of harm in terms of overlooking. Instead it is now proposed that all first floor windows towards the boundary would be relocated to the sides of the proposed dwellings. Further information on the levels, include addition drawings to better demonstrate the reduction of levels proposed will also be submitted.

B) This was explored on site and the applicant provided plans to demonstrate what could be achieved. However, to provide access in the form of a pedestrian path with or without cycleway at the least banked location would require a 15 metre wide gap to fulfill both highway and

disability requirements. The result would be a significant loss of tree belt (one third of the vegetation on the northwestern side of the site). To be more likely of regular use the location of the pedestrian/cycle access would want to be located further down the site, but this would be on far steeper land and require a far greater gap to be formed.

The conclusion has been that a new access point would create a significant gap and this would result in impact on the importance of this tree line for foraging and commuting of bats. The new pedestrian access potentially would result in highway issues not fully explored. On this basis it is not sought to pursue this possibility further.

C) The centre tree belt is to be retained and initially proposed play areas will not be located within the site. On visiting the site again, it was established that a formal pedestrian link within the trees should also be removed and accordingly any lighting pressure would also be removed. Amended details in respect of these areas will be prepared and specific management of this area for bats will be employed. Previously no management of these areas has taken place. The county ecologist remains satisfied at the level of mitigation proposed in response to the extent of trees loss due to development.

D) In terms of relocation of construction, emergency access and cycleway there are various options.

For example: A construction access could be a temporary track and could be located to the meadow instead of the old lane and the cycleway remain as proposed.

However, exploring this point further it was found due to the extent of ownership that any proposal or combination to place an access drive for any use and if temporary or permanent into the meadow would result in significant removal of the hedge that encloses the old lane adjacent to Stow upland Road. In addition there would be a risk of soil compaction of the meadow itself that would be harder to plant up if needed later on.

Instead the old lane represents the better option in terms of less disturbance of the existing hedge and has been explored further to ensure suitable widths are available for construction traffic and the trees/roots would be protected. At the same time if the old lane is used, there is nothing to stop early planting of the meadow for biodiversity interests.

It is accepted that the use of the old lane would temporary impact the occupier of Hill Farm in terms of construction traffic. Moving the construction access to the meadow would not mitigate this impact significantly as trees do not screen noise. Equally the construction access could be moved to be served through Wagtail Drive, but more residents would be affected during the construction phase should this be proposed. On balance given the temporary impact and management of

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construction times secured by condition, it is not considered that such impact on the Hill Farm as one householder would be sufficient to warrant refusal and alternatives would result in greater harm to amenity and biodiversity interests.

Notwithstanding the above, the option to move the construction access along with cycle lane, emergency access for a temporary or permanent arrangement to the meadow can be pursued and the applicant would accept this should members wish to pursue this further. A condition to secure this means of access and secure final details could be sought.

In respect of the positions reached in respect of A to D above additional details are expected for presentation at committee. The following report has been updated in respect of the positions taken above.

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

- (1) it is a "Major" application for:-
 - a residential land allocation for 15 or over dwellings

PRE-APPLICATION ADVICE

2. Pre application advice was given in respect of this site.

SITE AND SURROUNDINGS

3. The site is on the western side of Cedars Park and is enclosed by residential development on three sides.

To the north east and south west, the existing houses on Stow upland Road and Elizabeth Way formerly stood on the edge of farmland but are now surrounded by new residential development. To the North is Norton House adjacent to the site and this is a Grade II Listed Building.

Access to the site is proposed from the east via Wagtail Drive, through Phase 6b (recently completed by Bovis Homes) and from the main roundabout on Mortimer Road (B1115). To the west is the Charles Industrial Estate, containing a number of small scale employment units – although most are two storeys tall, they are set below the level of the site and the ridges of their roofs do not stand above the ground level of the site. The northern part of the site is formerly agricultural use. The southern half of the site is unused and contains some mature trees. There is also a tree belt against Stow upland Road, marking the western edge of Cedars Park. The land slopes from north to south result in a significant change in level between the top of the site compare to the

southern boundary.

The site is within the Settlement Boundary of Stowmarket defined with the Local Plan and more up to date Stowmarket Area Action Plan 2013. The site is not defined as visually important open space, conservation area, county wildlife site or special landscape area. However, the site in part is identified as a Key Biodiversity Area under policy SAAP Policy 9.1 and associated plan.

HISTORY

4. There is no direct planning history relevant to the application site. There is extensive planning history for the Cedars Park Development, including adjacent developments of phases 6a and 6b.

PROPOSAL

5. The proposed development comprises the creation of 97 no. one, two, three and four bedroom houses and apartments, associated roads, car parking (including 210 allocated spaces and 25 visitor spaces), public open space and landscaping, plus vehicle access from Wagtail Drive and cycleway access from Stow upland Road. The development is essentially two storey mainly with a couple of three storey (eg rooms in roof) units.

The site is at the western end of what was the Strategic Development Area and is regarded as the final phase of residential development to be brought forward for Cedars Park.

Access is proposed through Phase 6b (developed by Bovis Homes between 2007 and 2012) and this was always planned to have access to further development when those applications were determined.

The layout includes the provision and completion of the cycleway link between Navigation Approach and Stow upland Road as well as footway.

The site is an area 2.96 hectares (7.31 acres) and would equate to a density of 32.8 dwellings per hectare.

POLICY

6. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

7. **Stowmarket Town Council (In full) (Same response repeated for revised layout to 97 dwellings)**

That the Town Council recommends refusal of the application on the following grounds:

- i) That, contrary to planning policy CL05, the proposed development will result in the loss of a woodland which features healthy mature ash trees;
- ii) That, contrary to planning policy CL08, the proposed development will result in the loss of an important habitat which supports a diverse range of wildlife;
- iii) That, contrary to planning policy GP1, the proposal will not respect the scale and density of surrounding development;
- iv) That, contrary to planning policy H13, the amenity of neighbouring residents would be affected by reason of overlooking;
- v) That, contrary to planning policy H13, the proposed dwellings would not have satisfactory access to the adjacent highway;
- vi) That, contrary to planning policy H16, the proposed development will materially reduce the amenity and privacy of existing adjacent dwellings;
- vii) That, contrary to planning policy SB2, the proposed development will adversely affect the privacy and amenity of neighbouring properties;
- viii) That, contrary to planning policy SB2, the proposed development will adversely affect road safety in the surrounding roads, including but not limited to: Eagle Close, Partridge Close, Phoenix Way, Siskin Street, Skylark Way and Wagtail Drive;
- ix) That, contrary to planning policy SB2, the proposed development will adversely affect an existing established wildlife area; and
- x) That the proposed development will fail to meet the following standards of planning policy T10:
 - a) the provision of safe access to and egress from the site;
 - b) the suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety; and
 - c) whether the amount and type of traffic generated by the proposal will be acceptable in relation to the capacity of the road network in the locality of the site.

The Town Council wishes to express, in the strongest terms, disappointment with this application which in its view represents overdevelopment of the site.

The proposed access/egress at Wagtail Drive is wholly unacceptable due to the increase in traffic which would be generated as a consequence of the creation of 102 dwellings. The proposal will lead to an exacerbation of

the current problems on Wagtail Drive and the surrounding roads which includes cars parked on footpaths and verges, pedestrian safety and issues of access for emergency vehicles and refuse vehicles.

The Town Council has a concern of the additional pressure that 102 dwellings would have upon current infrastructure; Cedars Park Community Primary School is already significantly oversubscribed and there is currently a strain on local health services including GP surgeries and dentist surgeries.

Suffolk Wildlife Trust (Summary)

The updated report includes details of all of the bat survey work undertaken at the site between April and September 2015. The bat survey employed at the site meets the requirements set out in the published best practice guidance¹ and we therefore have no further comment to make.

As acknowledged in the updated Phase 2 Ecological Survey report (section 4.7), the field boundaries; hedgerows; scattered trees and woodland on the site offer moderate value habitat for bats, particularly for foraging and commuting. It is therefore important that these habitats are protected from damage by the proposed development. Notes if not possible to maintain all existing vegetation on the site, an appropriate landscape planting scheme should be implemented which maintains the site's overall value for bats and notes this may require revision of dwelling numbers. We also note that the existing perimeter site boundaries will be fenced off from the proposed domestic gardens rather than being used to form their boundaries. We therefore have no further comment on this element of the proposal. Given the value of the site for bats, it also essential that a sensitive lighting strategy is implemented as a part of approved development (as per the recommendation made by the ecological consultant).

(Note: No further Wildlife Trust comment has been received for amended scheme with reduced dwelling numbers.)

MSDC - Environmental Health - Land Contamination

Many thanks for your request for comments in relation to the above application. I note that the applicant has not submitted the required information to demonstrate the suitability of the site for the proposed use.

In instances where we have large numbers of sensitive end uses we expect all applicants to submit a full Phase I investigation which conforms to BS10175 and CLR11. Without this information I would be minded to recommend that the application be refused on the grounds of insufficient information.

(Note: This has been submitted and a revised comment from EH is awaited. A verbal update will be given.)

Anglian Water (Summary)

Finds details submitted unacceptable, but recommends a condition for a drainage strategy to resolve issues identified.

Suffolk County Council - Highways (Summary)

The proposed access arrangements for Phase 6C are in accordance with the original master plan requirements and preceding developments were laid out with the Wagtail Drive extension in mind. Vehicular access onto Stow upland Road or the B1115 has always been discouraged in relation to this site and this remains the case.

Conditions recommended for footpath improvements, roads to be laid out as agreed and parking proposed to be maintained.

A further update on this matter has been provided by SCC copied in full below from Andrew Pearce, Senior Development Management Engineer (Central Area):-

1. The previous phases of Cedars Park including Wagtail Drive have been designed to keep vehicle speeds low and the parking guidance at that time was under a different philosophy which was to reduce parking to discourage car ownership and promote the use of sustainable transport.
2. I observed some on-street parking at 10:30, and although this was not at a level which would cause problems, I can see that the situation would be different earlier in the morning and after 5pm when people are not at work.
3. The previous parking guidance has since been replaced with revised guidance which has been changed to accommodate more curtilage parking since the previously philosophy was not effective. The layout for Phase 6C has been designed in accordance with the new parking guidance which should mean that there will be less on-street parking at that part of the development.
4. The Phase 6C has been part of the Masterplan layout and therefore people living in Wagtail Drive should have been aware of this when they purchased the properties. Although they have had the benefit of living in a cul-de-sac until now the development proposed is not a new thing. It is likely that some of the parking habits that currently occur will change once more vehicles use this road. It is also likely that some people park on the street for convenience rather than using allocated parking.
5. Our current response to your consultation on this application is a recommendation of approval with conditions, and I do not see a valid Highway reason to change this from what I have seen on site today. Although the on-street parking may cause a 'nuisance' I do not consider this to be a Highway safety issue which would warrant the Highway Authority to recommend this application was refused under Highways grounds.
6. The additional vehicle movements which will use Wagtail Drive can be

accommodated, but I can see that this is undesirable for the people that currently live there and have become use to the situation as it is.

7. It may be possible that some localised parking restrictions may help address some of the on street parking issues to maintain sensible passing places. Although I did note that there are numerous dropped kerbs and this will naturally help to regulate the on-street parking on site.

8. The current status of Wagtail Drive is 'unadopted' and therefore it is not public Highway at present. Therefore Suffolk County Council would not at this time pursue a Traffic Regulation Order to restrict on-street parking. If it eventually does become Highway this can be considered at that time taking into account the parking issues at that time. This would have to follow the normal legal process and we cannot guarantee that there would be a successful outcome if there are objections to the advertised order. This will be considered by our Rights of Way Committee.

9. Although we may have advised differently before, it may be considered an acceptable way forward for the developer to contribute a sum of money (£10k) via the s106 to undertake a parking review at some time in the future and implement some parking restrictions if this is considered necessary in due course. This sum of money could be returned to the developer if it was considered unnecessary in due course once the impact of the Phase 6C can be reviewed.

Given the proposal of point 9 the recommendation has been altered to reflect this suggestion.

MSDC - Tree Officer

I have no objection to the principles outlined for tree protection in this report. This will need to be supported by further information, including a detailed method statement and monitoring schedule, but can be dealt with under condition. I note that there is no assessment of the effect of shading on buildings and open spaces likely to be caused by retained trees due to the proximity and orientation of the proposal. Of principal concern are plots 27-34 where it seems this is likely to result in post development pressure for pruning and/or felling. This is an important factor if we are to maximise the probability of successful tree retention.

Of the trees proposed for removal many are of low/limited amenity value and need not be considered a constraint. However, there are a number of category B trees earmarked for felling (e.g. T15, 29, 30, 35 etc.) which should be retained if at all possible. I understand this is now a finalised layout design and so this could be difficult to achieve.

Finally, the conclusion of this report seemingly relates to another site and therefore should be amended accordingly.

Suffolk County Council - Archaeological Service (Summary)

Recommends standard Archeological Programme of works condition

Heritage Officer

Conclude: less than substantial harm to a designated heritage asset because it would further compromise the setting of the listed buildings, but the level of harm is considered to be low and unlikely to warrant refusal on heritage grounds.

The site is currently open farmland, but has long been included in schemes for Cedars Park. To its north east stands the listed Norton Cottage, and to its north west across Stow upland Road stands the listed Uplands.

From historic OS maps Norton Cottage does not appear to have any association with the land in question but occupies a narrow plot along the east leg of Stow upland Road. To its south east stands a house of the later 1900s on land formerly associated with Norton Cottage. To its north east stand recent residential properties. The Cottage's grounds are surrounded by hedging beyond which land falls away westwards.

There is inevitably a degree of harm in the loss of rural character in the Cottage's setting, but this has long since been eroded particularly by the road to its front and development beyond, and by development of the adjacent house. There is little current sense of its rural origins.

Uplands stands raised above Stow upland Road, and the falling contours of the site contribute to a sense of detachment. The formerly rural setting of Uplands is now compromised by the commercial development on the south side of Stow upland Road, but is still evident in its wider surroundings.

Again there is a degree of harm in erosion of Uplands' rural setting, but the impact is marginal.

SCC - Corporate Manager for 106 Obligations (Summary)

Based on existing forecasts we will have no surplus places available at the catchment primary school on Cedars Park and due to site constraints are unable to further expand this school. Therefore primary age pupils will be offered a place at Trinity Church of England Voluntary Aided Primary School. The project cost of providing additional space at this school is estimated to be £100,000 which includes the cost of asbestos removal.

In addition as the primary school is not the catchment school the county council will most likely need to fund school transport costs arising which are estimated at £750 per annum per pupil. However the route from Cedars Park to Trinity is currently deemed to be unsafe and so free travel would be provided to those who live under the 2 or 3 miles distance when this would be the shortest walking route.

Of the total 23 primary age pupils forecast to arise we can assume 4

pupils will arise in both reception and year 1 and 3 pupils will arise in each of the year groups 2 - 6 would mean that over 7 years a total cost of £72,750 will arise in terms of additional school transport costs due to no surplus places being available at Cedars Park Community Primary School.

Based on existing forecasts we will have no surplus places available at the catchment secondary school to accommodate any of the pupils arising from this scheme. Based on this current position we will require contributions towards providing additional education facilities for all of the 19 secondary age pupils arising, at a total cost of £353,401 (2015/16 costs).

Currently there are 28 Early Education spaces on or near to Cedars Park in Stowmarket, so therefore no contribution would be sought for this matter.

A contribution of £216 per dwelling is sought i.e. £22,032, which will be spent on enhancing provision at Stowmarket Library.

(Note: For the revised plans reducing the scheme to 97 dwellings the calculations have been amended accordingly)

Command Support Team, Suffolk Fire and Rescue Service HQ

Recommend provision of fire hydrants and condition.

SCC Ecologist

I note the SWT comments on the likely impacts on Priority habitats identified on site and that these need to fulfil their ecological functions and conserve & enhance the foraging & commuting network for European Protected Species (bats) using the site.

I therefore recommend that woodland mitigation planting is required in the open space at the north of this site and that the hedgerows retained within the design are protected from light spillage. This will minimise the ecological impacts from the development, provided that this mitigation and effective management of these habitats is secured by condition of any consent. This will demonstrate the LPA's compliance with Habitats Regulations and meet its biodiversity duty under s40 NERC Act.

I note that a lighting condition has been proposed and if the application is approved, I would like to be consulted on the document submitted to ensure trees with bat roost potential and commuting/foraging habitat remains unlit (<1lux). Ecological input would also be needed for the "Landscape Management Plan" to ensure all the required ecological mitigation measures are included; so again I would like to be consulted on the documents submitted and contribute to the discussion on the ongoing management of the non-domestic areas of this site.

I offer this advice based on Natural England's Standing Advice on bats to avoid significant adverse effects from the proposed development, as identified in the applicant's Phase 2 ecology report (para 4.7).

Environment Agency

We have received a consultation from you on application 3308/15 for Phase 6c of the Cedars Park development. Please note this fall outside of the matters for which we are statutory consultee and we will not be providing a response to this consultation.

(Note: Scheme would connect to existing drainage provisions of Cedars Park estates)

LOCAL AND THIRD PARTY REPRESENTATIONS

8. This is a summary of the representations received.
- Both layout and design fails to take account of existing residents
 - Development will remove approximately 30 trees include Copse that borders Hill Farm.
 - Copse links green lane and part of wildlife corridor for removal and should be given the importance it deserves.
 - Detrimental to privacy of adjacent dwellings
 - Many new trees proposed will be in gardens and not protected from owners wanting light.
 - Many existing trees will be in gardens and will be removed by new owners to gain light and not be affected by root systems. No legal requirement on new owners to keep trees
 - Development will have window to window overlooking for homes both on Elizabeth Way and Stow upland Road.
 - No local school to support development
 - Surgeries over subscribed to support development
 - Site is an allocated biodiversity area contrary to SAAP
 - Overdevelopment, too many cramped in.
 - Will cause further congestion and traffic problems on top of current existing problems.
 - Parking issues of Wagtail Drive means access to site would be horrendous and does not allow large vehicle access.
 - Please find alternative route to access site, should not be through Wagtail Drive given current problems of road.
 - Master plan for area was for 1200 homes, not 2000 as approved already.
 - Phase 6c intended for 86 and not 102.
 - Not marked for development in SAAP, this supersedes Local Plan and any Master plan.
 - Not enough parking proposed
 - Detrimental to setting of Norton House Listed Building (new buildings taller, close and block light)

- Poor design of new houses with little traditional design features.
 - Density similar to Cedars Park, but not respectful of other residential areas adjacent.
 - Development will affect views across Gipping Valley.
 - Will affect protected species.
 - Destroy any sense of rural town.
 - Loss of important green and open space within town or without public access.
 - Noise and disturbance
 - Concern of construction traffic via Wagtail and hours of construction
 - Ecology data is flawed and not fit for purpose to be considered.
 - Impact of construction traffic on amenities of occupiers of Hill Farm
- Other issues: Housing Need, suggestions of new school site, new parkland site, house value and money applicant is making.

ASSESSMENT

9. There are a number of considerations which will be addressed as follows.

- Principle of Development
- Planning Obligations
- Highway and Access Issues
- Design and Layout
- Listed Building and setting / Heritage Asset
- Residential Amenity
- Landscaping and Biodiversity

● PRINCIPLE OF DEVELOPMENT

The 1999 Master plan for the Strategic Development Area of Cedars Park was produced by Crest Nicholson following the completion of the first phase of the residential development and the opening of the Tesco store at the eastern end of the site. The legal agreement was signed by the landowners, developers, district council and county council in 1995, securing the infrastructure needed to support the development of the site (including the new B1115, cycleway network, primary school site and affordable housing), plus benefits for the wider community in the form of the Stowmarket Transport Fund.

The purpose of the Master plan was to set a comprehensive framework for the development of Cedars Park, ensuring that section 2.10 of the 1998 Mid Suffolk Local Plan was implemented in full and that the site is developed in a coherent and structured manner. A total of 118 acres (47.75 hectares) of land was designated for residential use for 1200 units (approx 25 dwellings per ha), alongside 37 acres (15 hectares) of commercial use, 6.5 acres (2.5 hectares) of retail use and 34 acres (13.75 hectares) of open space and landscaping.

A lot of development has occurred since the Master Plan was put forward, there have been many changes in policy and infrastructure provisions are in a different form than originally intended. This includes some highway arrangements, many having to meet improving standards and increases in housing density. Accordingly the weight of the Master Plan document needs careful consideration, especially when current housing policies of the Council are regarded as out of date by the NPPF as Mid Suffolk can not demonstrate a five year housing supply.

The application site is identified for residential development by the Master Plan document and is within the retained Local Plan settlement boundary of Stowmarket and this is unchanged by the Core Strategy, its Focus Review or the Stowmarket Area Action Plan.

It is noted within the Master Plan that the Phase 6c area does have a additional reference as "Open Space to the West" as part of the section on Landscape Infrastructure. In turn this identifies the landscape features of the site and woodland areas within it at the time. Equally some parts of the woodland area now given importance for retention are not identified by the Master Plan and instead designated for development. This illustrative landscape area is not easily scaled and it is not based on survey work. At the same time more recent policy within the Stowmarket Area Action Plan also identifies a roughly similar area for biodiversity interests (this is addressed further below).

In the Master plan an actual figure for housing numbers or density for this site/phase is not stated. Third party representations have made references to figures, but these are not supported by any policy requirements or any designation for this site. The proposal represents 32.8 dwellings per ha and is in line with policy CS9 (Core Strategy 2008) that seeks an average of 30 dwellings per ha and at least 40 dwellings per ha in towns where appropriate. The development fails to meet the sought 40 dwellings per ha, but given the constraints of the site this alone is not considered a reason to warrant refusal on principle development grounds.

The proposed development is more in accordance with the increased density of development that has taken place previously within the Master Plan area with over 2000 units built over and above the 1200 initially planned for.

The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing land, as required by paragraph 47 of the Framework. Accordingly, in accordance with paragraph 49 of the Framework, the proposal should be considered in the context of the presumption in favour of sustainable development. For the purposes of decision taking, that means granting planning permission unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole.

Local Plan

Members will be aware that the weight to be attached to the 1998 Local Plan must be considered carefully by reference to the NPPF to ensure consistency. Regard must also be had to the 2012 Stowmarket Area Action Plan and relevant policies in that document. The proposed development lies within the settlement boundary. The site is not subject to Tree Preservation Orders nor is it a Conservation Area or Visual Important Open Space (VIOS). The local plan supports development within the settlement boundary subject to detail and no adverse impact on residential amenity, traffic or other material consideration that are dealt with below. The Mid Suffolk LDF Core Strategy 2008 and Local Plan 1998 under policies CS1 and H2 continue to provide that development is acceptable in principle within settlement boundaries subject to being appropriate development.

The Core Strategy and Core Strategy Focused Review (CSFR)

The Core Strategy Focused Review (CSFR) was adopted by Full Council on 20 December 2012 and should be read as a supplement to Mid Suffolk's adopted Core Strategy (2008). This document updates some of the policies of the 2008 Core Strategy. The document does introduce new policy considerations, including Policy FC 1 - Presumption in favour of sustainable development that refers to the National Planning Policy Framework (NPPF) objectives and Policy FC 1.1 - Mid Suffolk approach to delivering Sustainable Development that provides "*development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan. Proposals for development must conserve and enhance the local character of the different parts of the district. They should demonstrate how the proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the Mid Suffolk Core Strategy and other relevant documents.*"

Policy CS5 provides that "*All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area*".

The Stowmarket Area Action Plan (SAAP)

The Stowmarket Area Action Plan was adopted 21st February 2013 and is considered alongside both Local Plan as saved and Core Strategy. This provides a number of new policies in respect of specific sites as well as overarching policies that apply to relevant housing or commercial development within the defined Action Plan area. There are no site specific SAAP policies for this application site.

SAAP Policy 9.1 is an overarching policy that seeks to identify "key biodiversity areas" for Stowmarket and has an associated large scale map locating these areas (Map 9.1) within the Stowmarket area. Given the scale used there are limits to the usefulness of the map beyond identification that the site does have biodiversity interest, but it is not possible to determine the extent, type or value. Instead the policy sets out a list of criteria reproduced below.

Biodiversity Measures

1). *Protect, manage and enhance Stowmarket's biodiversity and geodiversity based on existing policies and Map 9.1.*

3). *All development proposals must:*

i. integrate development to help form, and where present repair and strengthen, ecological corridors;

ii. not cause fragmentation or isolation of habitats;

iii. provide ecological surveys to determine what impact the proposed development will have on the existing habitats and protected species in particular, and implement mitigation / compensation measures ahead of commencement of any development where possible. If mitigation is not possible, a precautionary approach will be adopted in most cases;

iv. demonstrate how they will contribute, in full, to the Suffolk Biodiversity Action Plan targets;

v. demonstrate how the integrating biodiversity recommendations (contained in biodiversity survey supporting documents) for Stowmarket Area Action Plan sites are addressed; (Note: Not applicable to Phase 6c)

vi. retain mature trees, woodlands, linear natural features, species rich grassland, areas identified as 'Key Biodiversity Areas' (as displayed on the Strategic Biodiversity Areas map 9.1) and any other protected habitats;

vii. ensure linkages within and to the Town Centre are retained as well as links to the Countryside through combined footpaths and cycleways which will also assist in creating strong ecological networks;

viii. implement appropriate mitigation and compensation measures, such as the ongoing maintenance of enhanced sites, to ensure that there is no net loss in biodiversity in the Stowmarket area, such as the ongoing maintenance of enhanced sites;

ix. plant treebelts where the site borders open countryside; (Note: Not applicable to this site)

x. *provide advance landscape planting to ensure the visual impact of future development is mitigated.*

"Key Biodiversity Areas" are defined by the glossary as locally identified areas of mature trees, woodlands, linear natural features and species rich grassland which form natural connections for biodiversity. However, there is nothing within this policy or the entire document to prevent development of such sites or development around such sites in principle.

Your officers have discussed the SAAP Policy 9.1 with the policy team. Support of Natural England for this policy is noted by third parties and this is not surprising as the policy supports protection of biodiversity in general, but this is not in itself evidence site value. Accordingly key biodiversity areas do not qualify for allocation or designations according to your policy team, instead the core strategy identifies surviving areas of mature trees etc and so acts to indicate when the policy criteria of SAAP 9.1 should be used. On this basis it is not recommended to depend on this policy alone as a key consideration to prevent development in principle.

This criteria based policy SAAP 9.1 depends on survey work carried out by the developer to identify what is of value and requires the developer to propose appropriate mitigation measures to allow the merits of such to be then be considered by the Local Planning Authority. Such proposals and mitigation measures are to be considered under the relevant considerations of landscaping and biodiversity below.

SAAP Policy 11.1 - Developer Contributions to Infrastructure Delivery provides that all development (except householder extensions and charities) within the Stowmarket Area Action Plan will be required to provide for the supporting infrastructure they necessitate.

NPPF

The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF *"does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise"*.

The NPPF also provides (para 187) that *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."*

Section 7 of the NPPF refers to design. It provides that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (para 60) and permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (para 64).

It is concluded that there is no principle objection to the development of this site in current local or national policy subject to other material considerations detailed below. The Master planning of Cedar's Park is acknowledged to have altered over time and many phases have not accorded to its intentions, not least in terms of housing levels and some road layout arrangements. It is considered that the weight to be attached to the Master Plan must be balanced with more up to date policies and considerations. The development is required to be considered its individual merits against current sustainability principles outlined by the Core Strategy and NPPF.

• PLANNING OBLIGATIONS

After negotiation and consideration of the Stowmarket Area Action Plan and policy framework and response to consultee requests the following obligations have been supported and recommended for approval:-

Education Travel Contribution of £72,750 towards the provision of free travel facilities to students of Trinity Church of England Voluntary Aided Primary School who live at the Site to Trinity Church of England Voluntary Aided Primary School.

(Note: This recognises the capacity issues of the catchment school)

Primary Education Contribution of £100,000 towards the provision of additional educational facilities at Trinity Church of England Voluntary Aided Primary School to provide additional pupil places to accommodate pupils from the Development

Secondary Education Contribution of £353,139 for additional educational facilities at Stow upland High School

Library Contribution of £20,952 for the purpose of providing additional

floor space at the Stowmarket Library

Open Space and Social Infrastructure Contribution of £190,000. This has been reduced to allow for the traffic review provision.

Affordable Housing being 21.6% (21 units) on site.

Provision of on site public open space (no play equipment).

Traffic/Parking Review and possible restrictions of £10,000

Except for affordable housing and open space and social infrastructure the applicant has offered the full contributions required to ensure the development is sustainable.

Your officers have examined the viability of the proposed development in terms of affordable housing and open space and concluded that seeking more than that offered would make the scheme unviable and be unreasonable. The current package is considered as sustainable and mitigates directly the identified burden of this development.

It is noted that an alternative offer of 15% Affordable Housing with £410,000.00 for Open Space and Social Infrastructure Contribution was also considered by your officers and would still be viable. However, suitable social infrastructure projects to fulfill this larger amount that fulfill CIL regulations are not currently available and would represent significant risk of such monies secured not being used.

Given the corporate priority for affordable housing and similar levels of such being achieved for other Stowmarket sites in recent months your officers recommend affordable housing of 21.6% and OSS contribution of £190,000. While this higher affordable housing obligation remains below the "up to 35%" policy requirement it still represents a reasonable additional of affordable homes and public benefit.

• HIGHWAY AND ACCESS ISSUES

The development seeks to continue Wagtail Drive as the main access to the development. Suffolk County Council Highways authority have not objected to the proposed development and are satisfied in the development of Wagtail Drive and connecting roads and their capacity to carry more traffic. They have also outlined that support would not be given to an alternative access onto Stow upland Road as this in turn would encourage traffic to use the railway level crossing and not the new bridge (Navigation Approach) to access the town centre.

Whilst it is considered the design, width or geometry of Wagtail Drive is acceptable to the Highways Authority, it is recognised that there are traffic issues as highlighted by third party comments. Later this has been further explored by the highways authority and additional suggestions and

comments on this issue has been made.

The proposed development seeks to comply with the County's current increased parking standards and much larger garage requirements. Accordingly it is unlikely there will be a similar problem for the proposed development and the development should not significantly increase the current problems for Wagtail Drive on balance. This development will not resolve the current parking issues of Wagtail Drive, instead planning should ensure the proposed development does not add to the parking concerns. In terms of the current highway issues, these matters have not been considered by Suffolk County Council Highways Authority to be such a significant issue to warrant a recommendation of refusal or seeking a reduced scheme. However, having reviewed the matter further it has now been agreed to seek a parking review and this would be drawn from obligations from the developer.

A second construction and "emergency access" is proposed from Stow upland Road. Emergency access as titled on the drawings implies it is required perhaps due to issues highlighted with Wagtail Drive, but this is not the case. This second access is a sensible second option of a roadway that is a requirement in terms of a Pedestrian and Cycle link through the proposed estate. This link completes the cycle and pedestrian route previously planned for in the adjacent housing developments and as envisaged by the master plan. At the same time this access is intended to be a temporary construction access to reduce disturbance to existing occupiers of adjacent estates and again represents a sensible approach. The exact location of this access drive has been debated previously.

While the parked cars within Wagtail Drive are recognised, the road itself is considered by the highways authority to accord to their standards and capable to carry the additional traffic this development would bring. Given the advice of the highways authority on this matter your officers are content with this aspect.

• DESIGN AND LAYOUT

The site is sloping and the steepness of gradient varies across the site. It is generally flat closer to Stow upland Road and new dwellings would be on lower, but similar levels to the north boundaries. The land on which plots 10 to 20 are sited is much lower in comparison with the eastern footpath and cycle route that form an embankment. The proposed housing would be higher than existing housing in Elizabeth Way.

The dwellings proposed are of similar density in terms of numbers to previous recent developments to both the north and east, but are not as spacious overall in terms of plot size. This is mainly due to being smaller dwellings on balance, including semi detached and terrace arrangements, and due to the need for larger garaging and parking standards than sought for previous schemes within Cedar's Park. Each dwelling has a

functional garden space and many will benefit from a green outlook given the trees and green corridors in part retained. Given the extent of green space compared to recent developments adjacent, its location of trees and landscaping running through the developments and levels there have been opportunities to create enclosed and attractive spaces that balance the compact built form proposed.

The dwellings are of a simple design form in terms of a standard product. Mostly materials are varied instead of design to provide a range of different appearances. They duplicate principles established within the Cedars Park estates and accordingly are in keeping and match materials used in previous schemes. The estate is very inward in terms of layout and does not front onto existing streets capes beyond the site. Some wider landscape views of the site can be seen across the Stowmarket's river valley, but these are set within the context of the Cedars estates and built form of the town. The main trees that have the most significant contribution to the wider views are sought to be retained. On balance the design and layout is acceptable and does not cause sufficient harm to warrant refusal.

• LISTED BUILDING AND SETTING / HERITAGE ASSET

Under the NPPF Para 17 states development should "*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*". Para 131 goes on to provide that "*In determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.*" Furthermore Para 132 states "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*"

In this case Norton House, a thatched Listed Building, is located to the north of the site and would share its current rear boundary to plots 85 to 88. This development would remove its agricultural setting to the rear, but the Listed Building is very much separated from the site by a mature boundary and has the majority of its garden to the side and not the rear. Norton House would essentially be enclosed by new development, if this development were approved, given the very recent development along Stow upland Road and Starling Way. While harm would result it is considered this is less than substantial harm and that the delivery of

homes to deliver this part of the Cedar Park Master Plan and increased housing land supply is a public benefit that outweighs that less than substantial harm.

• **RESIDENTIAL AMENITY**

Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. Issues of loss of privacy have been raised in respect of all boundaries of the site where existing residential properties are located.

Plots 13 to 20 are proposed along the southern boundary. In terms of this location there is a careful balance needed between distance from dwellings in Elizabeth Way and height of the proposed units. Moving the proposed dwellings further from the boundary means moving the dwellings further up the site due to its levels and thus increases opportunity to overlook and reduces affectedness of boundary treatment to screen. Equally moving proposed dwellings closer to the boundary results in the same. The proposed plots would have approximately 11 metres long gardens before reaching the boundary and in turn existing properties in Elizabeth Way have gardens of around 20 metres each. With approximately 31 metres and general relationship as demonstrated by plans submitted, on balance while there is a degree of impact it is not considered sufficient in itself to warrant refusal. In reaching this conclusion the current extent of privacy enjoyed by residents of Elizabeth Way has taken into account and included consideration of existing views across the site from the public footpath towards the existing gardens and current overlooking from existing dwellings. Revised plans to reduce the heights of dwellings types for these proposed plots and these have been accepted to reduce how imposing the new dwellings might be. Further revisions are not being submitted to remove the first floor windows from rear elevations towards Elizabeth Way as addressed under Background previously in this report.

Plot 12 is the adjacent to the southern boundary, but orientated to reduce its overlooking impact with landing and bathroom windows on the closer boundary side. Plot 97 is a detached unit and while close to No 32 Wagtail Drive is not on balance considered to significant harm amenity to warrant refusal. Its design avoids windows towards No 32 with exception of a bathroom windows and while there is a single bedroom window to the rear at first floor level it would be limited to views of a small part of the rear garden of No 32.

Concerns from Farfield House, Lavinia House off Stow upland Road on the east boundary are considered to be resolved given the removal of plots in the revised plans received. Further north, issues of privacy have also been raised in respect of Norton House and Chestnut Lodge. Again rear gardens of the new dwellings are around 10 to 11 metres, but the adjacent existing properties have far less distance to the boundary.

Instead it is the more established boundary and levels of the site that on balance avoids significant harm and accordingly is not considered by officers to warrant refusal in this instance.

Overall there is some limited impact on amenity, but the extent of harm against the benefit of housing is not considered to be so significant or unacceptable as to warrant refusal.

• LANDSCAPING AND BIODIVERSITY

The site includes a number of mature trees and planting and in part these appear to be the reason for the landscape sketches in the Master plan and potentially the identification of the site for the purposes of the Stowmarket Area Action Plan SAAP 9.1. Neither document has surveyed the site and established the value of such features in detail. In any event the value of such trees and planting would have altered, especially since the adoption of the Master plan some sixteen years before. It is encouraged for existing trees and landscape features to be retained wherever possible and accordingly the development layout seeks to retain as much of the more valued trees as possible. The development certainly has sought to come as close as possible to some of the trees, but at the same time has not sought to remove them. It is also noted that there are some that may be removed by new occupiers given locations within some gardens, but there is no protection now. Concerns of the loss of trees and hedgerow have been highlighted by third parties.

Your officers have approached the Council's Tree Officer to request that those worthy of a Tree Preservation Order are considered at this time, but having examined the plans and site he does not currently consider any threat proposed by this development to be so great to warrant such action currently. Accordingly trees can be removed without any permission. Your tree officer has considered the more valued trees are sufficiently accommodated by the development.

The SCC Landscape officer objects to the development seeking further changes and reduced number of dwellings. Looking at their objection in detail the Landscape officer supports the revised plans in terms of the removal of plots to the north of the site and suggests the creation of a green space for residents to enjoy. Impact on some trees in terms of root protection is also questioned, but since been agreed by SCC and considered suitable to address via conditions given the response of the Council's Tree Officer.

The SCC Landscape Officer does not agree with play areas being proposed within and beneath the trees and on this point it is agreed that potential such activity would serve as a risk to both trees and amenity of the new residents. The adoption and maintenance of such areas would also be potentially difficult to secure given the need to work around the trees. Accordingly it has been agreed to remove the play area from the proposal. Suitable connections to existing play areas within the Cedars

Estates are available and improvements to are to be secured under the recommended obligations.

Overall it is recognised that there will be some loss of landscape features on this site, but these are not protected and current serve no public benefit or public amenity beyond serving a view given they are sited on private land. Replacement trees are excess of those being loss. The proposed development seeks to integrate the green spaces and would make much of these new spaces as public open space for improved benefit.

Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive. Suitable survey work has been carried out as confirmed by Suffolk Wildlife Trust and Suffolk County Council. It is noted that there may be investigations on how the survey work was carried out, but this is a private legal matter. The results themselves are acceptable to SWT and SCC and clearly established that the trees are important for bat foraging corridors in this location and accordingly any loss of habitat needs to be mitigated. On this issue the County Ecologist is satisfied with the proposal in terms of the proposed development, its relationship with the remaining trees, replacement trees and new woodland to the meadow adjacent to Stow upland Road.

Since the comments from SWT the scheme has been amended to remove units close to the proposed second access. Accordingly a three way green corridor of reasonable width would be retained and added too to support biodiversity interests. With the removal of play areas and now the footpath link to avoid risk to trees and bats, reduction of key units that may have been considered to affect the corridor and transit routes, it is considered that this proposal is not considered to be result in significant harm in terms of biodiversity issues.

RECOMMENDATION

That authority be delegated to The Corporate Manager for Development Management to grant planning permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following head of terms and that such permission be subject to the conditions as set out below:

- **Education Travel Contribution of £72,750 towards the provision of free travel facilities to students of Trinity Church of England Voluntary Aided Primary School who live at the Site to Trinity Church of England Voluntary Aided Primary School.**

- **Primary Education Contribution of £100,000 towards the provision of additional educational facilities at Trinity Church of England Voluntary Aided Primary School to provide additional pupil places to accommodate pupils from the Development**
- **Secondary Education Contribution of £353,139 for additional educational facilities at Stow upland High School**
- **Library Contribution of £20,952 for the purpose of providing additional floor space at the Stowmarket Library**
- **Open Space and Social Infrastructure Contribution of £190,000 for Multi Use Games Area (MUGA)- large play area, Cedars Park (£125,000), Play Area, Curlew Rd - off Stow upland Rd for additional play equipment (£40,000) and Large Pond, Cedars Park - enhancement to include purpose built bases for fishing, planting etc - £25,000.**
- **Affordable Housing being 21.6% (21 units) on site.**
- **Provision of on site public open space.**
- **Traffic/Parking Review £10,000 to be carried out at an appropriate agreed time.**

and that such permission be subject to the following conditions:-

- **Standard Time Limit**
- **Approved Plans**
- **Archaeological Programme of works**
- **A waste minimisation and recycling strategy to be agreed**
- **Travel plan to be agreed**
- **Obscured glazing to all bathrooms and landings and retained**
- **Removal of permitted development for loft/roof works to create additional openings at first floor and roof.**
- **Removal of permitted development for extensions**
- **Provision of fire hydrants to be agreed**
- **Highway conditions (as per SCC recommendations)**
- **Foul and Surface Water Drainage strategy to be agreed.**
- **Lighting strategy (with reference to protected species)**
- **Landscape tree and root protection measures**
- **Landscape management of non domestic areas**
- **Construction Methodology to be agreed, including operation hours.**
- **Control of emergency access to be agreed, no dig and root protection for access.**
- **Removal of play areas.**

Philip Isbell
Corporate Manager - Development Management

John Pateman-Gee
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

CS SAAP - Stowmarket Area Action Plan

Cor1 - CS1 Settlement Hierarchy

Cor5 - CS5 Mid Suffolks Environment

Cor9 - CS9 Density and Mix

CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

2. Mid Suffolk Local Plan

H17 - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

SDA3 - COMPREHENSIVE DEVELOPMENT WITHIN THE SDA

SDA4 - SUSTAINABLE DEVELOPMENT

HB1 - PROTECTION OF HISTORIC BUILDINGS

H16 - PROTECTING EXISTING RESIDENTIAL AMENITY

H13 - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT

T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS

SB2 - DEVELOPMENT APPROPRIATE TO ITS SETTING

3. Planning Policy Statements, Circulars & Other policy

NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of **89** interested party(ies).

The following people **objected** to the application

[Redacted names and details]

[Redacted text block]

[Redacted text block]

The following people **supported** the application:

The following people **commented** on the application:

[Redacted text block]