

Committee Report

Item No: 1

Reference: DC/17/04326

Case Officer: John Davies

Ward: Sudbury South.

Ward Member/s: Cllr Simon Barrett. Cllr Luke Cresswell.

Description of Development

Submission of details under Outline Planning Permission B/13/00917- Reserved Matters- Appearance, Landscaping, Layout and Scale for up to 43no dwellings. As amended by revised plans received 10/11/17 numbered 664-200/03, 201/04, 202/02, 204/02, 210/01, 211/00 together with a Construction Method Statement and External Lighting Plan.

Location

Land East Of Bulmer Road, Sudbury, Suffolk,

Parish: Sudbury

Site Area: 1.17ha

Conservation Area: Sudbury

Listed Building: Affects Setting of Grade II

Received: 18/08/2017

Expiry Date: 29/11/2017

Application Type: RES - Reserved Matters

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: n/a

Applicant: Foxley Country Homes Ltd.

Agent: Strutt & Parker

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Proposed Site Plan Proposed Site Layout Plan 664.200.03 - Received 10/11/2017

Parking Layout 664 201 04 - Received 10/11/2017

Street Scene - Proposed Street scenes 664.202.02 - Received 10/11/2017

Sectional Drawing Proposed Site Sections 664.203.01 - Received 18/08/2017

House Type 1 664.204.02 - Received 10/11/2017

House Type 2 664.205.01 - Received 18/08/2017

House Type 3 664.206.01 - Received 18/08/2017

House Type 4 664.207.01 - Received 18/08/2017
House Type 5 664.208.01 - Received 18/08/2017
House Type 6 664.209.01 - Received 18/08/2017
Materials Plan 664.210.01 - Received 10/11/2017
664.211.00 - Received 10/11/2017
664.212.01 - Received 10/11/2017
Landscaping Plan Outline Landscape Proposals PR096-01 - Received 18/08/2017
Landscaping Plan Detailed Landscape Proposals PR096-02 - Received 18/08/2017
Accommodation Schedule 664-500-04 - Received 18/08/2017
Existing Site Plan Existing Site Location Plan 664-001-00 - Received 18/08/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a “Major” application for:

a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/13/00917	Outline Consent-development of up to 43 dwellings.	Granted 08/04/2016
B/11/00421	Outline - Erection of 43 no. dwellings and 4 no. commercial units (existing industrial buildings to be demolished).	Refused 14/06/2012
B/08/01276	Outline - Erection of 48 dwellings comprising five 3-bed town houses, twelve 3-bed houses, thirteen 2-bed homes and eighteen 2-bed apartments and provision of associated parking/garaging and construction of new vehicular accesses (Existing industrial buildings to be demolished), as amended by Flood Risk Assessment Addendum 1 received on 6th January 2009.	Refused 04/02/2009
B//02/02033	Outline - Erection of detached 1no. two-storey dwelling with alteration to existing vehicular access	Refused 18/03/2003

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH CORE STRATEGY 2014

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS13 - Renewable / Low Carbon Energy
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development
CS19 - Affordable Homes
CS21 - Infrastructure Provision

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

EM02 - General Employment Areas - Existing and New Allocations
EM24 - Retention of Existing Employment Sites
CR04 - Special Landscape Areas
HS31 - Public Open Space (1.5 ha and above)
HS32 - Public Open Space (New dwellings and Amended HS16 Sites up to 1.5ha)
CN01 - Design Standards
CN04 - Design & Crime Prevention
TP15 - Parking Standards - New Development
CS18 - Mix and Types of Dwellings

SUPPLEMENTARY PLANNING DOCUMENTS

Employment Land SPD
Affordable Housing SPD
Suffolk Guidance for Parking 2014

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

Not applicable in this case.

Details of any Pre-Application Advice

Officers gave pre-application advice on matters of housing layout and parking.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Sudbury Town Council

Note and support the comments made by the Environmental team at Babergh District Council. Recommend Approve.

Environmental Health - Land Contamination

Submitted details of ground contamination assessment and remediation under review and subject to approval under Conditions 6 and 7 of the outline consent.

Suffolk Wildlife Trust

No response.

SCC - Highways

No objections to proposed new layout shown on Drawing Number 664.200.02.

-
- Comment that based on current car parking guidelines those spaces positioned between boundary walls should be made wider to allow ease of access to each side of a vehicle otherwise some car parking spaces will be very tight in terms of being able to open car doors. However, accept that similar arrangements existed with the previous scheme which utilised now superseded car parking guidance. If there is space available to improve this then it would be beneficial to future residents.
 - landscaping located along the frontage of Bulmer Road for Plots 1, 4 to 7 and Plot 18. Any landscaping here should be restricted in height to a maximum mature growth of 600mm above adjacent footway level. These areas are required for visibility splays for each new access so will need to be carefully designed in order to retain the conditioned visibility splay dimensions.

Strategic Housing

Comments raised as follows:

- prefer to see affordable housing units more dispersed around the site in order to make it easier for them to be made 'tenure blind'
- dwelling mix acceptable but 2 bed units should be for 4 persons and 3 bed units for 5 persons
- all 6 units should be for affordable rent
- is there sufficient car parking spaces for the affordable units?
- bin store/bin store areas to be secured by means of condition.

Natural England

Comment that development appears not to affect any statutorily protected sites or landscapes.

The development includes an area of priority habitat and under the NPPF the LPA is required to conserve and enhance biodiversity. Not assessed proposal for impacts on protected species and proposals should be assessed against Standing Advice.

SCC - Flood & Water Management

Submitted details pursuant to Conditions 22,23 and 24 of outline consent are under separate consideration.

Environmental Health - Noise/Odour/Light/Smoke

Comments summarised as follows: -

- Condition recommended to the effect that all works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.
- Construction management plan - covering details as listed in comments.
- No burning on the site during works.
- Play area is acceptable as proposed and addition of any additional equipment or lighting should be subject to approval in interests of amenity of neighbours.
- External lighting scheme to be agreed.

Heritage Team

No objection and comments as follows:

- The proposed layout at the above is acceptable, as is much of the architecture.
- Proposed use of applied timber cladding to the first-floor gable and flank wall of particular dwellings is odd. It harks back to the 1980's and 1990's, when poorly detailed, applied 'timber framing' was arbitrarily applied to houses on estates on the edge of towns. It is appreciated that in this instance the architecture generally appears to be considered and appropriate, and might even appear as a combination of small scale Arts and Crafts, Victorian suburban terracing and early new towns architecture - but nevertheless, the use of this motif is unjustified and should therefore be avoided.
- The only other concern relates to the rather squat chimney on the half-timbered house type. Either it should be increased in height or removed altogether.

B: Representations

Responses received from 6 neighbours summarised as follows:

6 Bulmer Road- concern about development of 43 houses on floodplain where there have been recent flood incidents and increased traffic generation.

2 Bush Grove- Concerns raised regarding:

- storm water drainage from Bush Grove and Sandy Lane
- crossing from Bush Grove is issue with only one path
- is there enough on-site parking for 43 dwellings?
- concerns about use of Bush Grove as car park
- dust needs to be screened
- need for double yellow lines on both sides of Bulmer Road at junction with Bush Grove to see to pull out

22 Bush Grove- objects

- too many houses proposed on the site
- parking issues likely to arise as not enough parking provided and public transport not good enough
- needs proper access as Bulmer Road takes a lot of traffic.
- pavement is narrow and if parking takes place on street it will cause access problems for pedestrians

14 Bulmer Road-objects

- number of approved dwellings should be limited to 29
- has the developer the financial resources to complete the development?
- extended on street parking controls may not be implementable and therefore this should be taken into account in layout
- only two visitor parking spaces is inadequate - visitors /tradesmen will park in Bush Grove or Brundon Lane and conflict with neighbours as now
- shared open space could be designated as extra visitor car parking as would not flood most of year
- north facing gardens are not ideal and suggest houses facing Philips Engineering have gardens to south
- overall consider development is an over-development of site
- Bush Grove is bungalows and has density of 20 dwellings per hectare whereas proposed development is terraced housing at 50 dwellings per ha and is considered out of scale and character with surroundings.

64 Ballingdon Street Comments:

- what is form of boundary on Ballingdon Street side?
- what will happen to the access track leading to the water meadows?
- must make effort to prevent people wandering to our property.

Mill House, Bulmer Road-objects:

- developer is at risk of going bust as development is on waterlogged brownfield contaminated land
- cramming will increase weight on the water table
- planners should consider allowing fewer larger more profitable properties (or bungalows) and waive affordable housing to de-risk likelihood of scheme going bust.
- planners should seek assurances that developer has resources to deliver the scheme
- houses are too close to Bulmer Road and should be where parking is, and parking should be adjacent to Philips Engineering
- avoid north-facing gardens
- not enough parking
- construction vehicle parking should all be on site to prevent conflicts with other road users in Bulmer Road/Brundon Lane.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1 The site is located on the east side of Bulmer Road and Brundon Lane and is around 100 metres from the Ballingdon Street/ Ballingdon Hill/ Middleton Road traffic junction to the south.

- 1.2 The site has an area of 1.17 hectares with a frontage of approximately 185 metres and a maximum depth of approximately 88 metres. The site has been cleared of former vacant industrial buildings to the western edge formerly occupied by/known as Sudbury Autofactors and Lury House, and an area of open land to the north of these that previously hosted the now demolished Samsons Furniture building. No commercial activities have taken place on the site since 2007. To the east, and forming part of the site, are water meadows that are bordered by drains.
- 1.3 Surrounding uses comprise a mix of residential and industrial uses. To the west of the site are residential dwellings fronting Bulmer Road, Bush Grove and Sandy Lane. To the north-west of the site is the Stour Valley Business Centre and Bulmer Road Industrial Estate, which contain a range of Class B1, B2 and B8 employment uses. Immediately to the north of the site is an engineering workshop (Phillips site) and beyond that a taxi depot/garage.
- 1.4 The western half of the application site (that part formerly containing the buildings) is within the Built-Up Area Boundary of Sudbury. It is designated as an existing employment allocation within the Babergh Local Plan Alteration No.2 (2006). The eastern half of the site, the water meadow, is within Flood Zone 2 and 3 and the site and surrounding area fall within the designated Special Landscape Area. There is a change in level from the water meadow land to the industrial part of the site, and a line of trees separates the two parts of the site.
- 1.5 The southern edge of the site is adjacent to the Conservation Area. The closest listed buildings are those which front Ballingdon Street.

2. The Proposal

- 2.1 The application is a reserved matters submission seeking approval of appearance, scale, layout and landscaping pursuant to Outline Planning Permission B/13/00917 granted on 8 April 2016. Access details were previously agreed at outline stage.
- 2.2 There is a s106 Agreement covering the following matters:
- affordable housing provision
 - provision of a play area
 - provision of open space/amenity land
 - contribution to extension of on street parking controls
- 2.3 At outline stage the proposed dwelling mix comprised:
- 4 no.2-bedroom units
 - 34 no. 3- bedroom units
 - 5 no.4-bedroom units
- 2.4 The proposed overall dwelling mix is as follows:

House Type	Private	Affordable	Total
Two bedrooms	8	4	12
Three bedrooms	29	2	31
Total	37	6	43

Comparison of the above mix with that proposed at outline stage indicates that the scheme now proposes many more smaller units with the deletion of all the 4-bedroom houses and an increase in the number of 2-bedroom houses from 4 to 12.

2.5 With regard to parking provision the adopted parking standards require a minimum of 1 space per 1 bed dwelling; 1.5 spaces per 2 bed dwelling and 2 spaces per 3 bed dwelling. The submitted details meet parking standards with a total provision of 82 spaces. Each of the affordable units would have two parking spaces. Visitor parking in the amended plans is 5 spaces located within the housing areas served by both access points.

2.6 With regard to affordable housing provision the outline scheme included provision of the following dwellings:

Type	Social Rented	Shared Ownership
1 bedroom (2 person)	2	
2 bedroom (4 person)	1	2
3 bedroom (5 person)	1	

The proposed revised affordable dwelling mix is as follows:

Type	Social Rented
2 bedroom (3 person)	4
3 bedroom (4 person)	2

2.7 At outline stage the submitted indicative layout plan showed:-

- a development of 43 dwellings all of which were two storey
- two access points were shown from Bulmer Road
- a large public amenity space was included in the scheme to the rear of the development
- development was set close to the Bulmer Road providing built terraced frontages onto Bulmer Road and the open space to the rear.
- parking was arranged in parking courts behind the main frontages

2.8 The proposed layout comprises a total of 43 dwellings of which all the units are two storey terraced houses laid out in clusters predominately fronting either Bulmer Road/Brundon Lane or the area of open space to the rear of the development. The development would be served by two access points one of which is opposite Sandy Lane and the other opposite Bush Grove.

2.9 Proposed parking is provided in parking courts and accessed off shared surface mews within the site.

2.10 Proposed facing materials comprise a varied palette of brick, render and weatherboarding to walls and clay and slate roofs. Details of these are to be agreed under Condition 3 of the outline consent.

2.11 The proposed dwellings adopt a number of architectural features characteristic Suffolk design features including steeply pitched roofs, roof level and free-standing chimneys stacks, front door porches, decorative half-timbering, and exposed rafter feet.

2.12 To the rear of the proposed development an area is to landscaped as an open space which would also be open to the public. The central feature of this would be a small play area reached from the houses along a timber foot bridge link. This area is at a lower level than the land on the frontage where the houses would be built and being within Flood Zones 2/3 may be liable at times to flooding or waterlogging.

- 2.13 The reserved matters submission, the subject of this report, was accompanied by an application to discharge some of the associated conditions on the outline consent namely Conditions 4 and 5 (archaeology), 6 and 7 (ground contamination), 14 (surface water disposal - highways), 15,18 and 19 (roads and footpaths), 22 (Flood risk), 23 (surface water drainage strategy) and 24 (flood risk register template).
- 2.14 The reserved matters proposals were amended by the submission of revised layout and parking plans in November 2017 which sought to address issues raised by consultees:
- the provision of additional visitor parking on site
 - comments on the parking layout raised by Highways
 - submission of external lighting scheme
 - submission of construction management plan
 - amendment to affordable housing provision with respect to proposed tenure type- all to be social rented.
- 2.15 Re-consultations were carried out on the amended plans and any consultee or neighbour responses will be reported on the Addendum Sheet.

3. National Planning Policy Framework

- 3.1 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

4. Core Strategy

- 4.1 Policy CS01 states that the Council will support sustainable development unless material considerations indicate otherwise.
- 4.2 Policy CS02 sets out the settlement policy for the district and states that development will be guided sequentially to the towns, core and hinterland villages.
- 4.3 Policy CS03 states that employment and housing growth over the plan period will be accommodated within Babergh's existing settlement pattern and within new urban extensions. The most new housing during the plan period would be provided within the Sudbury and Great Cornard areas.
- 4.4 Policy CS15 sets out a list of criteria that need to be considered to demonstrate that proposals are sustainable.
- 4.5 Policy CS18 states that residential development will be supported where it provides for the needs of the District's population especially the elderly and at a scale appropriate to the size of development.
- 4.6 Policy CS19 requires all residential development to provide 35% of units as affordable housing.

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

- 5.1 The following SPD are relevant to this application:
- Employment Land SPD
 - Affordable Housing SPD
 - Suffolk Guidance for Parking 2014

6. Saved Policies in the Local Plans

- 6.1 Saved Policy EM24 seeks to protect employment land and buildings and requires developers to demonstrate that proposals for non-employment uses such as residential are justified based on either:
1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
 2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.
- 6.2 Saved Policy CN01 requires all development to be of appropriate scale, form, detailed design and construction materials for the location.
- 6.3 Saved policy TP15 states that new development will be required to provide parking in accordance with adopted parking standards.

7. The Principle of Development

- 7.1 The principle of the loss of an employment site and the regeneration of the site by redevelopment for housing has already been established by the grant of outline consent. That consent was for up to 43 dwellings.
- 7.2 The proposed dwelling mix at outline stage was predominantly 3-bedroom units with some 4-bedroom units. In the reserved matters submission the mix has been varied to significantly increase the number of two-bedroom units and all the four bed units have been deleted. The overall mix therefore is more geared to smaller units for which there is greater demand in the area.
- 7.3 The proposals agreed at outline stage included only 6 affordable dwellings (14%) which was much less than the usual requirement for 35% provision. This was as a consequence of an assessment of the viability of the development. The affordable mix agreed at outline stage was for a mix of 1,2 and 3-bedroom units of which four were for social rent and two for shared ownership.
- 7.4 The Applicants wish to vary the mix of the affordable units to 6 no. two and three, bedroom houses based on the preferences of registered housing providers and are agreeable to them all being social rented.
- 7.5 The variation in the dwelling mix is agreeable to Strategic Housing although they have raised a concern about the size of the dwellings stating that the 2-bedroom units should be 4-person size and the 3-bedroom units should be 5-person size.
- 7.6 The variation in the affordable dwelling mix from that agreed at outline stage would not make a significant difference to the provision however measured. The number of affordable units would still be 6 no. and the number of bedrooms proposed would actually be increased from 11 to 14. With regard to total bedspaces or persons able to be accommodated, the total number would be reduced by only one from 21 bedspaces to 20. Given these comparisons it is not considered justifiable to require larger affordable units.
- 7.7 Concerns raised regarding the location of affordable units in one part of the site are noted as it is normally desirable to disperse such units in the interests of social integration. However, in this case there are only 6 affordable dwellings and given registered providers' usual preference for them to be in one location in the interests of management, their location is considered reasonable in this case. The units would not be visually distinguishable from market dwellings as their designs would incorporate the same features and the same materials palette as the market housing.

- 7.8 The variations to the affordable housing provision, if agreed, would require a Deed of Variation to the s.106 Agreement and reference to this is made in the recommendation.

8. Sustainability Assessment of Proposal

- 8.1 The site is located within the limits of the urban area of Sudbury /Great Cornard. The site is on the edge of the town centre and highly accessible to all town centre shops and services.

9. Site Access, Parking and Highway Safety Considerations

- 9.1 At outline stage vehicular access details were agreed and comprised the provision of two access points into the site, which are broadly opposite the junctions of Bulmer Road with Sandy Lane and Bush Grove respectively. These access points are therefore fixed and only their precise details are for determination at this stage.
- 9.2 With regard to parking provision the adopted parking standards in Suffolk Guidance for Parking 2014 require a minimum of 1 space per 1 bed dwelling; 1.5 spaces per 2 bed dwelling and 2 spaces per 3 or more bed dwelling. The submitted parking details meet the minimum parking standards for each dwelling size with a total provision of 82 spaces. In addition, as amended, the plans show a further 3 spaces provided on site as visitor parking making 5 no. in total. Parking is provided within the site within parking courts, which are located behind the frontage buildings and are largely screened from view from the street. The scheme satisfies parking standards with respect to parking for each dwelling although provision of visitor spaces falls short of the standard based on guidance that one visitor space should be provided for every four dwellings therefore requiring around 10 spaces in total. However, this is considered quite an onerous requirement which would in Officers' opinion make the scheme overly parking dominated and therefore, on balance, the provision of 5 visitors spaces is considered reasonable.
- 9.3 At outline stage the Highway Authority indicated a desire to extend on-street parking controls further along Bulmer Road/Brundon Lane in order to restrict on-street parking. As part of the s.106 a contribution was payable towards the cost of this.

10. Design and Layout

- 10.1 The general layout of the development is similar to that shown on submitted plans at outline stage particularly with regard to the scale of development restricted to two storeys, apart from a terrace of units at the northern end of the site where accommodation at third storey attic levels (House type 6) is included. Terraces of houses front onto both the main roads and the open space to the rear, the latter also providing passive surveillance of the open space. In addition houses front onto the main access points into the site most notably the main centrally sited access which leads through the open space behind the housing.
- 10.2 The proposed layout provides building forms which face onto or address the road frontage in a manner which is a continuation of existing 19th Century terraced development along Ballingdon Street and the southern end of Bulmer Road. It is, however, in contrast with lower density 20th Century housing on the west side of Bulmer Road. The scheme is considered to be in accordance with best practice urban design principles as espoused in national design guidance which encourages development to front onto roads as in traditional urban areas.
- 10.3 Facing materials comprise a varied palette of brick, render and weatherboarding to walls and clay and slate roofs. Details of these are to be agreed under Condition 3 of the outline consent.

- 10.4 The proposed dwellings adopt several architectural elements characteristic Suffolk design features including steeply pitched roofs, roof level and free-standing chimneys stacks, front door porches, decorative half-timbering, and exposed rafter feet. Many of the end of terrace dwellings have been designed as corner feature buildings with decorative half-timber gables and chamfered ground floor corner facing front doors. Each dwelling would also be provided with rotary dryer, bike store, refuse store within each garden.
- 10.5 All the dwellings would have private rear gardens, which tend to vary in size from a depth of 6 to 8 metres by the width of the house. Although garden sizes are small the residents would also benefit from access to the communal public amenity area behind the development which extends to 0.38 ha and accounts for 33% of the whole of the site. The open space area to the rear of the site would be made available to the general public and maintenance of this area would be controlled by a management company funded by a covenant on each property requiring a management charge. It would not be adopted by the Council. The open space would be landscaped with wild flower grassland and new tree planting and new tree planting as per the submitted landscape plan. The open space also incorporates a wetland feature located immediately behind the housing over which the proposed timber bridge would link the houses with the open space and play area. The submitted plans also show a proposed small childrens' play area within the public open space area providing play boulders, 'dragonfly' feature seat, picnic benches within a landscaped setting.

11. Environmental Impacts - Trees, Ecology And Land Contamination

Trees

- 11.1 The outline application submission was supported by an Arboricultural Report which assessed existing trees on the development site. None are subject of a TPO or protected in any other way. These comprise around twenty-two trees predominantly crack willow located along the eastern and southern boundaries, which were assessed in the report as mostly in poor condition and unsuitable for retention in a development. Only four trees were identified as potentially suitable for retention as part of a new hard and soft landscape scheme. In the reserved matters submission, however, it has not been possible to retain these trees as they compromised the proposed layout new replacement tree planting is proposed.

Ecology

- 11.2 At outline consent stage an ecological survey report was submitted which made recommendations for ecological enhancements of the site and management of the open space. Condition 8 of the consent required that the development be carried out in accordance with the recommendations of the report.

Land Contamination

- 11.3 The site is known to be contaminated following former industrial uses and there were conditions imposed on the outline consent requiring a full survey assessment of ground contamination and the provision of a site remediation strategy.

12. Heritage Issues

- 12.1 The site is not within but is close to the Sudbury Conservation Area which includes development along Ballingdon Street within which there is also several listed buildings.
- 12.2 The character of the proposed development comprising terraced housing closely fronting the road in traditional design and materials are considered to be sympathetic to the type of development along Ballingdon Street and therefore it would not detract from the Conservation Area. The Heritage Team concur with this view.

12.3 The Heritage Team raise some concerns about use of applied timber decoration on some of the houses and the design of chimneys, which they consider too squat. In response to these comments the Applicant states that the elevational designs have been carefully considered and are influenced by local architectural features characteristic of the area. The use of applied timber would be on only a few feature units in the scheme. It is acknowledged that these treatments are merely decorative, and they lend character to the development and therefore no objection is raised to them notwithstanding the Heritage Team's advice. With regard to the chimneys these add visual interest to the elevations and their height is considered reasonable.

13. Impact on Residential Amenity

13.1 The development would not raise any demonstrable adverse impacts on the amenity of neighbours by reason of overlooking, loss of light, outlook, etc. given the separation of the site from neighbours across Bulmer Road and Brundon Lane and the distance to the backs of properties in Ballingdon Road.

13.2 Concerns raised regarding the number of units proposed and that the proposal is an over-development are not substantiated in respect of any significant deficiencies in the scheme with respect to the layout and provision of amenity space and parking in particular. It is not a greenfield site and it formerly supported substantial commercial activities that would have generated significant on-site activity, visitors and traffic movements including by heavy goods vehicles.

14. Planning Obligations / CIL

14.1 The development is not CIL liable as outline consent was granted before the CIL charging regime was introduced.

15. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

15.1 Granting this development would result in the following financial benefits:

- New Homes Bonus
- Council Tax

These are not material to the planning decision.

PART FOUR – CONCLUSION

16. Statement Required by Article 35 Of the Town and Country Planning (Development Management Procedure) Order 2015.

16.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

16.2 In this case Officers have worked with the applicant to try to overcome concerns raised about the proposals particularly with regard to parking and affordable housing provision. Following amendments to the proposals Officers consider they can make a positive recommendation on the proposals.

17. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

17.1 The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development:

- Human Rights Act 1998
- The Equalities Act 2010
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

18. Planning Balance

18.1 In this case the principle of the loss of an employment site and its development for housing has already been established by the grant of outline consent. This is a typical brownfield site which has been un-used and vacant for many years and is long over-due for re-use and regeneration.

18.2 The scheme proposes 43 units, which was the maximum approved at outline stage, but the dwelling mix has been amended to provide more smaller units which will help to meet the most pressing housing needs. Affordable housing is included at the same level as agreed at outline stage, but all will be for social rental.

18.3 The scheme includes satisfactory parking on site for each dwelling and visitor parking has been increased to a level officers consider is reasonable.

18.4 The scheme would provide attractive, well designed new houses complemented by a large landscaped area of open space that would benefit not only the residents of the estate but would also be accessible to the wider area.

RECOMMENDATION

Grant reserved matters subject to conditions including those as set out below:

- Approved plans/documents standard condition

Note to be added to the decision notice to advise the application that they are required to complete a Deed of Variation amending the affordable housing provision to the following:

- 4 no. 2 bedroom (3 person) social rented dwellings
- 2 no. 3 bedroom (4 person) social rented dwellings