



Appeal Decisions

Hearing Held on 24 April 2018

Site visit made on 23 & 24 April 2018

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 18th May 2018

Appeal A Ref: APP/W3520//W/17/3184908

Land west of Thorney Green Road, Stowupland - North Field.

- 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 Mr Nick Fairman (New Hall Properties (Eastern) Ltd) against the decision of Mid Suffolk District Council.
 - The application Ref 5024/16, dated 17 January 2017, was refused by notice dated 11 August 2017.
 - The development proposed is the erection of up to 85 dwellings with associated parking, landscaping, open space and surface water attenuation.
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Appeal B Ref: APP/W3520//W/17/3184909

Land west of Thorney Green Road, Stowupland - South Field.

- 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 Mr Nick Fairman (New Hall Properties (Eastern) Ltd) against the decision of Mid Suffolk District Council.
 - The application Ref 0195/16, dated 15 January 2016, was refused by notice dated 11 August 2017.
 - The development proposed is a residential development of up to 58 dwellings and a new vehicular access off the B1115. All matters to be reserved with the exception of the main site access.
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Decisions

1. Appeal A is allowed and outline planning permission is granted for the erection of up to 85 dwellings with associated parking, landscaping, open space and surface water attenuation at land west of Thorney Green Road, Stowupland - North Field in accordance with the terms of the application, Ref 5024/16, dated 17 January 2017, subject to the conditions set out in the schedule to this decision.
2. Appeal B is allowed and outline planning permission is granted for a residential development of up to 58 dwellings and a new vehicular access off the B1115. All matters to be reserved with the exception of the main site access at land west of Thorney Green Road, Stowupland - South Field in accordance with the terms of the application, 0195/16, dated 15 January 2016, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

3. As set out above there are two separate appeals which relate to two different but adjoining sites under the same ownership. Both applications were refused by the Council for identical reasons and therefore whilst I have considered both appeals on their individual merits, as they raise similar issues, I have dealt with them both in a single decision letter.
4. Although the applications were submitted in outline they were accompanied by a raft of supporting technical documentation in relation to highways, ecology, noise, flood risk/drainage and archaeology. This material is broadly accepted by technical consultees and demonstrates that a number of matters are capable of being satisfactorily dealt with either by condition or planning obligation. It was agreed at the Hearing that the Indicative Layout submitted with the appeals shows the probable layout. The Council and other interested persons have had opportunity to comment on the layout and I have therefore had regard to it insofar as it is relevant to my consideration of the appeals.
5. There is no dispute between the parties that the Council cannot demonstrate a 5 year supply of housing and therefore paragraph 14 of the "*National Planning Policy Framework*" (the Framework) is engaged.
6. The Neighbourhood Plan for Stowupland (the NP) has progressed to the Pre-Submission Draft stage. However as the plan remains at a relatively early stage of preparation, it attracts very limited weight in my decision. A signed Statement of Common Ground was submitted at the Hearing and I have had regard to this in reaching my decision.
7. I visited the appeal sites before and after the Hearing. As the full extent of the sites can be readily viewed from the public domain from the B1115, Thorney Green Road or Public Footpaths 30 & 31, and with agreement of the main parties, an accompanied site visit was not deemed necessary.
8. Following the Hearing, signed and dated Unilateral Undertakings (UU) under Section 106 of the Town and Country Planning Act 1990 were submitted. These contain obligations in respect of; public rights of way improvements, affordable housing and open space landscaping/management and phasing. All the proposed contributions would need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010, a matter I shall return to later.

Main Issues

9. Although there was broad agreement on a range of matters at the Hearing, the main parties hold differing views regarding the degree of heritage and landscape harm, the weight to be attributed to the various benefits of each scheme and the resulting planning balance. Against this background, and in view of the evidence submitted in writing and presented orally at the Hearing, I consider the main issues can best be expressed as:
 - a) the effect on the character and appearance of the area;
 - b) the effect on the setting of nearby heritage assets;
 - c) the effect on best and most versatile agricultural land (BMV), and
 - d) whether the appeal proposals should be seen as representing sustainable development, in the terms of the Framework.

Planning Policy and Guidance

10. Section 38(6) of the Planning and Compulsory Purchase Act (the Act) 2004 requires that these applications be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which can override development plan policy if it is not consistent with the Framework's provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.
11. Paragraph 14 of the Framework explains that there is a presumption in favour of sustainable development at the heart of the Framework, and that this should be seen as a golden thread running through both plan-making and decision-taking. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted.
12. Of particular relevance are Framework paragraphs 49 and 215. Paragraph 49 indicates that relevant policies for the supply of housing should not be considered up-to-date if the Council is unable to demonstrate a 5 year supply of deliverable housing sites as is the case here. Paragraph 215 of the Framework explains that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given.
13. The development plan for the area comprises a combination of the "*Mid Suffolk Core Strategy Development Plan Document 2008*" (the CS), the "*Mid-Suffolk Core Strategy Focused Review 2012*" (the CSFR), saved policies of the "*Mid-Suffolk Local Plan 1998*" (the LP) and the "*Stowmarket Area Action Plan 2013*" (the SAAP). CS Policy CS1 identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. CS Policy CS2 and LP Policy H7 seek to restrict housing development in the countryside in the interests of protecting its existing character and appearance. CS Policy CS5 seeks high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk.
14. Along with LP Policies H13 and H15, CS Policy CS5 also seeks to protect and conserve landscape qualities. Whilst clearly laudable, these policies are not in conformity with the Framework, which does not provide a blanket protection for the natural environment, as is made clear in its Section 11. As a result, the weight which can be attributed to these policies has to be commensurately reduced. Finally, CSFR Policy FC 1 sets out that planning applications will be considered in the context of the Framework's definition of sustainable development.
15. The appeal sites are not allocated for housing in the development plan and lie outside but adjacent to the village envelope for Stowupland. They are therefore in the countryside for planning purposes. It is not part of the appellant's case that the proposals accord with any of the exceptions listed in CS Policy CS2. Consequently, the location of the appeal sites would be contrary to Policies CS1 and CS2. However, owing to the Council's housing

land supply deficit, there is no suggestion that the location of the developments outside the settlement boundary of Stowupland would be inappropriate in these cases.

Reasons

Character and Appearance

16. In summary, the sites cover two adjoining fields both in arable use. The North Field is 4.03 hectares and the South Field 3.85 hectares in size. Both are located between Thorney Green Road, the B1115 and the A14 and abut the western edge of Stowupland. Public Footpath 31 bisects the two sites and links Thorney Green Road to the open countryside to the west. Stowupland is a rural village that developed around the T-shaped green in the centre of the village. The green has survived the gradual expansion of the village throughout the 20th century. Although now one of the larger villages in the district, it retains a rural setting albeit with a close spatial and functional relationship with Stowmarket.
17. Officers recommended both applications for approval on the basis that the landscape impact could be mitigated, *'giving rise to a degree of harm to the landscape that would not be significant'*. Members did not agree with that position and the applications were refused. The applications were accompanied by a detailed Landscape and Visual Appraisal which assessed the likely landscape and visual effects of the developments. Whilst I have had regard to these documents, and the Council's own appraisal dated 19/3/18, my assessment is informed primarily by my observations on the site visits undertaken before and after the Hearing, the latter with the benefit of having heard the evidence of the relevant expert witnesses.
18. The sites have few redeeming features and are not designated or part of a 'valued landscape' in the terms set out in the Framework. They lie within "National Character Area 86 – South Suffolk & North Essex Clayland" where defining characteristics include, amongst other things, an undulating agricultural landscape with irregular field patterns situated on a clay plateau dissected by various river valleys. Based on the foregoing, I consider the appellant's description of the sites as *'ordinary attractive landscape'* to be apt.
19. The southern site boundary abutting the B1115 is substantially enclosed behind a mature hedgerow and tree line which becomes more 'gappy' towards the Thorney Green Road junction. The sites are particularly prominent in westward views from Thorney Green Road. Although the sites are not visible over a wider area, they are valued locally on account of the fact that they help to sustain the pleasant open, rural setting to the west of Stowupland and form part of a larger tract of land providing separation to Stowmarket. Despite that, the sites are not covered by a specific green gap allocation and fall largely outside the green gap identified on Map 9 of the NP.
20. The Indicative Layout shows that a large swathe of land in the south-west quadrant of the South Field would remain undeveloped with additional planting along the B1115 frontage. The houses are shown as being set back from the B1115 with an informal area of open space in the north-east corner, opposite the listed buildings at 28 and 30 Thorney Green Road. The layout indicates that vistas to the open countryside beyond would be retained from; the

southern end of Thorney Green Road, through gaps in the vegetation along the B1115 and along the line of the public footpath.

21. A nature reserve with additional areas of landscaping would be formed on the triangular field to the south of the B1115. This would strengthen the existing screening along the A14, helping to reinforce the sense of visual separation between Stowupland and Stowmarket, the latter already extending right up to the A14. The approach of setting built development back from the A14 and reinforcing existing landscaping is not dissimilar to that which has been endorsed by the Council as part of the "*Ashes Farm Statement Development Brief & Delivery Framework*".
22. Despite that, there is no dispute between the parties that the schemes whatever their final form would result in a marked, permanent and irreversible change to the landscape character of the respective sites and the immediate locality in that an open arable landscape would be replaced by urban housing. However, viewed in the context of out of date housing policies and the Government's requirement that local planning authorities should boost significantly the supply of housing, it does not automatically follow that such a change would be unacceptably harmful.
23. The appellant's appraisal notes that a number of key receptor points along the public footpath, Thorney Green Road and from existing residential properties facing the sites would be notably affected. However, these would be local rather than longer distance views. Whilst I have some sympathy with those residents who live on the opposite side of Thorney Green Road, there is no right to a view or an open outlook. Although only indicative, it cannot reasonably be claimed that the resulting outlook would be unacceptable in normal planning terms.
24. Irrespective of how the dwellings are ultimately arranged, the schemes would undeniably erode elements of the functioning space between the two settlements. In doing so, they would increase the size of Stowupland and extend it further towards Stowmarket. The amount of physical separation between the settlements would thus be reduced. However, this would be the inevitable consequence of any new development on land to the west, south/west of Stowupland or the east, north/east of Stowmarket and it is not as a matter of principle a reason to dismiss the developments out of hand particularly as the Council accept that greenfield sites will need to come forward if future housing targets are to be met.
25. I have had regard to the SAAP and in particular paragraphs 6.38 and 6.42 which the Council and others have drawn my attention to. These state that an '*acceptable level*' of separation from the surrounding villages should be provided to prevent coalescence with Stowmarket. However, statements within supporting text are not tantamount to policy and should not be construed as if they were. With that in mind, there is nothing in the SAAP which would preclude the principle of development on the appeal sites per se. In my opinion, the reduction in the amount of separation would not be significant and the developments would not physically unify the settlements. An area of intervening land between Stowmarket and Stowupland would continue to exist with additional landscaping strengthening the amount of visual separation. I am thus satisfied that the separate identities of both

settlements would be safeguarded such that they would remain clear and distinguishable from one another.

26. Overall, as with any greenfield site there would be visual and landscape harm arising from the loss of the sites' open and undeveloped character. Although the impact of the developments on the wider landscape would be limited, the erection of housing would represent a marked change to the character and appearance of the area and significantly erode the amenity value derived from views across the land. This would bring the developments into conflict with CS Policy CS5 and LP Policies H13 and H15, together with those parts of the Framework which seek to ensure that new development adds to and improves the overall character and quality of the area, taking account of the different roles and character of different areas, the intrinsic character and beauty of the countryside, and the need to contribute to conserving and enhancing the natural environment.
27. Moreover, there would be some reduction in the amount of separation between Stowupland and Stowmarket and a degree of coalescence would occur. Nonetheless, as layout and design are reserved matters, the indicative layouts show how mitigation in the form of substantial landscape buffers could be embedded in the design and layout of both schemes. This together with the landscape mitigation proposed in the triangular field, would achieve an 'acceptable level' of visual and spatial separation. Based on all of the foregoing, I conclude that the overall level of landscape harm would not be significant but moderate.

Heritage Assets

28. The duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This section is clearly engaged insofar as Nos 28 and 30 (Grade II listed) are concerned. LP Policy HB1 and CS Policy CS5 seek to protect, conserve and enhance heritage assets. As these policies do not allow for the weighing of public benefits against any harm, there is again a degree of inconsistency with the Framework.
29. There is no disagreement that the adjacent agricultural landscape forms part of the wider setting of both buildings and therefore its loss would inevitably erode the functional and historic relationship of the heritage assets with their rural surroundings. In the language of the Framework, this would amount to 'less than substantial harm' to the setting of both buildings. Nonetheless, it was evident at the Hearing that there is more than a degree of nuanced opinion amongst the heritage professionals as to the exact level of that harm and whether it would be outweighed by the public benefits of the schemes. The appellant's heritage witness describes the level of harm as 'moderate adverse'. Despite acceptance of that position in their Heritage Statement, the Council sought to renege slightly from that view at the Hearing and suggested that the harm would be closer to 'significant adverse'.
30. I accept the Council's argument that the harm caused by the proximity of existing development should not be used to justify further harmful development. On the other hand, it is patently clear that the setting of both buildings has already been heavily compromised by the modern housing that now largely encircles them. Accordingly, the significance and enjoyment of the

buildings as heritage assets, for most people, derives mainly from them being well preserved and attractive examples of vernacular 16th/17th century architecture adding an interesting focal point to an otherwise unremarkable street scene. Whilst not particularly prominent from Thorney Green Road, their upper portions including thatched roofs are clearly visible as one approaches the village from the public footpath. However, from here and most other public views, the buildings are seen as part of the existing urban fabric of Stowupland rather than in an open fieldscape.

31. The area of open space indicated within Appeal A would provide some welcome breathing space for the buildings. This would not mitigate the harm I have identified but it would be a place for quiet contemplation from where one could appreciate the aesthetic qualities of the buildings. Based on the above considerations, I am satisfied that the impact on the setting of the assets should be seen as towards the lower-middle of the 'less than substantial' range. In accordance with paragraph 134 of the Framework, I am required to weigh the harm to Nos 28 and 30 against the public benefits of the proposed developments, an exercise which I undertake later in this decision.

Best and most versatile agricultural land (BMV)

32. Collectively the appeal sites comprise around 7.88 hectares of Grade 2 and 3a agricultural land. Paragraph 112 of the Framework advises that the economic and other benefits of BMV should be taken into account and that areas of poorer quality land should be used in preference to that of a higher quality where significant development of agricultural land is demonstrated to be necessary. However, whilst the Framework expresses a preference for development on non-BMV land, it does not preclude development on such.
33. The Council accepts that the loss of 7.88 hectares in the context of the amount of agricultural land across its area, much of which is of a similar quality, would be relatively small and certainly not in the realms of 'significant' as set out in the Framework. Also the Council do not dispute the appellant's point that most recent permissions for large residential developments and allocations of sites in Stowmarket are on similar greenfield sites of Grade 2 and 3 land. I therefore conclude that the loss of BMV would not be significant when assessed against national planning policy and does not weigh against the scheme.

Whether sustainable

34. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to sustainable development - economic, social and environmental - and that these give rise to the need for the planning system to perform a number of mutually dependent roles.
35. The Council does not dispute the appellant's claim that a number of economic benefits would flow from these developments, if permitted. These benefits are set out in the Officer's Committee Report and include, amongst other things; employment associated with the construction of up to 143 dwelling houses, the purchase of materials and services in connection with the construction of the dwellings, an increase in local household expenditure and revenues to the Council from the New Homes Bonus.

36. The scheme would make a significant contribution towards the Council's housing stock in terms of both affordable and market provision. These benefits would be consistent with the social dimension of sustainable development. The developments would provide new publicly accessible amenity green space and green infrastructure on land which currently has no general public access (beyond the route of the public footpaths) thus resulting in a modest benefit in terms of the recreational value of the site. The appeal sites are also located in an accessible and sustainable location on the edge of a Key Service Centre, with good access to local services and facilities, and with sustainable transport choices that would provide access to higher order services in Stowmarket. There would also be meaningful improvements to the public rights of way network which would benefit the local community. I acknowledge that some of these benefits would not be unique to these proposals. Nevertheless, they would be tangible and would satisfy the social and economic roles of sustainable development.
37. Paragraph 7 of the Framework indicates that as part of the environmental role of sustainable development, the planning system needs to contribute to protecting and enhancing the natural, built and historic environment. There would be an overall benefit to biodiversity, given the current limited ecological interest in the sites, which would accord with the requirement of paragraph 109 of the Framework. However, I have found that the appeal schemes would result in moderate localised harm to the character and appearance of the area and less than substantial harm to the setting of Nos 28 and 30.
38. Before I can come to a conclusion on the environmental role of sustainable development, I need to consider whether the heritage harm is outweighed by the public benefits of the proposals taking account of paragraph 132 of the Framework, which makes it clear that 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. To be set against this harm, there would be substantial public benefits arising from the construction of up to 85 and 58 dwellings (50 of which would be affordable) in an area of need. I attach significant weight to these benefits. There would also be other undisputed material economic and social benefits as set out above which also attract positive weight in the planning balance. I am therefore drawn to conclude that the harm to the setting of No 28 and 30 would be outweighed in this instance by the public benefits of each development. In other words the proposals pass the "paragraph 134" test.

Other Matters

39. Local residents have expressed a wide range of concerns including but not limited to the following: loss of wildlife habitats, inadequate drainage and the effect on highway safety and congestion. However, whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council on these matters.
40. Various appeal decisions were referred to in the Council's evidence. However, there was no suggestion that the facts of any one case were so aligned with the facts here that the previous decision indicated that this appeal should be dismissed. I have therefore had regard to the various decisions insofar as they are relevant to my consideration of this appeal.

Conditions

41. The Council has suggested a number of planning conditions which I have considered against the advice in the "*Planning Practice Guidance*". In some instances I have amended or combined the conditions provided by the Council in the interests of brevity and to ensure compliance with the PPG.
42. Conditions 1, 2 and 3 are standard conditions for outline planning permissions. Condition 4 is imposed for the avoidance of doubt and to ensure the developments are carried out in accordance with the approved plans and details. Conditions regarding the provision of satisfactory drainage systems are necessary to ensure satisfactory drainage of the sites in the interests of flood prevention. A Construction Method Statement including appropriate restrictions on construction hours, traffic movements and biodiversity protection measures is necessary to protect the living conditions of local residents and in the interests of highway safety and local ecology. For Appeal B a noise condition is necessary to protect future occupiers from road noise. Archaeology conditions are necessary to protect any archaeological assets that may be present. Conditions covering travel packs, electric car charging points and water and energy efficiency measures are all necessary to encourage sustainable travel habits and support the move to a lower carbon future. To mitigate the impact of the development on the local highway network, I have imposed a condition relating to the improvement of the B1115/A1120 junction.
43. Details relating to; landscaping, the storage of refuse bins, the precise layout of the internal estate roads/footpaths, car/cycle parking arrangements can all be addressed at the reserved matters stage or would be covered under separate legislation as part of the road adoption process. Accordingly suggested conditions 18, 19, 20, 22 and 27 are all unnecessary. As any new lighting would be covered by the existing part-night lighting scheme, I am not persuaded that either appeal site is so sensitive that external lighting conditions are necessary. No reasons have been provided for the condition regarding the requirement for all houses to have superfast broadband. It was pointed out at the Hearing that it is not within the Appellant's gift to deliver such facilities. Condition 25 does not therefore meet the requisite tests.

Planning Obligations

44. As there are two separate appeals and separate obligations relating to the district and county councils, there are four separate UU's. Regulation 122 of the CIL states that obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
45. A public right of way contribution of £11,102 is sought towards the improvements of public footpaths 29, 31, 57 and 58. As these are proximate to the appeal sites and are likely to be used heavily by future occupiers, I am satisfied that this contribution meets the statutory tests.
46. The UU's also make provision for 35% affordable housing which is in line with LP Policy H4. Whilst I understand the breakdown between the various tenures is not the Council's optimum solution, there is no development plan policy or SPG to support the Council preferred tenure mix. It is also pertinent that the affordable housing offer has been increased from 20% to 35%, the former

having being considered acceptable by Council officers at the time the applications were taken to Committee on the back of an agreed viability appraisal. I am thus satisfied that this obligation would meet the statutory tests.

47. The UU's also contain obligations relating to the landscaping and maintenance of the Landscape Enhancement Area to the south of the B1115 and phasing (to ensure that the south field is developed ahead of the north field). There was broad agreement at the Hearing that these obligations would also meet the statutory tests and I see no reason to take a contrary view.

Overall Conclusions and Planning Balance

48. I am required to determine these proposals in accordance with the development plan, unless material considerations indicate otherwise. The starting point is therefore that both proposals would conflict with CS Policies CS1, CS2 and CS5 and LP Policies H13, HB1 and H15. As to whether material considerations indicate that the permission should be allowed, the Framework is one such consideration.
49. Given the inconsistency of the development plan policies cited above with the Framework and the Council's housing land supply position, the development plan is out-of-date. Not only does this reduce the weight that I can attach to the policies therein in the overall balance but it also engages the default position identified in paragraph 14 of the Framework. The effect of this is that the planning balance shifts in favour of the grant of consent. Only if the Council is able to demonstrate harm which "significantly and demonstrably" outweighs the benefits of the development should consent be refused.
50. From my conclusions on the main issues, I consider that the proposed developments would result in some moderate landscape impacts. There would also be a low-moderate level of "less than substantial" harm to nearby heritage assets. There are no other matters which weigh against the developments, which could not satisfactorily be addressed by conditions, the UU's or at reserved matters stage.
51. When considered in the round, the proposed developments would therefore contribute significantly to the economic and social dimensions of sustainability. Collectively these factors must carry substantial weight. There would be overall moderate harm in terms of the environmental dimension. However, my conclusion is that the adverse impacts of the proposals would not significantly and demonstrably outweigh the substantial benefits which would arise from the developments. I consider this to be a significant material consideration sufficient to outweigh the development plan conflict.
52. For the reasons given above and taking into account all other matters raised, I conclude that Appeal A and Appeal B should succeed.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

Appeal A

- 1) Details of the appearance, access, 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 016.SK.02 rev P6, 016.SK.11 rev P4 and 016.SK.14 rev P1.
- 5) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) delivery, demolition and construction working hours;
- ix) The routing of HGV's to/from the site;
- x) Measures to protect biodiversity features

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 7) No development shall take place until a written scheme of archaeological investigation / resource management; that includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved scheme.
- 8) Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Information Pack. No less than 3 months prior to the first occupation of any dwelling, the contents of the Residents Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information and a multi-modal travel voucher. The Residents Travel Information Pack shall be maintained and operated thereafter
- 9) No development shall commence above slab level until a scheme for the provision and implementation electric car charging points for the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme shall be implemented, and the measures provided and made available for use, in accordance with such timetable as may be agreed.
- 10) No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the development has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.
- 11) No part of the development shall be commenced until details of a scheme to improve the junction of the A1120 and B1115 (to include kerb realignment and carriageway widening) have been submitted to and approved in writing by the Local Planning Authority unless such a scheme has been previously constructed to the satisfaction of the Local Planning Authority. The approved works to the junction shall be laid out and constructed in their entirety prior to the occupation of the 50th dwelling constructed on the application site unless such a scheme has previously constructed.

Appeal B

- 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 016.SK.02 rev P2, 016.SK.11 rev P5, 016.SK.14 rev P1 and 1636-03.
- 5) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;

- vii) delivery, demolition and construction working hours;
- viii) The routing of HGV's to/from the site;
- ix) Measures to protect biodiversity features

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 7) The development hereby permitted shall be carried out in accordance with the glazing and acoustic fencing recommendations in the Loven Acoustics Environmental Noise Assessment dated 14/12/15.
- 8) No development shall take place until a written scheme of archaeological investigation / resource management; that includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved scheme.
- 9) Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Information Pack. No less than 3 months prior to the first occupation of any dwelling, the contents of the Residents Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information and a multi-modal travel voucher. The Residents Travel Information Pack shall be maintained and operated thereafter.
- 10) No development shall commence above slab level until a scheme for the provision and implementation electric car charging points for the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme shall be implemented, and the measures provided and made available for use, in accordance with such timetable as may be agreed.
- 11) No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the development has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.
- 12) No part of the development shall be commenced until details of a scheme to improve the junction of the A1120 and B1115 (to include kerb realignment and carriageway widening) have been submitted to and approved in writing by the Local Planning Authority unless such a scheme has been previously constructed to the satisfaction of the Local Planning Authority. The approved works to the junction shall be laid out and constructed in their entirety prior to the occupation of the 50th dwelling constructed on the application site unless such a scheme has previously constructed.

APPEARANCES

FOR THE APPELLANT

Mr Satnam Choongh	Counsel (No 5 Chambers)
Mr Nigel Cowlin	Appellant's Landscape Witness
Mr Nick Fairman	New Hall Properties (the Appellant)
Mr Richard Hoggett	Appellant's Heritage Witness
Mr David Churchill	Carter Jonas

FOR THE LOCAL PLANNING AUTHORITY

Mr Andrew Ryley	DLP Planning Ltd – Council's Planning Consultant
Ms Ruth Elwood	Elwood Landscape Design – Landscape Witness
Mr Tim Murphy	Essex County Council – Heritage
Ms Julie Abbey-Taylor	Council's Housing Enabling Officer

INTERESTED PERSONS

Claire Pizzey	Parish Council Clerk
Mr & Mrs Carcas	Local residents
Keith Welham	Local resident
Jackie Ward	Local resident & Chair of the Stowupland Neighbourhood Plan sub-committee
Ray Studd	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Stowupland Neighbourhood Plan 2016-2036 – Pre-Submission Draft Version 5.4 April 2018.
- 2 Indicative Layout – NC16.269-P200
- 3 List of Recommended Conditions