

1.

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 11 May 2016

AGENDA ITEM NO	1
APPLICATION NO	1709/16
PROPOSAL	Creation of 89 no. one, two, three and four bedroom houses, bungalows and apartments, plus associated roads, car parking, public open space and landscaping, including vehicle access from Wagtail Drive and cycleway/emergency access from Stowupland Road (scheme includes provision for temporary construction access from Stowupland Road)
SITE LOCATION	Phase 6C, Cedars Park, Stowmarket
SITE AREA (Ha)	2.96
APPLICANT	Crest Nicholson Eastern Ltd
RECEIVED	April 4, 2016
EXPIRY DATE	July 9, 2016

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons :

- (1) it is a "Major" application for:-
 - a residential land allocation for 15 or over dwellings
- (2) the Head of Economy considers the application to be of a controversial nature having regard to the extent and planning substance of comments received from third parties, previous planning history and scale of the application.

PRE-APPLICATION ADVICE

1. Pre application advice has been provided respect of this site at Needham Market offices between the case officer and applicant. At this meeting details of potential changes to form a revised application were discussed. A further meeting with the applicant and third party interests that included neighbours to the site was also attended by the case officer. Discussions on the previous application and this submission were discussed.

SITE AND SURROUNDINGS

2. 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 Stowupland 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

2.

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 this site and the ridges of their roofs do not stand above the ground level of this 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 Stowupland Road, marking the western edge of Cedars Park. The land slopes from north to south resulting in a significant change in level between the top of the site compared 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

3. The planning history relevant to the application site is:

3308/15	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 Stowupland Road.	Refused 18/02/2016
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PROPOSAL

4. The proposed development comprises the creation of 89 no. one, two, three and four bedroom houses, bungalows and apartments, associated roads, car parking, public open space and landscaping, plus vehicle access from Wagtail Drive and cycleway access from Stowupland Road. The development is mainly two storey with a couple of three storey (eg rooms in roof) units to the centre. Bungalows and a chalet bungalow are proposed along the southwest boundary to the rear of properties along Elizabeth Way.

The development includes

Car Parking Spaces - 125
Carport Spaces - 5
Garage Spaces - 56

Sub-total - 186

Visitor spaces - 26

Total Vehicular Spaces - 212

The site is at the western end of what was the Strategic Development Area and

3.

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) via Wagtail Drive. The layout includes the provision and completion of the cycleway link between Navigation Approach and Stowupland Road as well as footway.

The site is an area 2.96 hectares (7.31 acres) and would equate to a density of 30 dwellings per hectare.

Recently a proposed development for 97 dwellings was refused under reference 3308/15. This previous scheme represented 32.8 dwellings per hectare. The differences between this scheme and current proposal are explained within the assessment.

POLICY

5. Planning Policy Guidance

See Appendix below.

CONSULTATIONS

6. Town Council

Awaited, not yet received at time of writing report.

MSDC Tree Officer

I note from the revised layout that a number of additional trees will now be retained (T7, T8 & T35) and impact on others (T9, T10, T37, T39 & T40) has been reduced due to further spacing. (MSDC Tree Officer did not object to the previous application)

SCC Highways

Recommends conditions as detailed below.

1) ER 1 Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

2) ER 2 Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

3) Condition: Before any of the hereby approved new dwellings are first occupied the footway improvements on Stowupland Road are to be laid out and completed in all respects in accordance with Drawing Number W160-004 Revision A as submitted.

4) P 1 Condition: The use shall not commence until the area(s) within the site shown on Drawing Number 16-2501/02 Revision A as submitted for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

MSDC Environment Health (Noise)

I note the report by Grant Acoustics which assesses noise from local road traffic and industrial noise. The assessment is reasonable and robust and recommends noise mitigation measures. The measures will mitigate to an acceptable level any noise from road traffic and the nearby industrial premises. Conditions recommended (These are copied into the recommendation).

SCC Fire

Recommends installing fire hydrants on site via condition.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.

- Design of Wagtail Drive not safe to accommodate further traffic. Fails to have clear lines of sight.
 - Increased noise and congestion of traffic using Wagtail Drive.
 - Increased traffic to Phoenix Way
 - Narrow roads to cope with more traffic.
 - Current parking not restricted and causing obstruction
 - Main access should be via Stowupland Road instead.
 - Insufficient parking on existing estates
 - Open space should be maintained
 - Need for new school, doctors, community centre and dentist to support development.
 - Should be no new homes until Stowmarket is better serviced.
 - Loss of biodiversity area (Not specific to where on site)
 - Contrary to Suffolk Design Guide on number of dwellings served by road types.
 - Still too many dwellings.
 - Loss of wildlife, trees and hedgerow.
 - Supports retaining the tree belt
- Other non planning issues, including threats of insurance claims, mis sold housing on basis of Wagtail Drive being use, need for yellow lines.

It is noted that there were many letters that made reference to the developer having no plans for doctors and other infrastructure on this occasion compared to last application. Unlike the previous application, this application is now subject to Community Infrastructure Levy (CIL) that accounts for many of this requirements and these can not be sought twice.

ASSESSMENT

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

- Principle of Development
- Planning Obligations
- Previous Decision Ref 3308/15
- 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.

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.

6.

It is noted within the Master Plan that the Phase 6c area does have an 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 are 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).

The proposal represents 30 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.

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 is not possible to determine the extent, type or value. Instead the policy set 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 with regard to the previous application on this site. Key biodiversity areas do not qualify as 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. This will be taken up in part by CIL.

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

CIL is now implemented and accordingly takes on board requirements such as open space contribution, NHS and education contributions. Affordable Housing is not part of CIL and members policy to seek up to 35% remains in effect. Matters of viability and implications of the implementation of CIL with regard to Affordable Housing provision are being discussed at the time of writing this report and accordingly it is appropriate to provide a verbal update on the confirmed negotiated planning obligations. The recommendation of approval below is based on the assumed agreement between parties on the planning obligation package and should be confirmed at planning committee.

• PREVIOUS DECISION REF 3308/15

This application can be regarded as a revised application to application 3308/15 that was refused for the following reason:-

The proposed development by reason of its design layout and access arrangements would not protect or enhance natural landscape features within the site including existing trees shrubs and hedgerows. The development would fail to maintain or enhance the character and appearance of the surroundings. The use of the green lane for the construction access would moreover be unacceptable. The development would have an unacceptable effect upon landscape features including existing tree shrubs and hedgerows to the detriment of local distinctiveness contrary to policy CS5 and FC.1.1 and would fail to provide a high quality and inclusive design contrary to paragraphs 57 and 60 of the NPPF.

Essentially the reason for refusal refers to:-

- Harm to existing natural landscape features
- Development not enhancing the character and appearance of the surroundings
- Use of the green lane for construction traffic.

To address these issues the revised proposal has reduced the number of dwellings. This has allowed more of the central tree belt to be retained, further

space to remain undeveloped around key trees and the area behind Hill Farm to now become an enhanced woodland area instead of being developed for housing.

The green lane will not be used for construction traffic, in fact it will not be used at all for any function except for further planting and integration with the woodland surrounding Hill Farm. Instead the temporary construction access proposed, which will become the permanent emergency access and cycle way afterwards, crosses the adjacent field from Stowupland Road and this will be landscaped after construction.

Accordingly it is considered overall that the changes to the scheme to reduce the number of dwellings, create larger and new landscaped areas, further protect key landscape features and by not using the green lane address the previous reasons for refusal.

The reason for refusal previously did not include residential amenity, biodiversity or impact on highways. However, the revised proposal by the reduction of dwellings and change of house types to bungalows in some areas is considered to have further reduced the extent of impact of this development on residential amenity, biodiversity and highways matters.

• 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. With regard to the previous application they have outlined that support would not be given to an alternative access onto Stowupland 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. This did not form a reason for refusal with regard to the previous application for 97 dwellings. However, it is proposed that a traffic review is still secured as suggested by SCC Highways for the previous scheme.

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 parking problem for the proposed development compared to adjacent estates and the development should not significantly increase the current parking 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.

The development includes a 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.

While the parked cars within Wagtail Drive are recognised, the road itself is considered by the Highways Authority to be acceptable 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 Stowupland Road and new dwellings would be on lower, but similar levels to the north boundaries. The land on which plots 11 to 16 are sited is much lower in comparison with the eastern footpath and cycle route that form an embankment. The proposed housing overall 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. Each dwelling has a functional garden space and many will benefit from a green outlook given the trees and green corridors retained. Given the extent of green space compared to recent developments adjacent and that has increased since the last application, its location of trees and landscaping running through the developments and levels there have been opportunities to create enclosed and add attractive spaces that balance the compact built form proposed.

The dwellings are of a simple design form in terms of a standard product. The revised scheme now includes bungalows. Mostly materials are varied to provide a range of different appearances instead of significant changes to the form of the buildings. 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 streetscapes 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 and changes to roof form for key plots have sought to improve this aspect further since the previous application. 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 Stowupland 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. Plans for development around Norton House have not changed compared with the previous refused application, but impact on the Listed Building was not one of the reasons for refusal.

• 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 11 to 16 are proposed along the southern boundary and previously along this boundary there were two storey dwellings and greater numbers. This time bungalows have been proposed. The proposed plots would have approximately 11 metre 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 it is not considered there is significant harm to amenity.

Plot 89 is a detached unit and while close to No 32 Wagtail Drive is not on balance considered to cause 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.

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. Concerns of the loss of trees and hedgerow have been highlighted by third parties and this was a key issue refused previously.

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 nor did consider this action was required previously. He also notes this scheme is an improvement to that previously refused in terms of retained trees. Your Tree Officer has considered the more valued trees are sufficiently accommodated by the development. The SCC Landscape officer has not yet responded to this application.

Overall it is recognised that there will be some loss of landscape features on this site, but these are not protected and currently serve no public benefit or public amenity beyond serving a view given they are sited on private land. Replacement trees are in excess of those being lost and the spaces proposed for this revised scheme will be a significant asset to the new dwellings. The proposed development seeks to integrate the green spaces including the green lane and would make much of these new spaces 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 previously. It has been clearly established that the trees are important for bat foraging corridors in this location and accordingly any loss of habitat needs to be mitigated. The proposal now includes far more retained land for trees and enhancement than previously supported. The extent of land sought for landscape and wildlife use for this revised scheme is considered sufficient and now unusually high for a modern housing development.

Conclusion

The proposed development is considered to be an improved proposal that not only addresses the previous reasons for refusal, but has also proposed improvements in siting and design to further reduce impacts on amenity. The proposal will provided needed housing development within this sustainable town.

RECOMMENDATION

That authority be delegated to Professional Lead - Growth & Sustainable Planning Planning 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 £66,750 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.
- Affordable Housing. Agreed level to be reported verbally to committee.
- Provision of on site public open space.
- Traffic/Parking Review £10,000 for Wagtail Drive and associated roads 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 above ground 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.
- The residential accommodation shall be constructed so as to provide sound insulation against external noise as indicated in Figure 3 of the acoustic report by Grant Acoustics (Ref:GA-2015-0002-R1-RevA). Construction of the residential premises shall not commence until a scheme detailing the specific acoustic mitigation measures for individual plots has been submitted to the local Planning Authority and approved in writing.

Philip Isbell
Professional Lead - Growth & Sustainable Planning

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** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

2. Mid Suffolk Local Plan

- GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- H17** - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION
- 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 **30** interested party(ies).

The following people **objected** to the application



[REDACTED]

The following people **supported** the application:

[REDACTED]

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

[REDACTED]