

CHILTON PARISH COUNCIL

Acting Clerk: Adrian Beckham, Newton Road, Sudbury, Suffolk CO10 2RS
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Members of Planning Committee and
FAO Mr Steven Stroud
Babergh District Council
Endeavour House
8 Russell Road
Ipswich
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By Email

17 December 2019

Dear Members

**Submission of details under Outline Planning Permission DC/17/04052 (Reserved Matters application for appearance, landscaping, scale and layout);
Land north of Waldingfield Road, Sudbury (ref. DC/19/04650)**

Having considered the appreciation materials and Officers Report, Chilton Parish Council object to the above application. Our concerns relate to the following:

- 1 the landscape buffer situated at the south-eastern end of the site;
- 2 the height of the buildings currently located on the front row of the housing on the site;
- 3 the housing mix; and
- 4 the Construction Management Plan

We had not submitted an objection earlier to this application because we have been discussing with the Applicant improvements to the proposed scheme. Those discussions have been ongoing. However there remain certain aspects on which unfortunately agreement has not been reached and therefore we do object. Michael Collins and Ruth Elwood have submitted representations of objection already on our behalf. However to our surprise we have been asked late today by Committee Services for a “formal response from the Parish Council” so we submit this letter of objection.

First, we should point out that the plan attached to the Officers report which states that the relevant parish is Sudbury is incorrect. The site is entirely within the Parish of Chilton. Further, whilst the plan purports to show designated heritage assets it fails surprisingly to include the registered historic park and gardens which forms the setting to Chilton Hall. This same omission occurred also at the Outline Planning Report stage following which we were advised in July 2018 by Officers that this mistake would not be repeated. Since the location of the historic gardens in relation to the site is highly relevant we are concerned at this repeated error.

The only matter for determination at the outline planning permission stage before your committee in June 2018 was the single point of access into the site all other matters were reserved. It was recognised by your officers, the statutory consultees and other consultees that harm would be caused by the access. It was considered that such harm could be mitigated by the creation of a densely planted area of trees and landscaping which we refer to as the landscape barrier. The details of the landscape barrier were left to the reserved matters consent.

We draw your attention to Condition 4 of the outline planning permission (OPP) which states

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'the Reserved Matters submission for Landscaping shall be in general accordance with the design principles and planting specifications shown on the outline Landscape Strategy (drawing number EDP3925/11b).'

'Reason: in the interest of safeguarding heritage and the character and appearance of the area.'

The wording of the relevant designations on it are set out below for ease of your reference. We draw your attention to the following:

The Landscape Strategy drawing shows a densely planted area of woodland at the south-eastern end of the site running from the western boundary closest to St Mary's Close **all the way along the site frontage** right up to the boundary with Chilton Priory. (our emphasis)

We point out that the area designated as public open space (POS) is located there because the site is bound by a restrictive covenant in favour of Chilton Priory that there be no house or building within 50 yards of Chilton Priory.

On the area of POS there is a designation of: 'New orchard planting within areas of POS'

The designations provide (our emphasis):

'Built form set well back from Waldingfield Road behind dense landscape buffer to retain the landscape character of Waldingfield Road.'

'Some hedgerow removed to facilitate access from Waldingfield Road with remaining hedgerow retained and enhanced'

'Save for the site access, existing boundary hedgerows and trees will be retained with buffers to development, reinforced and brought into regular long term management.'

This will protect visual amenity and landscape character as well as continuing to offer commuting and foraging opportunities for protected species.'

The outline permission therefore clearly required for the purposes of safeguarding heritage and the rural character of Waldingfield Road that:

- 1 the built form be set well back from Waldingfield Road. We say the housing has not been set sufficiently back into the site. However this could be compensated with by having single-storey housing on the front row of housing running along the frontage of the site. More housing is located at the front of the site in the Applicants scheme than in the landscape strategy drawing. This is not just our view - it is the view of the two specialist conservation statutory consultees who recommend you refuse this application and that your authority seek improvements to the scheme.
- 2 The Applicants proposed landscape buffer falls far short of a "dense landscape buffer". The width of the landscape buffer referred to in the officers report is inaccurate - it is less than that reported. We refer you to the report of the independent landscape architect Ruth Elwood about the shortcomings of the proposed landscape buffer. This is a large site of 6 hectares so there is considerable room on this site to accommodate 130 housing units and an adequate area comprising a landscape buffer to provide for dense planting to screen the development from Waldingfield Road and to mitigate the acknowledged harm to heritage assets and maintain the rural appearance and character of Waldingfield Road. We also refer you to the letter of Mr

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Michael Collins dated 16th December 2019 on which we rely and ask you please to read it carefully. The creation of a dense landscape barrier will also benefit the future residents of the scheme and have environmental and ecological benefits,

- 3 Hedgerow removed for the permitted access with the remaining hedgerow retained and enhanced. We consider the removal of the hedgerow and trees to create the construction access did not comply with the outline planning permission. Also we consider the remaining hedgerow is not being sufficiently enhanced. We refer to the construction access in more detail below. We fail to understand how the construction access and the creation of a haul road and the other construction facilities on what is to be public open space (POS) has been allowed without such being part of the RMA as nothing like this featured in the outline application.
- 4 Apart from the permitted access, existing boundary trees and hedgerows were to be retained and reinforced: We say that the Applicants Landscape plan does not do this sufficiently. To our knowledge boundary trees and hedgerow have been removed.

Your Statement of Community Involvement states that your Council wants to encourage residents to become involved and that you regard parish councils to be key partners with you in the planning process and you will cooperate with town and Parish councils. In summary what we understand the officers report to contend is that as long as the development falls within the development parameters plan it is acceptable and improvements need not be sought. We disagree with this approach which if correct would defeat legislation the purpose of which is to promote access to information and to encourage public participation in environmental decision making. It cannot be correct as it seeks to deny the Parish Council and the public an opportunity of expressing their views on the reserved matters appreciation when there was no opportunity given to express them at the outline stage.

Representatives of the Parish Council attended at the planning meeting where the outline permission for the access was granted. There was no discussion or decision about the height of buildings nor the depth of the landscape barrier or any other issues apart from the access. As we had no opportunity to consider any of the reserved matters at outline stage your officers proposal that all these matters had been already dealt with at outline denies us an opportunity to input into the decision making process.

We want the size and density of the landscape buffer substantially increased because as currently proposed it is inadequate and unfit for purpose. It does not achieve what it is supposed to do namely mitigate the harm to the heritage assets and preserve the rural character and appearance of Waldingfield Road.

Therefore we would expect your authority to try to obtain the public benefits arising from a development of 130 dwellings in a way which also avoided harm to an identified heritage asset. Harm should only be tolerated when it is unavoidable which is not the situation here. Where harm is unavoidable harm should be minimised. Your authority is advised by both the specialist conservation consultees to refuse permission because the scheme put forward by these developers is not acceptable and requires improvement.

Heritage England require a significant increase in the planting belt along the frontage of the site and in the middle of the site to break up the built form.

In our opinion and that of independent experts the landscape buffer proposed by the applicants is inadequate to act as an "impermeable screen", due to its lack of depth and density. In places it only contains one tree. The buffer is narrowest nearest the access. The small increase of 4 metres and 10 trees is insufficient. In our discussions with the Applicants we asked at the very least that a landscape barrier of appropriate depth and density should be installed along the frontage of the site and that

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single storey housing (within the overall development of 130 dwellings) should be sited at the front of the site rather than two storey housing of 9 metre height. In discussions with the Applicants representatives and landscape architects it was apparent that a planting belt of a minimum depth of 20 metres (from the base of the inner (site) side of the hedge) throughout was achievable without the Applicants having to alter their layout significantly. We would prefer to have a wider landscape barrier but we would be prepared to accept a minimum of 20 metres depth as described above so long as it was densely planted to achieve the effect shown in the EDP landscape strategy drawing referred to in Condition 4 in order to minimise harm.

Housing Mix

It is well known that Suffolk has an ageing population. Whilst we appreciate that the developers want to maximise their profits we consider that the open market mix of housing has too many four-bedroom houses (35) and consider the scheme would respond better to the needs of an ageing population by having more bungalows. Six bungalows are too few for a scheme of 130 housing units. Those bungalows are located next to St Mary Close to allow for residential amenity. We propose a small increase namely that a further five bungalows should be situated along the front row of housing. This should achieve the benefits of mitigating harm and responding appropriately to the needs of an ageing population.

As the Applicants revised proposals are deemed unacceptable by both the specialists conservation bodies, we do not understand why your officers are unwilling to seek improvements to the scheme as advised by the consultees so as to mitigate the harm.

The question that you the members have to decide in considering an application for approval of details ***which would cause planning harm*** as here is whether the details put before you represent the ***best scheme*** that can be approved within the outline planning permission. We submit for the reasons set out above, it is clearly not the best scheme. We are concerned that Members are being advised to deny us an effective contribution in this major planning application which is recognised to cause harm in circumstances where that harm can be mitigated. We feel sure that as responsible Councillors in accordance with your statutory duties you would want to mitigate such harm. That can be done and the Applicants will still have room for 130 housing units. That appears to us to be a win - win situation. To ignore and not to take further steps to mitigate the harm would not constitute sustainable development.

Further, the harm to heritage assets and to the rural character of Waldingfield Road is significantly worse now than when the outline application was considered because the Applicants have created construction access onto the site. See the drawing called "site welfare plan". There has never been any suggestion of another access being created on to Waldingfield Road for the purposes of construction or otherwise. The OPP dealt specifically with the single access into the site (not with internal roads). There is no mention in the OPP application particulars nor the plans of a separate construction access on Waldingfield Road.

There is no mention in the RMA application either although all other matters were reserved to this application. What in essence has happened here is that the Applicants sought to create for the duration at least of the construction of the development and thereafter, if they have their way, a new vehicular access with visibility splays, the creation of hard standings, a site compound with buildings, entrance gates, a car park, diesel and oil storage tanks and the consequent removal of hedgerow and trees in the area immediately adjoining Chilton Priory, whilst the outline planning permission itself gave no indication that this was to be the position. We along with our parishioners had a legitimate expectation that the developer would use the single access for which permission was given as a construction entrance.

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We are advised where there is harm to heritage the planning authority must continue to operate under the aegis of the NPPF Chapter 16 and the statutory duties on your authority relating to heritage assets apply in the same way as applies to the parent planning permission (in the application that gave rise to it) so that the harm created by the construction access should be considered. Such harm was never considered at the outline stage.

However rather than trying to avoid harm to heritage assets and preserve the rural character of Waldingfield Road, to the contrary, by the creation of a construction access the Applicant is increasing the harm to heritage assets which appears to have been allowed without any consultation. A person considering the RMA application would be totally unaware of the intention to create a construction access as it is tucked away in the Construction Management Plan (CMP) and the above mentioned drawing which is only available under the OPP reference. We object to what was a narrow disused grassy entrance into the site being substantially widened by the removal of hedgerow and the felling of trees. The Applicants refer to a dropped kerb as apparently giving them the right to create this much wider access. We disagree. If the developers believed that this was acceptable why was it not included in the RMA application.

Further both the OPP landscape strategy plan and the Development parameters show the hedgerow and the landscape buffer extending right up to the boundary with Chilton Priory. This is not the case though with the Applicant's landscape strategy. The implementation of the hard and soft landscaping comes last in the CMP. Having removed trees and hedgerow for the construction access they apparently do not intend replacement or remediation of it until after the sale and occupation of the 103rd house. That might conceivably in our view never occur. The build out of the site is planned to take in excess of 2 years 8½ months so it could be between 4 to 8 years for that to happen.

In our view it is the opposite of sustainable development to allow the creation of an additional construction access, and have a carpark, a site compound with buildings and a materials storage area, including diesel and oil tanks, together with a substantial haul road, all built on grassland which is to be public open space. Again there is no suggestion in either the outline application materials that grassland which was intended to be used as public open space would be built on as above thus damaging the land and polluting the soil.

There is no indication in the CMP to parishioners of when deliveries to the site will occur as there is only a general reference that delivery times will occur between 0800 and 1700. We would expect that deliveries should be planned for certain intervals during a day. This plan allows for continuous delivery throughout the day which will cause disturbance to neighbours.

Drainage and Surface Water:

The topography of the site slopes downwards from the northern end towards Waldingfield Road at the southern end which affects the surface water run-off.

Paragraph 1.29 of the CMP provides for the site entrance to be covered by tarmac or concrete and of a jet wash on a hard surface with the silt run-off to be in a drainage system. Page 27 of the CMP refers to the use of ready mix concrete on the site. In the event of a spillage of cement slurry this could leak into the ground and end up in water courses harming the environment and wildlife. We regard the stated control measures of providing specific washout areas and ensuring personnel are trained in environmental procedures as insufficient. We are also concerned that the water from the silt system, even if cleaned, should not be discharged into the ditches running alongside Waldingfield Road because of the risk of flooding onto the road from those ditches overflowing which they already do on occasions. It is stated water will be stored until discharge but there is no information about the circumstances of such discharge or under what conditions. Condition 11 required details of a

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construction surface water management plan detailing how surface water and stormwater would be managed on the site during construction. The CMP contains very little such information. Paragraph 133 of the Officers report refers to the LLFA commenting on the application. We note that Suffolk County Council Flood and Water Management has recommended the refusal of discharge of condition 11 because further information is required by them about the surface water management during construction including but not limited to:

- (a) the construction surface water drainage system design,
- (b) construction management, maintenance and remediation schedules,
- (c) required consents e.g. land drainage act, environmental permit,
- (d) flood risk controls,
- (e) pollution, water quality and emergency control measures

Whilst we note that the officers report describes this in paragraph 28 as a holding objection and that members can proceed to a decision we are concerned to be provided with the detailed information about this. In particular one of our councillors has local knowledge of the existing drainage system on the site and has concerns about the effect the proposed Suds scheme may have and about the volume of surface and storm water flow off the site into the water courses and the ditches on Waldingfield Road. The drainage scheme affects the layout of the site so we would like to be informed and consulted.

If your authority is minded to grant RM permission. We note that certain conditions are recommended in the Officers Report but the details are not provided. We would like to consider and have an opportunity to comment on the proposed conditions before any grant. The future maintenance of the landscape barrier together with replacement of any dead trees is obviously an important consideration.

Accordingly, we submit that the details of the scheme put before you today are not the best scheme that can be approved within the outline planning permission. Therefore we ask Members to refuse permission in accordance with the statutory consultees recommendations so that improvements to mitigate the harm to heritage and to preserve the vital character and appearance of Waldingfield Road can be made to this scheme. We are willing to work with the Applicants to achieve this. If however you are minded to grant permission, we ask that it be subject to satisfactorily worded conditions to include the following:

- Key plots 1, 130 to 125 need to be single storey housing.
- The planting area allocated as landscape buffer needs to be a minimum depth of 20m throughout.
- The 20m wide buffer area needs to be measured from the base of the existing hedgerow on the inside ie site side of the hedge.
- The 20 m wide buffer needs to extend along the full length of the site frontage from Saint Mary's Close to Chilton Priory, widening further at this SE corner.
- Trees need to be planted in significant quantities. An increased width of planting to accommodate an increased density of trees planted on a staggered grid is essential to create a

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layered canopy effect that will act as a visual screen during all seasons. This can be achieved by using a 4m grid matrix of tree planting with shrubs and using up to 185 and not less than 150 trees could be accommodated within this 20m buffer using this method.

Yours faithfully

Adrian Beckham

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