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## Appeal Decision

Inquiry opened on 26 April 2016

Site visit made on 29 April 2016

**by Paul K Jackson B Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 May 2016**

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**Appeal Ref: APP/W3520/W/15/3139543**

**Land between Gipping Road and Church Road, Stowupland, Suffolk**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Mid Suffolk District Council.
  - The application Ref 3112/15, dated 26 August 2015, was refused by notice dated 26 November 2015.
  - The development proposed comprises up to 175 residential dwellings (including up to 35% affordable housing) introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Church Road and associated ancillary works.
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### Preliminary matter

1. The application was submitted in outline with all matters reserved except the main site access. Prior to the Inquiry, the appellant supplied a revised illustrative development framework plan and various other changes to the proposal, which were notified to the Council and those who expressed an interest. These changes do not prejudice the interests of any party and I have considered the appeal on this basis.

### Decision

2. The appeal is allowed and outline planning permission is granted for up to 175 residential dwellings (including 35% affordable housing) introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Church Road and associated ancillary works on land between Gipping Road and Church Road, Stowupland, Suffolk in accordance with the application Ref 3112/15, dated 26 August 2015 and the conditions in the attached schedule.

### Main Issues

3. At the start of the Inquiry, the Council advised that reasons for refusal relating the effect on biodiversity and wildlife, highway safety, flooding and the provision of community infrastructure had been addressed by the revisions made to the scheme, the terms of a S106 Undertaking and by suggested conditions. I consider the S106 below. Having regard to all the representations, the main issues are as follows:
    - The effect on the character and appearance of the surrounding area; and
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- The effect on the setting and heritage significance of Grade II and Grade II\* listed buildings.

### **The site and its surroundings**

4. Stowupland is a village about 2 kilometres (km) north east of the town of Stowmarket. The original core of the settlement consisted of a dispersed hamlet on the road (now the A1120) between Stowmarket and Earl Stonham. The village developed loosely around the 1843 Holy Trinity Church until the latter half of the 20<sup>th</sup> century, when significant areas of estate type housing were built to the west and north of the centre as well as a centrally positioned secondary school. Large areas of village green and playing fields were left undeveloped and the village has a pleasant open character, aided by its open position on relatively high ground with broad views to the south across large fields.
5. The site consists of 2 arable fields amounting to 10.87 hectares (ha) on the north eastern edge of the village adjoining the settlement boundary. The illustrative drawing shows 2 main areas of housing at around 25 dwellings per hectare with about 3.93 ha of public open space including footpaths and biodiversity enhancement in the form of hedgerow improvement. A new vehicle access would be created from the A1120 and new footways provided linking with the existing public footpath network. As part of the scheme, the appellant proposes a new permissive footpath providing a safe access from the development to the farm shop and post office at Walnut Tree Farm to the north.

### **Planning policy**

6. The development plan for the area includes the saved policies of the Mid Suffolk Local Plan (LP) of 1998 and affordable housing policies of the Mid Suffolk Local Plan First Alteration of 2006; adopted Core Strategy policies of 2008 and adopted policies of the Focused Review (CSFR) of 2012. The CSFR acknowledged the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) of 2012. Particularly relevant is the Stowmarket Area Action Plan (SAAP) of 2013 which guides future development in Stowmarket and 9 settlements that adjoin it, including Stowupland. It allocates specific sites and aims to ensure sufficient land for future growth. The CSFR has a target of 450 green field dwellings in designated Key Service Centres including Stowupland.
7. An emerging replacement development plan in the form of the Joint Mid Suffolk/Babergh Local Plan is intended to replace the LP and update elements of the CS and CSFR. It is at a very early stage and whilst consultation has been undertaken on an Objectively Assessed Housing Need (OAN) figure for the district and strategic site allocations, it attracts very limited weight. Similarly, the Stowupland Neighbourhood Plan is at an early stage. Consultation has been undertaken which indicates the early preferences of local people but there is no firm draft plan; it remains a material consideration but carries little weight.
8. The most relevant development plan policies are as follows. LP policy RT12 advises that the district planning authority will, through its responsibility for controlling the development and use of land, safeguard the footpath and bridleway network and, where appropriate, will support proposals to secure its

- improvement and modification. Policy HB1 places a high priority on protecting the character and appearance of all buildings of architectural or historic interest; particular attention will be given to protecting the settings of listed buildings.
9. Core Strategy policy CS 5 is a wide ranging policy that concerns the environment generally. It advises that all development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area. Landscape qualities will be protected and conserved taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character. In terms of design, the policy aims for development of a high quality that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district. The policy refers to future documents that will protect, conserve and where possible enhance the natural and built historic environment.
  10. CSFR policy FC1.1 requires that development proposals demonstrate the principles of sustainable development. Proposals for development must conserve and enhance the local character of the different parts of the district. They should demonstrate how a proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the CS and other relevant documents.
  11. The SAAP sets out the plans for Stowmarket for the period 2012-2027. It describes Stowupland as follows: *'It comprises two village greens arranged at right angles to each other, with a number of listed buildings around them. This arrangement reflects the early origins of the village as a 'dispersed' pattern of buildings. In the 1960s and 1970s the village witnessed considerable growth with the Mid Suffolk Stowmarket Area Action Plan (February 2013) introduction of the A14 and development of housing estates to the south and north. These developments have significantly altered the character of the village, the nature of the lane network connecting the village to Stowmarket, and the village's setting'*. It also says at 6.53 that *'The Core Strategy provides for 800 homes to be provided in the villages throughout the district. In the plan area Haughley and Stowupland have been identified as Key Service Centres wherein some allocations for development may be considered acceptable'*: and at 6.54 *'In response to the consultation received the Council has accepted that at this time there is no need for any planned growth of the Key Service Centres as both villages have already accepted growth in recent years. Subject to funding being made available, affordable housing schemes are capable of being delivered via the existing policy structure in each of the nine villages. Accordingly, for the first five-year period of the plan, no allocations will be made for residential development in the villages of the plan area'*.
  12. SAAP Policy 4.2 *Providing a Landscape Setting for Stowmarket*, where relevant, requires that where appropriate, development proposals extend and enhance the quality of the wider green infrastructure network to maximise the conservation and enhancement of its biodiversity and increase its accessibility and community value. The Council will resist development that would have a harmful effect on the value of a Visually Important Open Space (VIOS) and will require developments that may have a detrimental effect on the quality of a

VIOS to be sensitively designed to minimise these effects. The appeal site adjoins an extensive area of designated VIOS at the centre of Stowupland. SAAP policy 9.5 seeks to continue to protect listed buildings and their settings.

13. The NPPF advises at paragraph 215 that policies in existing plans can be afforded due weight according to their degree of consistency with policies of the NPPF. The relevant parts of policies of the LP, CS, CSFR and SAAP in this case are consistent with the aims of the NPPF and attract substantial weight.
14. In accordance with the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. The preservation of setting is to be treated as a desired or sought-after objective, and considerable importance and weight attaches to the desirability of preserving the setting of listed buildings when weighing this factor in the balance.

## Reasons

### *The effect on the character and appearance of the surrounding area*

15. The agricultural landscape around Stowupland is largely arable in nature and gently undulating. The area lies firmly within local Landscape Character Area (LCA) *Ancient Plateau Claylands* which includes Stowupland and almost all the farmland visible from the site. Key characteristics identified for this LCA include a flat or gently rolling arable landscape of clay soils dissected by small river valleys; a dispersed settlement pattern of loosely clustered villages, hamlets and isolated farmsteads of medieval origin; villages often associated with medieval greens or tyes; a network of winding lanes and paths associated with hedges creating visual intimacy; and substantial open areas created for WWII airfields and by 20<sup>th</sup> century agricultural changes. These latter include removal of hedges to amalgamate fields, greatly weakening the earlier field patterns. The fields comprising the appeal site have had several hedges removed since the 19<sup>th</sup> century, but significant hedge removal is particularly obvious south of Church Road and in landscape to the north west. However, the degree to which fields have been amalgamated varies; fields around Stowupland and close to nearby villages are very mixed in size.
16. I consider that enough remains of the historical field pattern to give a distinctive character to the landscape on the appeal site which benefits from a smaller more intimate field pattern and contains a particularly strong network of public footpaths. The 2 fields in question lie between Gipping Road and Church Road which are already characterised by housing development and by traffic. The appeal scheme would introduce new built development on the edge of the existing settlement and would not seriously compromise the character of the wider landscape. The roofs of buildings would be visible above trees and hedgerow screening locally but would mostly be seen in the context of an existing area of residential development in Stowupland which is quite dense in places. The buffer zones proposed together with planned gaps in the central part of the scheme would significantly help in reducing the level of visibility and harm to landscape character.
17. The Landscape and Visual Impact Assessment (LVIA) produced by the appellant indicates that the landscape has a 'low/medium' level of sensitivity to

change. I agree that in the wider context, the intensive level of mechanised agriculture, degree of built form and significant hedge erosion reduce the level of sensitivity very considerably. However the local character is more sensitive to housing development of the scale proposed because of the smaller fields, greater number of hedgerow trees and less intensive use generally. The magnitude of change locally would be somewhat higher than low/medium, as better reflected in Appendix A in the 'Landscape Effects' Schedule of the appellant's landscape witness. Having said that, I do not disagree that within 5-10 years, it is likely that the development will have become assimilated into the field pattern and the local landscape pattern without an undue degree of harm.

18. With regard to visual amenity, 'receptors' include people, living, working, walking, riding and driving through the area, of whom residents and recreational users should be regarded as being of high sensitivity. Those most significantly affected would be local residents with a view of the appeal site and walkers enjoying the countryside on the edge of the village. There is no doubt that additional houses located in existing fields would significantly change the rural outlook across gardens for about 25 houses on the perimeter of Stowupland to varying degrees. Screening in the form of new hedging and planting would reduce the impact for most. Moreover, there is no right to any particular view for individual occupiers. For walkers, the experience of passing through the new scheme would be quite brief before open fields would be reached. The small field where footpaths 51, 53 and 54 cross would remain as it is and the pleasure to be derived from the surrounding countryside as a whole would be only marginally diminished.
19. The NPPF says that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes amongst other things; and has, as a core principle, the need to recognise the intrinsic character and beauty of the countryside. The landscape in this case is not designated in any way and is not subject to the protection afforded in the NPPF to National Parks or Areas of Outstanding Natural Beauty. The Guidelines for Landscape and Visual Impact (GLVIA) 3<sup>rd</sup> edition point to the need to take into account individual qualities that people associate with landscapes for their scenic, perceptual or associational attributes. However nothing has been suggested in this case to indicate that the area in question has any particular value that raises it above many other similar parts of the Suffolk countryside. That is not to say that its scenic quality should not be taken into account and it will need to be weighed where a balance has to be found with other objectives.
20. Turning to VIOS in Stowupland, this consists of large areas of green recreational land in the centre. The development would have no impact on their physical area or their function as part of Mid Suffolk's green infrastructure, but it is likely to be visible.
21. The Stowmarket Environmental Assessment, prepared in 2007, was intended to inform the future development of the town. Drawing no. 2067/05 'Visual Analysis and Landscape Setting' formed the basis for the subsequent SAAP policies and identifies key views from urban areas to wider landscape. Two such views are identified in Stowupland, one from Church Lane eastwards across open farmland and one from the playing field across VIOS and towards and over the appeal site towards Walnut Tree Farm. The appeal site is identified along with fields beyond as 'open countryside visible from within

urban areas and adjoining landscape and forming an important landscape setting’.

22. In 2016, mature perimeter growth around the playing fields has largely obscured this outward view. Even in winter, vegetation is likely to significantly enclose the VIOS and limit appreciation of the village’s surroundings. Large sheds and 3 wind turbines at Walnut Tree Farm may remain visible on the high ground, but these would continue to be seen through significant gaps proposed in the new development, which would also allow some continuing visibility through the trees of the fields beyond the village. The roofs of new houses may appear above the highest branches, but the contribution that the identified view makes to the quality of the VIOS that is protected in policy, would not be seriously affected. The landscape character and quality of the VIOS itself would not be harmed. The open space within the village would continue to be linked with the surrounding landscape.
23. The development would cause a very limited degree of local harm and would not seriously conflict with the overall landscape protection policies of policy CS 5 or SAAP Policy 4.2; or with the aims of national guidance.

*The effect on the setting and heritage significance of Grade II and Grade II\* listed buildings*

24. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
25. English Heritage (now Historic England) (HE) guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. Heritage significance can be harmed through development within setting. Taking each listed heritage asset in turn:

*Columbine Hall (GII\*)*

26. The moated Hall is a medieval manor house dating from around 1400. It has subsequent additions and alterations that add to its historical and architectural significance and has been restored by its current owners. It lies about 300m north west of Gipping Road where the road runs along the boundary of the appeal site. The house is secluded and is approached along a tarmac drive about 200m long directly off Gipping Road. The entrance to the Hall is informal consisting of a very simple opening in the road side hedge and estate type fencing.
27. The oldest part of the house, with a jettied first floor above the moat, faces more or less south west and north west and looks out over mostly undeveloped countryside in the Gipping valley. It is in this context that the architectural and

historical significance of the building is best experienced in a largely unaltered rural setting. A public footpath from Gipping Road passes across a field from the south side of the building and this allows walkers to gradually appreciate it and its surroundings. In none of these views would the appeal development intrude in any significant way; it would be behind a 35-40m planted buffer zone on Gipping Road. Only brief views of parts of the roof of the Hall can be seen from Gipping Road over a nondescript pair of semi-detached 20<sup>th</sup> century houses and agricultural barns. None of the houses in the proposed development would have a view of any part of the Hall and the only way in which they might be perceived from the Hall would be on leaving along the drive, and then only (after screening has matured) in the form of the ridges and roofs of houses with ground level eaves. This would not be very different to the visual influence of existing houses in Columbyne Close, Reeds Way and Trinity Walk which are seen immediately on exiting the drive.

28. The fields in which the appeal development would be situated make a minor contribution to the setting of Columbine Hall simply by virtue of being opposite the entrance to the Hall behind a mature hedge with trees. They do not influence the heritage significance of the Hall to any significant extent. By means of new planting in a wide buffer area, the visual impact of new housing would be substantially reduced for anyone entering or leaving the Hall. Whilst visitors would be aware of new development south east of the drive, certainly in the first 10 years, the degree of harm to its setting and hence significance would be very low. There would be no impact on the ability to appreciate its former power and influence as a manorial seat or any meaningful change in the evident level of tranquillity around it.

*Church of the Holy Trinity (GII)*

29. The 1843 Church is of simple rectangular plan and built with bricks. It has a slate roof and a copper clad spire of modest proportions. The churchyard and cricket field provide its immediate setting but the spire is a prominent feature seen from the village and surrounding countryside and serves as a focus for the wider community. The appeal development would obscure the spire from parts of public footpaths that cross the appeal site and intermittently from certain positions outside the site. However, the degree of visibility remaining would be similar to other parts of the village where housing development has occurred. The spire would continue to perform its function for residents. It would remain visible from further afield, notably from higher ground along Rendall Lane and from the south east.
30. The new houses would be constructed in a layout which includes significant gaps in the centre where footpaths approach the centre of the village. These would allow continuing views of the spire for those approaching particularly along footpath 54. Although some rural views of the spire would be lost, it would remain the most important local landmark, identifying the entre of Stowupland, seen from a wide area in all directions. The harm to its heritage significance would be restricted only by a partial impact on the visibility of its spire from an arc to the north east. This needs to be taken into account in the overall balance.

*Listed buildings in Church Road (GII)*

31. These consist of Appleton and Pendle Cottage, the Cottage and 2 & 3 Church Walk, and 1-3 Barn Cottages and Foxglove Barn. They lie in a linear group on

- the A1120 Church Road to the north east of the site alongside other later cottages. As dwellings formerly associated with local farms and agricultural land use, their isolated rural setting contributes to their heritage significance, but this mainly derives from their timber frame construction, architectural and historical interest. All lie on higher ground relative to Stowupland.
32. The nearest new houses in the appeal scheme would be about 165m away behind screening planting and a field boundary on somewhat lower land. There would be an erosion of the isolation of the group as a whole from Stowupland, but the relationship between the group and surrounding farmland would remain very strong because of the open and uninterrupted views available across fields to the south, east and north. The remaining gap between the buildings and the development would be sufficient for the group to be perceived as separate from Stowupland as a whole. Moreover, the listed buildings are not seen in isolation but as part of a mixed row; from the appeal site and footpath 52, the most conspicuous is the end house, which is part of a terrace of 3 Victorian cottages.
33. The new dwellings would be mostly set well back from Church Road. Due to the significant difference in levels between the southern corner of the appeal site and 'Waveney' on the edge of Stowupland, a condition is suggested that would further set back new development in this area in order to avoid an obviously discordant relationship between neighbouring houses at a prominent point in the street scene. Imposing this would further reduce the likelihood that the setting of the listed cottages would be adversely affected. I conclude that with such a condition, the level of harm caused to the setting of the cottages would be negligible.
34. I have had regard to all the other heritage assets identified by the parties including Stowupland Hall about 200m further to the east beyond Foxglove Barn. This is a substantial 19<sup>th</sup> century 3 storey structure with long standing farming connections. Whilst visible from the appeal site, it is too far away for its setting to be noticeably affected. I conclude on heritage matters that the proposed scheme would lead to a degree of harm to the settings of heritage assets at Columbine Hall and the Church of the Holy Trinity, diminishing their heritage significance to a slight extent and conflicting with the aims of LP policy HB1, CS5 and SAAP policy 9.5. The degree of harm that would occur falls well within the category of 'less than substantial harm' as set out in paragraph 134 of the NPPF. Considerable importance and weight attaches to this harm in the balance.

### **Other matters**

35. Mid Suffolk, together with Babergh District, adopted a Community Infrastructure Levy (CIL) in January 2016 which includes a contribution to Suffolk County Council for education facilities. A S106 Unilateral Undertaking (UU) has been submitted to ensure contributions towards other benefits not covered by the CIL. This facilitates the provision of 35% of the units as affordable housing, open space including future management and maintenance, public transport infrastructure, a public rights of way and highways contribution, a Travel Plan including evaluation and support; and a permissive footpath linking the development to the Farm shop and post office. A Travel Plan Implementation Bond is requested by the Council to provide a surety for failure by the developer to implement the Travel Plan.



36. The Travel Plan is essential if future occupiers are to modify their behaviour and reduce use of private cars. In an area such as this, relatively close to schools and public transport including commuting by rail at Stowmarket station, there is a very real prospect of behaviour change if sufficient incentives are offered. The bond is to be paid back to the developer over the first 5 years in stages depending on successful Travel Plan implementation. I heard that there can be difficulties ensuring Travel Plans are put in place and co-ordinated effectively. I consider the payment of a bond is a reasonable measure to ensure the maximum effort is put into its implementation. Moreover I consider that monitoring the Travel Plan is likely to place a burden on the Authority over and above its normal administrative functions and that reasonable fees can be charged for this purpose.
37. I consider that the provisions of the UU are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in Paragraph 204 of the NPPF and Regulation 122 of the CIL Regulations (2010). Following a discussion at the Inquiry, there is no suggestion that more than 5 payments have been made to any of the objectives set out and I conclude that the requirements of Regulation 123 and Planning Policy Guidance (PPG) have also been satisfied. As such I give the UU significant weight.
38. Many local residents are concerned about other matters including loss of views, traffic congestion, flooding, highway safety, pressure on public services and schools. A change in outlook will occur for some but that does not, in itself, make a scheme unacceptable. The County Council has agreed in a Statement of Common Ground that with appropriate planning conditions, there would be no untoward congestion or highway safety impacts on roads and junctions in the area. The improvement to the junction of the A1120 and the B1115 (shown on Inquiry Document 24) is identified as an essential measure if this scheme is to be safely integrated and after observing this area at rush hour, I agree. Providing another lane for traffic turning left into Church Road would increase capacity and minimise single lane blockage. The potential for increased traffic levels do not pose such a serious risk to highway safety as to suggest planning permission should be refused. It is the subject of a condition.
39. The provision of a sustainable urban drainage system and on site storage will accommodate the anticipated likelihood of flooding with an allowance for future climate change. Whilst the concerns are understood, there is no suggestion that local services, surgeries or schools are likely to suffer overcrowding as a result of the scheme.
40. The increase in dwelling numbers is likely to lead to an increase in night glow, but conditions can be imposed to ensure that street lighting is designed to limit the throw of light upward and I heard that Suffolk County Council is taking steps to reduce power consumption generally. The proposed scheme would occupy only a small part of a very rural area that would remain fundamentally dark. This matter does not indicate that permission should be refused.

## **Conclusion**

41. The Council acknowledges that at 3.3 years, it falls well short of a 5 year housing supply as required by paragraph 47 of the NPPF. That is a legacy of a shortfall that occurred after the financial crisis of 2007/8. It is acknowledged that the Council is determined to address this, but at the current time, there is

nothing firm to suggest that the shortfall will actually be met. Moreover, there must be significant uncertainty in view of the joint Mid Suffolk/Babergh emerging LP that the OAN will not further increase. Paragraph 49 of the NPPF says that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Where policies are out of date, paragraph 14 of the NPPF says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies indicate development should be restricted. In this case there are relevant policies relating to designated heritage assets that have to be considered. Paragraph 129 says that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. This is a restrictive policy.

42. There would be a net improvement in ecological terms by means of new planting and hedgerow improvement. The scheme would make a significant contribution to housing need in Mid Suffolk and to affordable housing in particular, in a location which the Council recognises is a Key Service Centre. No part of the deliverable supply of 1830 dwellings that Mid Suffolk currently considers will come forward in 2015-2020 consists of sites in Stowupland and the community itself recognises the need for new housing, albeit not in the comprehensive way proposed here. However, the layout of the new housing would respect the existing field pattern, the existing spacious layout of the village and public rights of way; and would provide some new land for recreation purposes that might not otherwise come forward in smaller schemes.
43. With improvements to the A1120/B1115 junction, highway safety issues do not weigh against the scheme. The loss of green field land to development does not in itself count against the scheme; the SAAP anticipates that 50% of new housing will need to be on green field land on the urban fringe. Whilst the site lies outside the settlement area, the development would not affect the separate identities of Stowupland and Stowmarket or significantly diminish the broad countryside setting of the village, which has the benefit of an elevated position with wide ranging views. Allowing permission would go against the housing location aims of paragraph 6.54 of the SAAP, but this seeks to restrict housing development and in that respect is out of date; moreover, as noted above, it limits any new housing in the 2 Key Service Centres including Stowupland only for the first 5 year period of the plan, 2012-2017.
44. The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement. The level of harm to heritage significance by means of harm to the settings of Columbine Hall, Holy Trinity Church and the cottages would be minor or negligible and 'less than substantial' in terms of the NPPF, but any harm attracts considerable weight and importance in the balance. Columbine Hall is a heritage asset of the highest significance but the brief visual impact for those entering or leaving the Hall would only marginally affect appreciation of its setting. There would be a change in the character and appearance of the area generally by virtue of introducing new dwellings and there would be an impact on landscape

character and visual amenity that would conflict with adopted development plan policies to some extent.

45. Overall, the proposed development would be sustainable in social, economic and environmental terms. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. The restrictive nature and limited scope of the most recent SAAP policy and guidance for the supply of housing in the development plan means that it is 'out of date' read as a whole. The harm identified falls far short of outweighing the benefits of the scheme. In accordance with paragraph 14, the proposal would represent sustainable development which should be granted planning permission.

### **Conditions**

46. I have considered the suggested conditions in the light of paragraph 206 of the Framework, planning guidance and Appendix A to Circular 11/95 *The Use of Conditions in Planning Permission: Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances*. They have been adapted in accordance with the recommendations therein where appropriate, to ensure the wording is precise, necessary, relevant and enforceable. The wording has also been altered in accordance with comments received at the Inquiry.
47. The usual conditions are imposed to control the submission of the reserved matters. The developer is happy to be restricted to a start a year earlier but there are several issues that need to be approved before development commences that may take time. A 3 year period does not prevent the appellant beginning earlier if this is desired. As discussed at the Inquiry, conditions restrict development close to Church Road and the provision of a pedestrian link to Gipping Road. A restriction is placed on the total number of dwellings in the interests of maintaining a reasonable density similar to other parts of Stowupland. The access to Church Road needs to be completed before any occupation along with a footway to the primary school.
48. In view of the sloping site, a condition is necessary to ensure slab levels are controlled and avoid buildings being unnecessarily high. The height of the eaves of dwellings near Gipping Road is limited in view of the potential for interference with the setting of Columbine Hall and the condition also prevents the use of 'mansard' style roofs which would be out of character. To ensure the development does not appear unacceptably bulky in this edge of settlement location, a limit of 2.5 storeys is imposed. A design code is to be submitted and agreed in order to ensure a high quality development. No contamination risks have been highlighted on the site and national legislation is sufficient to ensure safety risks are addressed if any arise.
49. Other conditions are necessary at this stage to control fire hydrants, waste management, flood risk, drainage and the discharge of surface water, lighting, parking and turning within the development. Conditions are required to control landscaping, tree protection, management of open space and ecological improvements and the protection of habitats during construction. A construction method statement needs to be submitted in the interests of the amenity of neighbouring occupiers and the community in general. Archaeological interest on the site requires a programme for investigation and assessment. A scheme for job training opportunities is agreed but is not necessary to make the scheme acceptable. The future management of the open space is covered by the S106 UU. Finally, the improvements to the

junction of the A1120 and B1115 need to be completed before any significant occupation occurs.

50. For all the above reasons, the appeal should be allowed.

*Paul Jackson*

INSPECTOR

Schedule of 24 conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. The details submitted shall be generally in accordance with the illustrative layout shown on plan 6391-L-03 Rev Q.
- 2) Application for approval of the reserved matters must be made not later than the expiration of 3 years from the date of this permission and the development must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) Notwithstanding condition 1 above, no built development shall occur within a strip 30m deep from the site boundary where it adjoins Church Road.
- 4) Notwithstanding condition 1 above, the development hereby approved shall include a pedestrian link to Gipping Road in the north western corner of the site. No development shall take place until a scheme for this link has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved link has been provided and is capable of use.
- 5) The development hereby permitted shall comprise no more than 175 dwellings.
- 6) No development shall take place until details of the proposed construction specification for the new access (in accordance with Drawing No. C14609/002/P6) have been submitted to and approved by the Local Planning Authority. The access shall be laid out inclusive of cleared land within the visibility splays to this junction and constructed in its entirety prior to the commencement of any other development and thereafter shall be retained in its specified form. No dwelling shall be occupied until the access has been completed.
- 7) No part of the development hereby permitted shall be commenced until a scheme for a new 1.5m wide footway along the A1120 Church Road from the new site access to link to the Freeman Community Primary School as shown on drawing No. C14609/002/P6 has been submitted to and approved in writing by the Local Planning Authority. The approved footway shall be laid out and constructed in its entirety prior to the first occupation of the development and retained as such for the lifetime of the development.

- 8) Before any development begins, details of the proposed finished ground floor levels measured from a fixed off site datum point shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved levels.
- 9) Within the area hatched brown (area 12) on the indicative Plan No. 6391-L-03 Rev Q, no dwelling shall have any eaves higher than ground floor wall plate level or a 'mansard' style roof; and otherwise exceed two storeys.
- 10) No dwelling in the development hereby approved shall exceed 2.5 storeys, that is 2 storeys with rooms in the roof.
- 11) Before any development begins, a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall pertain to and include the following: architectural design and materials, the function and treatment of open spaces, street types and materials, parking, boundary treatments (including the details of screen walls and fences for individual dwellings), movement patterns (including connectivity to the offsite public rights of way network), lighting, security principles and domestic waste bin storage arrangements. The development shall be carried out in accordance with the approved details.
- 12) No development shall take place until a Flood Risk Assessment, to include a surface water drainage strategy (construction phase and post construction phase) for the site has been submitted to and agreed in writing by the Local Planning Authority. The details shall include:-
  - i. Preliminary hydraulic calculations that outline the post-developed site runoff will outflow through a single controlled outlet and be restricted to  $Q_{bar}$  or 2/l/s/ha (whichever is higher) for all events up to and including the 1 in 100yr + Climate Change (CC) event. This is to make sure the site has included long term storage.
  - ii. Attenuation storage shall be provided and sized to contain the 1 in 100yr + CC event and will be located in the lower region of the site within open space. An outline layout drawing shall be provided showing the location and form of the full storage area.
  - iii. A plan or statement of the total impermeable area to be introduced by the development must be highlighted in the strategy.
  - iv. If exceedance is being designed into the surface water system, then topographic plans shall be submitted depicting indicative exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite. If exceedance routes are to be directed to SuDS features then the potential additional volume of surface water must be included within the design of the surface water system.
  - v. Firm drawings of the site and proposed SW drainage, revised taking into account the land contours.
  - vi. Details of maintenance of all SuDS features for the lifetime of the development, including an operation and maintenance schedule.
  - vii. Means of preventing the discharge of surface water from the development onto the highway.

The surface water drainage strategy shall be implemented as agreed and shall be managed and maintained thereafter in accordance with the management and maintenance plan that forms part of the agreed surface water drainage strategy.

- 13) Prior to the commencement of development an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include final tree surveys, schedule and timing of works, methods of construction close to trees and the location of services. The development shall be undertaken in full accordance with the approved details.
- 14) No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works (including boundary treatments, play areas and attenuation ponds and any works to footpaths) for the application site and for the land edged blue on Drawing Reference: 6391-L-08. The details shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction".
- 15) All hard and soft landscaping works, shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development.  

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, are seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 10 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.
- 16) No works or development shall be commenced until details of the means of protecting, during construction, retained habitats on and adjacent to the site, as identified in the submitted FPCR Ecological Appraisal dated August 2015, have been submitted to and approved in writing by the Local Planning Authority. The detailed protection measures shall be implemented in full prior to the commencement of any works or development.
- 17) No development shall commence until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.

The LEMP shall include the following:

- Aims and objectives of the Management Plan;
- Description and evaluation of features to be managed and enhanced, which should include all existing features, woodland and open spaces, green corridors, ponds and soft landscape areas (other than privately owned domestic gardens);

- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a seven-year period); and
- Ongoing monitoring and remedial measures.

The LEMP shall be implemented out in full in accordance with the approved details.

- 18) Prior to the commencement of development, details of all external lighting, including street lighting, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels). All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme, and shall be retained and maintained thereafter. No external lighting (other than that on residential properties) shall thereafter be installed unless agreed in writing by the Local Planning Authority.
- 19) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
  - a scheme for recycling/disposing of waste resulting from demolition and construction works
  - a scheme to control noise during the construction phase.
  - Hours of construction.
- 20) No development shall take place until a scheme for waste management including the location of bin storage and collection points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully in respect of any dwelling prior to the occupation of that dwelling.
- 21) No development shall commence until a programme of archaeological work, in accordance with a Written Scheme of Investigation for evaluation and where necessary excavation, has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved scheme.

The Written Scheme of Investigation shall include an assessment of significance and research questions and shall include:

- A programme and methodology of site investigation and recording.
- A programme for post investigation assessment.

- Provision to be made for analysis of the site investigation and recording.
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - Provision to be made for archive deposition of the analysis and records of the site investigation; and
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 22) No development shall take place until details of the areas to be provided for the purposes of manoeuvring and parking of vehicles, including secure cycle parking, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of any dwelling to which that particular area relates. Thereafter those areas shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base course level or above in accordance with the approved details.
- 23) No part of the development shall be commenced until details of a scheme to improve the junction of the A1120 and B1115 to the west of the application site (to include kerb realignment and carriageway widening on the B1115) in general accordance with Hydrock drawing C14609 has been submitted to and approved in writing by the Local Planning Authority. The approved works to the junction of the A1120 and B1115 shall be laid out and constructed in their entirety prior to the occupation of 50th dwelling constructed on the application site.
- 24) No part of the development shall be commenced until a scheme for the installation of fire hydrants and the provision of hardstanding capacity to the Fire Authority's specification has been submitted to and approved in writing by the Local Planning Authority. The fire hydrant(s) and hardstandings shall be completed in accordance with the approved scheme prior to the first occupation of the development hereby permitted.



## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Richard Ground	Queens Counsel
He called	
Paul Harrison MA	Heritage Enabling Officer
Anne Westover BA Dip LA CMLI	Landscape Planning Officer, Suffolk County Council
Ian Ward Dip Env Plan MRTPI	Senior Planning Officer

### FOR THE APPELLANT:

Satnam Choong	Of Counsel
He called	
Jason Clemons BA (Hons) MA MSc MRTPI IHBC	CgMs Consulting
Phil Rech BA B Phi LD CMLI	FPCR
Helen Ball BA (Hons) MA MRTPI	Gladman Developments Ltd

### INTERESTED PERSONS:

Hew Stevenson	Local resident
Cllr Keith Welham	District Councillor
Jerry Voden	Local resident and Vice Chairman of Stowupland Parish Council
Colin Churchill	Local resident
John Cummins	Local resident
Pat Hodgkins	Local resident
Dr David Rose	Local resident
Brett Ward	Local resident
Gill Jolly	Local resident
Jackie Ward MRTPI	Local resident and Neighbourhood Plan Co- ordinator
Paul Sieley	Local resident

## DOCUMENTS

- 1 S106 Unilateral Undertaking
- 2 High Court Judgment [2016] EWHC 592 (Admin) *Wychavon*
- 3 Appeal decision ref APP/H1840/W/15/3008340
- 4 Photographs supplied by FPCR to indicate the rate of growth of trees
- 5 Plan showing public rights of way, supplied by the Council
- 6 Statement by Andrew Woodin, Suffolk County Council Rights of Way  
and Access Manager to justify S106 contributions to improve local  
PROWs
- 7 Proof of evidence of Chris Ward, Travel Plan Officer
- 8 Appellant's response to requested PROW contributions

- 9 Appeal decisions APP/C3105/A/13/2204000 and  
APP/C3105/A/13/2203995 submitted by the appellant
- 10 Plan of land of historical significance, submitted by the Council
- 11 Extracts from GLVIA3, relating to 'valued' landscapes, provided by the  
Council
- 12 High Court Judgment [2016] EWHCA Civ 168 *Hopkins*, provided by the  
Council
- 13 Copy of LP policy HB1, provided by the Council
- 14 High Court Judgment [2015] EWHC 2464 (Admin) *Elm Park* provided  
by the Council
- 15 Appeal decisions APP/C1625/A/13/2207324 and  
APP/F1040/W/15/3033436 , submitted by the appellant
- 16 Copies of slides shown by Pat Hodgkins
- 17 2015 Neighbourhood Plan Questionnaire, submitted by J Ward
- 18 Copy of Telstar Stowupland News (April 2016)
- 19 Update to public consultation detailing amendments, submitted by Mr  
Cummins
- 20 Stowupland Neighbourhood Plan information including survey results  
and a character appraisal, submitted by J Ward
- 21 Appeal decisions APP/J3530/W/15/3011466 and  
APP/C1760/A/14/2224913 submitted by the Council
- 22 Appeal decision APP/A0665/A/13/2193956 submitted by the appellant
- 23 Appeal decisions APP/J3720/A/14/2219604, APP/T3725/A/14/2222868  
and APP/W1145/A/14/2224155 submitted by the Council
- 24 Plan of proposed improvements to A1120/B1115 junction, provided by  
the appellant
- 25 Section through appeal site between Walnut Tree farm and Holy Trinity  
Church, provided by the appellant