

Committee Report

Item 6A

Reference: DC/19/04650

Case Officer: Steven Stroud

Ward: Lavenham

Ward Members: Cllrs. C Arthey and M Maybury

RECOMMENDATION: APPROVE RESERVED MATTERS

Application Description

Submission of Details (Reserved Matters Application for Landscaping, Layout, Scale and Appearance to be considered) under Outline Planning Permission DC/17/04052.

Location

Land North of, Waldingfield Road, Chilton, Sudbury

Parish: Chilton

Site Area: c.6ha

Application Type: Reserved Matters

Applicant: Anderson Design and Build Ltd

Agent: Strutt & Parker

PART ONE – REASON FOR REFERENCE TO COMMITTEE

1. The application is referred to committee for the following reason:

- The application provides for the development of more than 15 dwellings.
-

PART TWO – BACKGROUND AND APPLICATION DETAILS

Site and Surroundings

2. The site is located to the north of Waldingfield Road (B1115) and amounts to a single, rectangular field parcel of approximately 6ha that is oriented perpendicular to the highway. The site wholly falls within the parish of Chilton; the centre of Sudbury is approximately 2.5km to the south-west.
3. The interior of the site comprises a former working orchard, with its boundaries being formed by early and semi-mature hedgerows and/or large trees on all sides. Recent works have been undertaken to clear the site but without materially commencing development and implementing the outline planning permission. Existing residential development (St Marys Close) bounds to the south-west; the property of Chilton Priory falls to the east. The rest of the site (on the northern side of Waldingfield Road) is enveloped by agricultural land.
4. There are no designated heritage assets within the red-lined application area, however a number of assets are in proximity to the site. Principally, these include the adjacent Grade II Park and Garden of Chilton Hall (south-east and immediately across Waldingfield Road (within 20m)), which includes the Grade II* Chilton Hall and related (and individually listed) Grade II walled kitchen garden.
5. The Site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land and its use also means that there is presently considered to be a low risk of surface water (pluvial) flooding.
6. The site is not within or adjacent to a Conservation Area. Nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest (SSSI), Air Quality Management Area, Special Landscape Area, Local Green Space, or Area of Visual/Recreational Amenity.
7. No Public Rights of Way (“PRoW”) run through, or adjacent to, the site; however, it is within proximity (within 300m) of a local network of PRoW and is connected to Sudbury by way of a continuous footway that runs along Waldingfield Road.

Relevant Planning History

8. The site fell within the Chilton Woods strategic land allocation under policy CS4 of the Core Strategy. That policy allocated 131 hectares of land for a comprehensive mixed-use development. Outline planning permission for a development complying with the criteria of that policy, and thereby securing the approved masterplan required by it, was granted on 29th March 2018; this was for the development widely known as “Chilton Woods”¹. The land subject to that planning permission excludes the application site.
9. In respect of the application site it was recognised that the development proposed for that land was divergent from the lead allocation policy albeit would not prejudice its delivery or planned outcomes. Outline planning permission was duly granted on 5th July 2018²; this reserved matters application is submitted pursuant to that permission.
10. That permission was subject to an application for judicial review, heard in January 2019³. The claim was dismissed and no criticism was levelled at the Council for the way that it had reached its resolution to grant planning permission at Planning Committee, nor its reasons for doing so.
11. As well as providing for the erection of up to 130 new homes, the planning permission fixed a number of parameters to control the development and includes requirements for how the reserved matters are to be presented. This includes, for example, the distribution of built form within the site, a single point of vehicular access, and the maximum heights of dwellings. A copy of the planning permission is appended to this report.
12. The outline planning permission was therefore granted for development that would be in accordance with the Development Parameters Plan and Highway Access Plan. It follows that the reserved matters must accord with those plans. This point remains even where changes might have been made to one of those plans. In that respect, there have been non-material amendments approved to the Development Parameters Plan in order to, essentially: reduce the extent of areas allocated for two-and-half-storey (10.8m high) development in lieu of a two-storey, 9.5m high

¹ Application reference: B/15/01718.

² Application reference: DC/17/04052.

³ *R (Chilton Parish Council) v Babergh DC [2019] EWHC 280 (Admin)*. The case considered whether it was necessary to take into account an emerging housing land supply position which was not a completed assessment and had not been considered or signed-off by senior officers. The Judge found that the Council had made no error in law in not relying upon its emerging, draft position when determining the application.

limit; and thicken the strategic landscape buffer at the front of the site with the built aspects of the development being pushed further back into the site⁴.

13. At the front of the site, and in accordance with the approved Parameter Plan, a dense, strategic landscaping buffer designed for its visual impermeability is proposed. The planting depth would be approximately 21m in thickness at its widest point and c.19m more generally, which is greater than the area originally considered to be acceptable at the outline application stage (noting the approved changes to the Parameter Plan). The site is then arranged into four residential blocks, predominantly up to two-storey (9.5m to ridge) with pockets of two-and-a-half-storey (10.8m to ridge) development set back within the site. Those blocks are then arranged around open spaces including area(s) of play, further strategic landscaping, a spine road, and SuDS.
14. For the avoidance of doubt, the approved Development Parameter Plan (ref: 0333 PP01 Rev B) is reproduced below:

..... [next page]

⁴ Application reference: DC/19/05228



15. The submitted reserved matters detail accords with the Parameter Plan.
16. Having regard to the outline planning permission there are other key conditions which directly apply to this reserved matters application; not least, condition 2 which specifies the matters reserved for later determination i.e. scale, layout, appearance, and landscaping. This application responds to those reserved matters in full.
17. Condition 4 provides that the landscaping reserved matter must be in general accordance with the outline Landscape Strategy. As a matter of judgement, this application complies with that requirement. Condition 5 requires parking to be in accordance with the *Suffolk Guidance for Parking*. The reserved matters detail complies with that requirement, too.

The Proposal

18. The applicant seeks approval of reserved matters for the erection of all 130 dwellings permitted, and applicable to the entire site. The housing mix itself, of predominantly two and three-bedroom units, is set out as follows, across a split of 85 open market and 45 affordable dwellings (35%):

Affordable

- 12 no. 1-bedroom apartments
- 4 no. 2-bedroom apartments
- 19 no. 2-bedroom houses
- 10 no. 3-bedroom houses

Open Market

- 1 no. 2-bedroom apartment
- 4 no. 2-bedroom bungalows
- 10 no. 2-bedroom houses
- 2 no. 3-bedroom bungalows
- 33 no. 3-bedroom houses
- 35 no. 4-bedroom houses

19. There is an existing point of access with dropped kerb from Waldingfield Road to the south-east of the site (not the primary access approved under the planning permission). Originally it was proposed that this be retained as a “soft” connection i.e. for cyclists and pedestrians to join the highway and footpath adjacent to the site frontage. However, following engagement with local parties the application has been revised to effectively stop-up that access as a part of the dense, strategic landscaping belt. This does not conflict with the access matter already approved.
20. This report is concerned with the approval of the reserved matters and the application submitted in that regard. There are a number of other matters that require approval under other conditions attached to the outline planning permission and they are subject to officer scrutiny and determination in the usual way (applications for approval/discharge of a planning condition).
21. The application plans and documents submitted by the Applicant (including consultation responses and third-party representations) can be viewed online at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>. Alternatively, copies

are available to view at the Council offices⁵. As ever, and noting the litigious history of the site, Members are directed to note and consider all of those documents.

PART THREE – CONSULTATION

22. The final reserved matters detail before Members for approval has followed an iterative process and is informed by consultation with a range of parties including local residents and the Chilton Parish Council, feedback from a RIBA design review panel, and responses received following the initial round of consultation upon the registration of the application; that detail has also been subject to a further round of public consultation with interested parties.
23. All of those most recent or relevant responses received prior to the completion of this report are summarised or directly quoted below, which includes public representations and consultation responses. Nevertheless, all responses received are available to view on the Council's website and at its offices as detailed above. Given the lengthy/technical nature of some of the responses received, it is repeated that Members are directed to consider the original copies of those documents, including the views expressed by the Chilton Parish Council and its Chair, Lady Hart of Chilton who has also written in a personal capacity.
24. Any further responses or representations will be reported through the late papers "Addendum" function and/or verbally to Members at Planning Committee.

Chilton Parish Council

25. No comments have been received.

Sudbury Town Council

26. Recommend approval.

Suffolk County Council ("SCC") – Local Highway Authority ("LHA")

27. No objection; the submitted plans are sufficient to allow approval of the reserved matters in regard to the effect on the highway.

SCC – Lead Local Flood Authority ("LLFA")

⁵ Details of addresses and opening times are available at: <https://www.babergh.gov.uk/contact-us>

28. Holding objection.

[Officer comment: It has been clarified with the LLFA that there is no objection to the principle of the drainage strategy proposed or how that strategy relates to this reserved matters application. Rather, outstanding matters relate to technical points which are capable of being resolved. Officers expect to provide Members with an update, and a likely removal of the holding objection, at Committee but this issue does not restrict Members from determining the application before them.]

SCC – Developer Contributions

29. Comments; s106 obligations should continue to have effect.

BDC – Public Realm

30. Support: “*The Public Realm Team welcome the inclusion of large areas of public open spaces and natural play within this development. The inclusion of bird and bat boxes along with hibernaculum and wildflower planting will enhance the naturalistic areas and add interest. It is noted that future adoption and maintenance of these landscaped areas will be undertaken by a private management company. This is welcomed as it will enable sensitive and appropriate maintenance of the public open spaces in the future. The Public Realm Team support this approach to the future adoption and maintenance on this development.*”

BDC – Landscape

31. No objection subject to securing further boundary treatment improvements.

BDC – Ecology

32. No objection subject to condition/securing details.

BDC – Urban Design

33. No objection; comments in relation to further points of improvement.

[Officer comment: The Applicant has made changes in response to those comments submitted and has provided justification for the design approach taken; this is considered to be satisfactory.]

BDC – Environmental Protection (Noise, air quality, other emissions)

34. No objection subject to condition/securing mitigation for noise disturbance.

BDC – Environmental Protection (Land Contamination)

35. No objection.

BDC – Sustainability

36. No objection.

BDC – Strategic Housing

37. Comments; concern over housing mix provided.

[Officer comment: The Applicant has provided justification for the mix proposed, which is accepted, and the Strategic Housing lead recognises that housing mix is not a reserved matter and there were no controls applied to the host planning permission in that respect. In a similar vein, while the Council has no explicit space standards set in policy the Applicant has nevertheless confirmed that all dwellings would meet the Nationally Described Space Standard, which is welcome.]

BDC – Heritage

38. Comments, including: “*the proposal would cause a low level of less than substantial harm to the designated heritage assets because the proposed development would erode a portion of the remaining undeveloped setting of Chilton Hall and its Registered Park and Garden. The Reserved Matters details submitted reduce the harm to a considerable extent, although further mitigation may be achievable... [recommend] amended plans showing increase in undeveloped space between the dwellings and the south eastern boundary of the site, as above, at a suitable scale.*”

Historic England

39. Recommend refusal: “*Historic England has concerns regarding the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 192, 193, 194, 196 and 200, and the safeguards outlined in our advice need to be addressed in order for the application to address these policies.*

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.”

[Officer comment: It should be recognised that the development was previously considered to be harmful to designated heritage assets and the benefits of the development were considered to outweigh that harm; planning permission was granted for that development. The exercise for Members is not to re-strike the planning permission from scratch, but to ensure that the development delivers the anticipated benefits without causing any unjustified or unacceptable harm in relation to the matters for which reserve matters approval is sought. The proposed reserved matters sit squarely within the parameters set within the outline planning permission.

The Gardens Trust

40. Recommends refusal:

- The Council needs to follow its statutory duties/ “give special weight” to the desirability of preserving designated assets i.e. the park and garden and its relationship to Chilton Hall’s assets where the park contributes to its significance.
- The application fails the legal tests.
- The application fails to appreciate the significance of the Chilton Hall and its related assets.
- A significant increase to the frontage of the site should be provided.
- The reserved matters detail does not adhere to the outline planning permission.
- Concern over hedgerow removal and creation of “second access”.
- Concern over light pollution.
- Two-storey housing at front of site should be exchanged for bungalows.
- Fully endorse the objections of Historic England.

NHS – Clinical Commissioning Group

41. Comments; infrastructural requirements to be addressed by CIL bid.

Highways England

42. No objection.

Natural England

43. Do not wish to offer comments.

3rd Party Representations

44. Those public/other representations received, of which there have been two respondents (Suffolk Preservation Society, and Lady Hart of Chilton), are summarised as follows:

- The reserved matters differ from illustrative/concept masterplan at outline.
- Concern at removal of orchard trees.
- Frontage landscaping buffer should be significantly increased.
- Development should be kept away from site boundaries.
- Application is a “watering down” of previously proposed landscape mitigation.
- Inconsistency between Heritage Statement and landscape strategy/details.
- Concern over formation of secondary access into site and lasting harm, notably heritage harm, that this would pose.
- It has been difficult to locate documents/understand the submission.
- Concern over lack of consultation.
- Concern over treatment of planning conditions.
- Concern over construction management plan/its approval should be revoked.
- The reserved matters cannot go beyond the parameters of the permission.
- The applicant should be pushed to be present the best possible scheme.
- The Council must continue to have regard to heritage duties and policy.

45. All consultee responses and representations received have been taken into account.

PART FOUR – POLICY FRAMEWORK AND ASSESSMENT

Planning Policy Context

46. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that applications under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.

47. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* ("listed buildings Act") states that in "*considering whether to grant planning permission for development which affects a listed building or its setting, the [decision taker] shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses*".
48. The effect of that statutory provision is that the desirability of preserving the setting of a listed building must be treated as a matter of 'considerable importance and weight', with such a duty being regarded as presenting a 'strong presumption' against a grant of planning permission where harm to a designated heritage asset is identified⁶.
49. The scheme before Members, of course, already benefits from outline planning permission. The outline planning permission establishes the principle of development in accordance with the approved plans and subject to the conditions attached to it. The consideration of heritage matters was a key element within the balance and decision to grant permission: the Council accepted that the development would cause harm to designated heritage assets (the collection of assets relating to Chilton Hall and its garden(s)) but that the public benefits to flow from the development would outweigh that harm. This does not, however, make the general duty to pay special regard to keeping assets from harm any less important going forward. However, the reserved matters decision is effectively framed by the outline planning permission which is legally effective.
50. Members should ensure that the proposal accords with the parameters of the outline planning permission, and delivers the development authorised by it. In doing so, Members should be astute to ensure that the proposals seek to minimise harm to the heritage assets so far as consistent with the approval of the outline planning permission. The exercise for members is not to re-strike the planning permission from scratch, but to ensure that the development delivers the anticipated benefits without causing any unjustified or unacceptable harm in relation to the matters for which reserve matters approval is sought.
51. Within the planning permission, parameters were set to ensure that the magnitude of impact identified would not be breached at the reserved matters stage; as noted, officers view is that the detail before Members sits squarely within that "envelope". Nevertheless, and also where acknowledging the requirements of local and national

⁶ *South Lakeland District Council v Secretary of State for the Environment and Another* [1992] 2 AC 141; *R (Barnwell Manor Wind Energy Ltd) v East Northamptonshire DC* [2014] EWCA Civ 137.

planning policy discussed below, it is in any event considered to be consistent with the duties placed on Members through legislation and national policy to ensure that every effort is made to minimise heritage impacts within the framework of the outline planning permission (notwithstanding that the developer, like the applicant for planning permission that preceded them, maintains that no material harm would be posed to any heritage asset). Heritage matters are treated under their own section, bearing in mind their importance as a consideration, later in this report.

Development Plan

52. Relevant to the submitted application, the development plan comprises the following:
 - Babergh Local Plan 2011-2031 Core Strategy (2014)
 - saved policies from the Babergh Local Plan Alteration no.2 (2006)
53. Within the current development plan, those policies considered to be relevant to the determination of the reserved matters application and its associated details are as follows:
 - CS1 - Presumption in Favour of Sustainable Development in Babergh
 - CS4 - Chilton Woods Strategic Land Allocation
 - CS12 - Sustainable Design and Construction Standards
 - CS13 - Renewable/Low Carbon Energy
 - CS14 - Green Infrastructure
 - CS15 - Implementing Sustainable Development in Babergh
 - CN01 - Design Standards
 - CN04 - Design and Crime Prevention
 - CN06 - Listed Buildings - Alteration/Extension/Change of Use
 - CN14 - Historic Parks and Gardens - National
 - CN15 - Historic Parks and Gardens – Local
 - HS31 - Public Open Space
 - CR07 - Landscaping Schemes
 - CR08 – Hedgerows
 - TP04 - New Cycle Links
 - TP15 - Parking Standards - New Development
 - CP01/CP02 - Chilton Mixed Use Development Package
54. The Council is currently in the process of preparing a new joint Local Plan with the Mid Suffolk District Council. The National Planning Policy Framework (“NPPF”) identifies that decision-takers may give weight to relevant policies in emerging plans

according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with national policies. The plan-making process in this instance is at an early stage and is therefore not weighed as a determinative consideration in this instance.

The National Planning Policy Framework

55. The NPPF of February 2019 contains the Government's planning policies for England and sets out how these are expected to be applied. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes. The policies within the NPPF should be considered as a whole; however, some key paragraphs are summarised below.
56. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9).
56. Paragraph 127 forms part of a section of planning policies that seek to achieve well-designed places and underlines that, as set out at para. 124, "*the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*"
57. Within section 16 of the NPPF, paragraph 184 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
58. Paragraph 193 transposes the requirements of the listed buildings Act and states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
59. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

60. Paragraph 196 states that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal. That test was exercised, and passed, when granting outline planning permission; it is important that the reserved matters detail does not exceed the harm identified at that stage; hence, the inclusion of development parameters within the permission.
61. Paragraph 213 states that existing policies should not be considered out of date simply because they were adopted prior to the 2019 iteration of the NPPF. It goes on to state that due weight should be given to development plan policies according to their degree of consistency with its own policies.
62. The development plan policies expressly engaged by this reserved matters application are all considered to be consistent with the NPPF and are therefore afforded full weight.

Other Considerations

63. The following documents are also considered as material to the determination of this application:
 - Suffolk County Council - Suffolk Guidance for Parking (3rd ed., 2019).
64. On the 6th March 2014, a number of Ministerial planning circulars were cancelled by central Government and were replaced by the Government's online national Planning Practice Guidance ("PPG"). The guidance provided is advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.
65. The PPG is an online reference as living document and is available at the following internet address: <https://www.gov.uk/government/collections/planning-practice-guidance>.
66. The relevant policies referred to above can be viewed online.

Decision-Taking Context

67. The development benefits from outline planning permission. The present application for approval of reserved matters, and the decision to be taken by Members in

respect of this application, cannot undo that position nor can the maximum scale of development or its inherent nature be altered.

68. With the acceptable principle and nature of development that has therefore already been established, the matters now before Members relate to certain items that had been “reserved” for a later determination i.e. the scale, layout, appearance, and landscaping of the residential site (see condition 2 of the outline permission).
69. Article 2(1) of *The Town and Country Planning (Development Management Procedure) (England) Order 2015* (“the Order”) includes definitions which provide the basis for determining what can and cannot be considered at the reserved matters stage; bearing in mind, that as noted, the principle of development has already been established and which set very clear parameters in respect of the extent of the permission granted. That is the context against which the decision on the reserved matters application must be taken.
70. The definitions provided by the Order are set out as follows:
71. The term “Scale” is defined as the height, width and length of each building proposed within the development in relation to its surroundings.
72. “Layout” should be interpreted to mean the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
73. “Appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
74. “Landscaping” means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:
 - a) screening by fences, walls or other means;
 - b) the planting of trees, hedges, shrubs or grass;
 - c) the formation of banks, terraces or other earthworks;
 - d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
 - e) the provision of other amenity features.

75. Following the grant of outline planning permission, the key question for Members has now moved to whether the detailed form of the development proposed is acceptable in respect of: scale; layout; appearance; and landscaping. Through the grant of planning permission it is implicit that there must be at least one acceptable form of reserved matters arising out of that permission. As noted, the scope/parameters of such an acceptable presentation was set by the outline planning permission to which these reserved matters accord, alongside the requirements for landscaping to be in general accordance with the original Landscape Strategy and for parking to meet the standards set by the Local Highway Authority; this application does so.
76. This is important because the extent and nature of the planning permission that has been granted has set an “envelope” of assessments and judgements about the development to be carried through to the reserved matters and the implementation of the scheme. This reflects good planning practice and it is commonplace for outline planning proposals/permissions to set very clear parameters for the development to be brought forward under that permission. This gives confidence in the robustness of assessments already made and a degree of certainty in respect of what is to be brought forward.
77. In light of the above and acknowledging the background and policy context which underpin the application, this report will now move on to assess the reserved matters, taking each matter in turn. Where particular planning considerations cross reserved matters (residential amenity, for example) this will be treated under its own sub-heading. Likewise, and bearing in mind that it is a key issue upon which the appropriateness of the reserved matters detail turns, heritage matters are addressed within their own section for the avoidance of any doubt that this has been treated with great care.

Scale

78. The development includes dwellings of one, two, and two-and-a-half storeys. It also comprises a positive mix of detached, semi-detached, terraced, and apartment-type homes which adds variety and visual interest, as well as being reflective of development nearby and is responsive to the settlement-edge location of the site.
79. Building heights have been treated carefully and sit well within the requirements of the Parameter Plan; two-storey dwellings being a maximum of 9m as opposed to the approved 9.5m within the southern block, for example. Not only is this positive in consideration of potential heritage impacts (considered later in this report) but the arrangement of scale has been deployed to reflect the surrounding area and to

respect adjacent development. This is demonstrated where the six proposed bungalows have been clustered adjacent to the existing residential dwellings closest to the application site. It is noteworthy that no objection has been received from any neighbouring property on St Mary's Close.

80. The variety of scale has been used to good effect with a sparing use of two-and-a-half storey buildings and only at strategic points in order to add interest, improve legibility and to act as visual stops.
81. As noted earlier in this report, while housing mix is not a reserved matter it is considered to be appropriate in this instance and it is commendable that as a part of a bespoke housing scheme the Applicant has agreed to utilise the Nationally Described Space Standard for homes in the absence of any policy requirement to do so.
82. The "Scale" of the development is considered to be acceptable.

Layout

83. The proposed layout is in accordance with the approved Parameter Plan in respect of its arrangement and the siting of development, open space, and strategic landscaping. It is one that works well in village/townscape terms and in the sense of creating an attractive place with a character that can be said to sensitively make the most of the site's natural assets.
84. The development was accepted as piecemeal in granting planning permission and was divergent from the masterplanned approach envisaged under the allocation policy. Nevertheless, it is considered to be incumbent upon the Applicant to demonstrate how the scheme before Members can positively react to that development. Officers consider that they have done so.
85. Through an iterative design process the northern block of development has been reconfigured so that at its western edge it faces out onto the land adjacent and the green corridor envisaged under the Chilton Woods masterplan. The inclusion of foot/cycle links along the western and northern site boundaries provides additional opportunities to promote permeability and to encourage future residents to walk and cycle from this site and make use of new amenities which are due to come forward as a part of the Chilton Woods development.
86. The undeveloped and open spaces within the development are significant and exceed policy requirements; there is a heavy tilt towards the "natural" rather than

the “built” form within the site and this reflects a positive response to the nature of the site and its surrounding environs, with green corridors running through the site and lower density development fronting onto them. The development has a “loose” feel which is appropriate for its location and has been supported by the Council’s urban design consultee.

87. A large swathe of open space is located to the east of the site with development fronting on to it (as with other open space areas) in order to provide natural surveillance. The initial building line is set back within the site in order to support the significant landscaping to the site frontage and to afford breathing space between the development and Waldingfield Road.
88. The detailed layout design also integrates a Sustainable Drainage System (“SuDS”). The SuDS scheme proposes the use of attenuation basins and grass swales and has been informed by the drainage strategy considered at the outline stage. Conditions 8 and 9 of the outline permission require the submission and approval of a detailed surface water drainage scheme with arrangements for its ongoing management and maintenance. Such details have been provided in accordance with those conditions. The SCC as the Lead Local Flood Authority raise no objection to the presentation of the drainage strategy as it relates to the submitted reserved matters.
89. The affordable housing (45 no. units) has been split into three, roughly equal-sized areas around the site in order to promote the principles of a mixed and inclusive community.
90. From the access, and following the parameter plan, a single spine road is proposed, serving a series of shared-surface tertiary roads which permeate the rest of the development. All highways would be 5.5m in width, which accords with the requirements of the LHA. Condition 21 also requires approval of precise estate road and footpath details. The determination of that condition is treated separately but the details submitted accord pursuant to that condition and this reserved matters application accord with one another and are considered to be acceptable.
91. Achieving high levels of connectivity has been a priority in the design process, resulting in a commendable presentation offering walkable paths through and around the site with shared surfaces and cycle routes. This will allow residents of the new development to easily access existing networks beyond the site and noting the approved Chilton Woods masterplan adjacent. Further, it encourages easy access to the open, recreational spaces within the development.

92. Cyclists and pedestrians would be able to enter and leave the site at multiple locations: the primary access onto Waldingfield Road; from the termination of the spine road at the north of the site; and two locations along the western boundary which would promote an emphasis for movement between the site and the future Chilton Woods development that has been permitted.
93. The parking provided – both on and off plot – is acceptable in both number and presentation and the LHA raise no objection in that regard. 30 no. spaces have also been provided to cater for visitor parking. The provision and presentation of parking is sufficient to comply with the reserved matters requirement of condition 5 of the outline planning permission.
94. The “Layout” of the development is considered to be acceptable.

Appearance

95. The development is considered to be of a high quality in respect of its appearance with a varied materials palette (including slate, pantiles, brick, and weatherboarding) reflective of a traditional approach but capable of supporting the development’s own distinctiveness. Final facing materials are capable of being secured by condition.
96. The development would include a number of individual plot design flourishes, including:
 - Working chimneys with staggered brick coursing;
 - Timber-framed porches on brick plinths;
 - Timber pentice boards;
 - Corbelled brickwork and parapet gable ends;
 - Brickwork banding and window head detailing;
 - Projecting brick plinths; and
 - Timber finials on prominent gable ends.
97. The development would be “tenure blind” with the approach to detailing and materials consistent throughout the development and across the open market and affordable housing. Some of the affordable house types go further, however, incorporating their own style of timber, gable-porched entrance features.
98. The “Appearance” of the development is considered to be acceptable.

Landscaping

99. The final landscape proposals accord with the Parameter Plan and are in general accordance with the Landscape Strategy provided at the outline stage. This application therefore complies with the outline planning permission in those respects. The final landscaping scheme has also been informed by engagement with interested parties. In that respect the application is supported by a range of detailed drawings and planting plans, with justification provided for the approach taken.
100. Except for site access (and notwithstanding the works to facilitate the construction haul route that is subject to replanting) existing boundary hedgerows and trees would be retained, reinforced and brought into regular long-term management. This is also secured under condition 29 of the planning permission which requires the submission of tree protection details.
101. Following discussions with the Parish Council the strategic landscape buffer to Waldingfield Road has been increased from the c.14m originally envisaged under the outline planning permission to a planting depth of approximately 21m at its widest, c.19m more generally. Such an increase is welcome: it provides further environmental benefit and goes beyond the visual mitigation originally anticipated.
102. The landscape buffer would comprise a tree and shrub mix of native species with trees specifically chosen because they will grow to a height sufficient to mask the scale of the dwellings proposed, as well as providing net habitat gains. Further hedgerow planting is also proposed to thicken and strengthen the green buffer/existing hedgerow between the development and the parkland of Chilton Hall.
103. Throughout the rest of the development significant further landscaping is also proposed. This comprises both specimen tree planting along the spine road, through the central green space between the northern and southern residential blocks, and across the eastern green space. A rich grass and herbaceous mix is proposed throughout the development with various areas interspersed with wildflower meadow and native bulb planting.
104. Trees, hedges and planting along the street and within plot frontages will create a landscape dominated, rural character; it would be an attractive environment. The Council's landscape consultant raises no objection to the proposal subject to agreement of further boundary treatments; this can be secured by condition.

105. The proposals include the planting of specimen trees at advanced stock sizes to ensure that screening is established as early as possible, enhancing the verdant character the area. The Applicant intends to fence off the landscape buffer area prior to the commencement of development in order to prevent ground compaction and to facilitate some advance planting; the precise timetabling of which, can be secured by condition.

106. Following discussions, the Applicant now also proposes the siting of themed benches as public art installations to be located within the areas of open space; this has the benefit of both providing visual interest and supporting recreation, rest, and reflection. The design ethos has been informed by the military heritage of the land adjacent. The final design, installation, and management of those features can be controlled by condition.

107. In order to increase the quality of boundary treatment, and responding positively to feedback received from consultees, prominent areas of timber fencing have now been replaced by brick screen walling. Boundaries between dwellings now also include hedgehog corridors: a hole placed at ground level within a garden boundary that allows hedgehogs to move freely at night in order to preserve their natural habitat. These are both positive changes that add to the overall quality of the development but a condition is required to elicit further improvements to prominent boundary areas and as requested by the landscape and urban design consultants.

108. The “Landscaping” of the development is considered to be acceptable.

Residential Amenity

109. The site abuts existing residential development on its western boundary but the proposed development has been designed so as to avoid adverse impacts, not least through the siting and scale of the new dwellings proposed along the western edge of the site. Back-to-back distances are a minimum of 20m throughout the scheme as encouraged by the Council’s urban design consultee.

110. Within the development itself the scale, layout, and appearance of dwellings would ensure that there would be no adverse impacts posed between properties. Garden sizes are acceptable and provide sufficient space for sitting out, children’s play, and the drying of clothes. All dwellings are sited within accessible reach of the open space within the development, with areas of play close enough to be observed but far enough away to not pose a nuisance through general use.

111. Noise was originally a concern for the Council's Environmental Protection officer due to the proximity of the site to Waldingfield Road; however following further detail and a technical assessment undertaken by the Applicant, no objection is now raised where amenity can be safeguarded.

Heritage

112. Heritage was an issue key to the determination of the outline planning application and this is due to the proximity between the application site and important designated assets adjacent to the south. It is important to remind Members of those assets and their significance; this is covered in detail within the applicant's Heritage Statement among other responses received through consultation (the comments of Historic England, for example). Members are directed to consider those details carefully, just as they did when determining the outline application.

113. The Registered Park and Garden of Chilton Hall ("RPG", Grade II) lies adjacent to the application site, across Waldingfield Road. Within that land is the Grade II* Chilton Hall and its related (and also individually listed) Grade II garden wall. The significance of those assets, both individually and collectively, should not be underplayed. Even if harm is unavoidable but justifiable, every effort should still be made to reduce the magnitude of such an effect consistent with the framework of the outline permission.

114. Chilton Hall is a fine period property situated within a purposeful, historic landscape and parkland. The house was built c.1550 on the site of an earlier medieval house and sits within a wide, well-defined moated enclosure. It is understood that following a fire, only the east wing of the former red brick mansion now survives. The walled kitchen garden is set beside the house; the perimeter being listed in its own right for its special architectural/historic interest. The park contributes to the significance of the house and also forms an important part of its setting, and it is a designated heritage asset in its own right.

115. Chilton Hall holds considerable presence in the landscape and contributes much to the history and development of the area. The existing soft boundaries to Waldingfield Road contribute to the sense of enclosure within the park. The development of the application site therefore needs to be treated with great care as it forms an important element of the setting of the Hall, and its park and garden, particularly as it also forms the backdrop to the principle entrance and exit for those assets.

116. The Applicant considers that with the exception of the RPG, all other assets are too remote from the site due to distance and intervening vegetation to be impacted by the development. With respect to the setting of the RPG, the Applicant considers that the impact upon that asset would be neutral i.e. its significance would be preserved.

117. Historic England, while encouraged by the improvements made to the application, continue to recommend refusal and highlight that the development would pose less than substantial harm to the collection of assets at Chilton Hall. As with all of the comments received, Members should consider their comments in full. Historic England state that: "*we do however remain concerned about the approach [within the application] and consider that proposed mitigation would need to be improved in order to fully address the impact upon the significance of the designated assets.*" It is stated that the applicant should make further modifications to the layout, scale and landscaping elements of the application in order to reflect the agreed masterplan, and this includes increasing the frontage planting buffer as well as providing further landscaping across the middle of the site.

118. The Gardens Trust ("GT") share the same concerns as Historic England and Lady Hart of Chilton. In addition to raising concerns about light pollution and the need to see such details now (despite the presence of a planning condition which deals with that matter and so officers are satisfied that this is not necessary) GT consider that the frontage landscape buffer should be increased significantly to 20m across the entire frontage; this would be beyond that approved at the outline stage. Alongside other criticism that the reserved matters detail does not accord with the outline permission and a request for frontage two-storey dwellings to be replaced by bungalows, their views have been considered carefully. Like Historic England, GT state that the RPG contributes to the significance of Chilton Hall and warrants special protection. Officers agree.

119. Suffolk Preservation Society object to the application. In common with the views of Historic England and GT there is criticism that the reserved matters detail differs from the illustrative drawings provided at the outline stage. However, this does not recognise the imposition of the Parameter Plan to the outline planning permission to which this application does accord. The Society considered that the frontage buffer needed to be increased significantly; the Applicant has done so but the Society has not subsequently commented further in that respect.

120. The Council's Heritage Officer states that the proposal would cause a low level of less than substantial harm to the identified designated heritage assets; that magnitude of harm is consistent with the assessment undertaken at the outline

stage. The officer notes that the reserved matters detail submitted reduces the harm to a considerable extent, albeit further mitigation may be achievable. The officer states that the proposed frontage planting buffer would “*help reduce the visual effects of the development on the heritage assets to a reasonable extent*”. The officer also notes that other design details are reasonable and that the “*dwellings closest to the heritage assets would be of a scale and materials such that they would not be overly prominent in relation to the prevailing development characteristics within the area*”. Nevertheless, it has been recommended that amended plans be sought showing an increase in undeveloped space between the dwellings and the south eastern boundary of the site and at a suitable scale. Those comments have been taken into account notwithstanding that the reserved matters accord with the Parameter Plan, not least in the siting of built development, and the scale of dwellings falls below the threshold set by the planning permission.

121. Planning Officers have considered the spectrum of responses received carefully and the Council is in receipt of sufficient information to take a judgement on the heritage issues. Officers consider that an acceptable baseline has already been set through the Parameter Plan that has been imposed upon the outline planning permission; harm in that respect was considered to be unavoidable, primarily due to the proposed access – albeit at a low level of “less than substantial” harm, in NPPF parlance – but justifiable in light of the public benefits posed by the development. Access is not a reserved matter under the outline planning permission. The access has already been approved, although the internal layout and estate roads within the site are for approval now (treated under the “Layout” section of this report). The development remains fundamentally unchanged by its nature.
122. The reserved matters approval sits comfortably within the established parameters. Following engagement with interested parties the Applicant has made changes to further reduce the likely impacts of the development below the full extent of the approved parameters. Having regard to the final presentation of the reserved matters, officers are satisfied.
123. Firstly, the strategic landscaping buffer has been significantly increased, beyond the depth originally considered at the outline application stage. It was accepted previously that the planting mix would ensure that a visually impermeable barrier could be formed, notwithstanding the significant landscape cover that already exists along Waldingfield Road. This remains the case and the Applicant proposes to plant hedging and trees of sufficient maturity such that they can provide mitigation from the outset. Related to that, the built form of the development has been pushed further back into the site by around 5m.

124. Secondly, while the approved parameter plan allows for two-storey dwellings across the site to have a ridge height of up to 9.5m, all dwellings in the southern parcel of built form have a maximum ridge height of 9m. In other words, the two-storey homes will all be 50cm less in height than could technically be the case having regard to the approved parameters. The location of the two-and-a-half-storey properties are limited to three, set-back locations within the scheme layout and do not encompass the full extent of the areas originally permitted for development of that scale.

125. Thirdly, the Applicant is proposing six bungalows along the western side of the spine road within the southern residential block, to further reduce visual impact. The dwelling nearest the access would be a bungalow and additional tree planting is proposed near to its eastern flank in order to further mask its appearance when fleeting views are afforded into the site for those travelling along Waldingfield Road. A two-storey gateway dwelling originally proposed to be sited close to the access and adjacent to that bungalow has been moved elsewhere within the site. The final outcome now aligns more with the layout – albeit purely illustrative – submitted with the outline application, and in doing so also meets an important need for such units.

126. Fourthly, the previous proposal for a new pedestrian/cycle route linking to Waldingfield Road at the south-eastern edge of the site (utilising an existing point of access and dropped kerb) has now been omitted. Again, this change has been introduced following engagement with the Parish Council and will further ensure that a robust landscape buffer can be provided between the development and the heritage assets nearby. It would not conflict with the access drawing already approved. Where that proposal forms part of this reserved matters application it would effectively form part of the approval to be given and would be secured by its implementation. However, noting the concerns of the Parish Council, the Applicant is willing to be bound by legal obligation to stop-up that access and carry out associated remedial planting before the development is completed (80% occupation), once the approved construction haul route through that access would no longer be required. Of itself this obligation does not form a reason for granting approval of the reserved matters. Naturally, it is important that the Applicant makes use of that existing access during the substantive construction phase in order to minimise disruption to new residents and to avoid abortive costs in continual maintenance and repair to the new vehicular access. Officers support that approach and the Applicant has demonstrated why the land would not be “spoiled” such that any landscaping in that area would be ineffective after the haul route has been used.

127. Members are also reminded that under the outline planning permission all planting has a 10-year aftercare period to ensure that any plants which become diseased or die must be removed and new, identical specimens planted in their place. Typically,

the Council only imposes a 5-year period but it is recognised that the circumstances of this site and the development are highly sensitive. While repetition ought to be avoided, this requirement will be reiterated under the approval of reserved matters should Members accept the recommendation of this report. It is further noted that ongoing maintenance is also covered within the existing and enforceable s106 legal agreement that binds the site.

128. Where the green space between the northern and southern blocks of development contains less planting than had been anticipated by certain parties it nevertheless accords fully with the approved Parameter Plan. With the introduction of some specimen planting the central greenspace would offer a suitable break between those blocks and would provide some relief to those fleeting, limited views that might be available from outside of the site when looking through the access.
129. Officers agree with the Applicant that the landscape buffer – now far more significant than originally approved – will filter and screen the built form of the development from the RPG such that any impact upon it would be extremely limited; its resultant effect would be nevertheless benign.
130. In summary, Officers consider that the reserved matters in combination all accord with the approved Parameter Plan, in many respects sitting well below the maximum extent of development approved, and have been designed to as to minimise harm to heritage assets within the framework of the outline planning permission.
131. Having regard to all of the above, and taking into account the wider assessment of this reserved matters application, the development would accord with local and national planning policies and Members can be satisfied that if they accept the recommendation of this report then they have done so entirely cognisant and embracive of their statutory duties. The reserved matters detail is acceptable as it relates to heritage matters.

Other Matters

Surface Water Drainage

132. The detailed layout design integrates SuDS. The SuDS scheme proposes the use of attenuation basins and grass swales and is in general conformity with the drainage strategy that underpinned the outline planning permission.
133. The LLFA have commented on the application. Specific surface water drainage details remain to be agreed but are covered by planning condition attached to the

host planning permission. Additional drainage information, providing points of clarification, has been submitted in order to allow the drainage condition imposed upon the planning permission accepted in principle.

134. However, such considerations are not reserved matters. Works necessary to satisfy those conditions may impact upon the layout, but that does not preclude determining the reserved matters on the basis of the submitted details and officers fully expect that those outstanding items can be satisfactorily treated. Officers expect to be able to provide an update prior to or at Planning Committee.

Delivery

135. It is the Government's intention to significantly boost the supply of new homes. That cannot displace the primacy of the development plan. However, it is a material consideration for Members to take into account, alongside the policies contained within the NPPF, when considering the principle of new housing applications. Further, the thrust of governmental policy and supporting guidance is aimed at ensuring that sites are brought forward as quickly as possible and that it is incumbent to demonstrate that this can be achieved.
136. Officers have agreed a Statement of Common Ground ("SCG") with the developer in order to understand their anticipated lead-in and build-out rates for the site and for the purposes of compiling the 'clear evidence' of delivery necessary to support housing land supply projections in accordance with the NPPF and supporting PPG.
137. The SCG identifies that in the event that the reserved matters are approved, housing delivery is first expected from 2020 with the development being completed within the 2022/2023 period.
138. While not a consideration that is held up as being material to the determination of this application, it is nevertheless helpful to note that the applicant is committed to the delivery of the permission, and at an expeditious rate such that it would make a meaningful contribution to the housing land supply of the District within the five-year period.

Planning Obligations/s106

139. A s106 legal agreement⁷ is currently attached to the outline planning permission. It includes a number of planning obligations which at the time of entering into the agreement were considered appropriate and were necessary to secure in order to

⁷ Section 106 of the *Town and Country Planning Act 1990* ("the principal Act").

grant permission. That agreement continues to have effect and this reserved matters application will not compromise the ability to meet the requirements therein.

140. There is a wide power under section 106A of the Act to modify or discharge a s106 by mutual agreement. Following discussions with interested parties the Applicant, as the developer, seeks to vary the agreement in order to “ring-fence” some of the affordable housing units in order to provide for local needs i.e. Chilton and adjacent parishes, and for affordable units to be arranged in clusters of no more than sixteen. Officers, including the Strategic Housing lead, support this request.
141. Likewise, the Applicant has offered a further obligation to stop-up the existing south-eastern site access, make good the land affected by the construction haul route, and substantially re-plant the area (in accordance with the submitted landscaping drawings) prior to the occupation of 80% of the development i.e. before the 104th dwelling provided is occupied. As set out earlier in this report, this is considered to be a positive offer and should provide comfort that: a) no secondary access is being proposed or developed by stealth; and b) there would be no lasting or long-term impact to the character of the area or the significance of the RPG beyond those already anticipated in granting planning permission and approving the construction management plan.
142. The Council’s solicitors are in discussion with the legal representatives of the Applicant to secure those variations to the current agreement. The determination of this reserved matters application is not contingent upon the completion of the new agreement (or, more specifically, the deed to vary the existing s106 agreement). Members can therefore move to determine this application without delay.

PART FIVE – CONCLUSION

143. In granting outline planning permission, it has to be accepted that there is at least one form of development that would be acceptable at the reserved matters stage. Furthermore, the parameters and principles of such a development have been set, and this reserved matters application does not derogate from that scope or propose anything beyond what has already been assessed. Purely and simply, it addresses the reserved matters of the development that falls within the applicable red-lined area. The likely environmental effects of the development, in respect of the reserved matters detail submitted, continue to be known and, in fact, would be less than the cautious envelope set at the outline stage.

144. Officers have reviewed the reserved matters detail framed against the entirety of the development plan and in respect of those policies which are most important for the determination of the application. After careful assessment, your officers consider that the application responds positively to the policies of the development plan. Notwithstanding the development plan, the proposed reserved matters detail is nevertheless considered to align with the planning policies contained within the NPPF and is acceptable in all respects.

145. The development is considered to be a genuinely high quality scheme and the application has responded positively to the local context and the parameters of the outline planning permission. In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no matters that would give rise to unacceptable harm; the benefits of allowing development to proceed continue to outweigh the adverse impacts.

146. A positive recommendation to Members is therefore given below.

RECOMMENDATION

That Members resolve to:

- (1) Grant approval of the reserved matters (under application reference DC/17/04052) subject to planning conditions, drafted to the satisfaction of the Chief Planning Officer, including:**
 - Approved plans and details secured.
 - Ecology compliance.
 - Agreement of final external facing materials to be applied.
 - Timetabling of structural planting.
 - Planting aftercare.
 - Public art benches; final design, delivery, siting, and maintenance.
 - Further boundary treatments plan.
 - Condition to retain garages for parking.
 - Agreement of PIR lighting (siting, aiming, lux) for parking courts.
 - Requirement for opening up/delivery trigger of approved cycle/foot boundary links.