

Committee Report

Item 7A

Reference: DC/20/05183

Case Officer: Jasmine Whyard

Ward: Sudbury North West, Long Melford, Lavenham,

Ward Member/s: Cllr Jan Osborne, Cllr Trevor Cresswell, Cllr Elisabeth Malvisi, Cllr John Nunn, Cllr Clive Arthey, Cllr Margaret Maybury

RECOMMENDATION – APPROVE RESERVED MATTERS WITH CONDITIONS

Description of Development

Reserved matters application for Phase 1 (Infrastructure) (matters relating to layout, scale, appearance and landscaping) for the installation of site wide infrastructure, including spine road, sustainable drainage scheme and associated services, infrastructure, landscaping and ecological enhancements details pursuant to Outline Planning Permission ref. B/15/01718, dated 29th March 2018 (Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works.)

Location

Chilton Woods Mixed Use Development, Land North of Woodhall Business Park, Sudbury, Suffolk

Expiry Date: 13/02/2021

Application Type: RES - Reserved Matters

Development Type: Major Large Scale - Dwellings

Applicant: Taylor Wimpey (East London) Limited

Agent: Savills

Parish: Acton, Chilton, Long Melford and Sudbury

Site Area: 10.18 hectares

Details of Previous Committee / Resolutions and any member site visit: Outline application granted in 2018 under B/15/01718.

Has a Committee Call In request been received from a Council Member: No

Has the application been subject to Pre-Application Advice: Yes

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- i) The Chief Planning Officer considers the application to be of a controversial nature having regard to the nature of the application as the first substantive application pursuant to the Outline Planning Permission of this key, strategic site allocation.
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PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Development Plan

The following policies are considered the most important to the determination of this proposal. The policies are all contained within the adopted development plan for Babergh District which is comprised of: Babergh Core Strategy (2014) and Babergh Local Plan Alteration No.2 (2006), specifically the 'saved policies' (2009 but deemed to still be 'live' in 2016). All Policies are afforded full weight in the determination process as they are, *inter alia*, considered wholly consistent with the policies of the NPPF (having regard to paragraph 213 of that document).

- **Babergh Core Strategy (2014)**

CS1- Applying the Presumption in Favour of Sustainable Development in Babergh
CS4- Chilton Woods Strategic Land Allocation and Strategy for Sudbury/ Great Cornard
CS14- Green Infrastructure
CS15- Implementing Sustainable Development in Babergh

- **'Saved policies' (2009) of Babergh Local Plan Alteration No.2 (2006)**

CN01- Design Standards
CR07- Landscaping Schemes
CR08- Hedgerows
CP01- Chilton Mixed Use Development Package¹
TP04- New Cycle Links

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2019 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

¹ But this policy must in effect give way to policy CS4 bearing in mind its age and the requirements of s38(5) of the PCPA 2004.

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-taking purposes.

Particularly relevant elements of the NPPF include:

Chapter 2: Achieving Sustainable Development

Chapter 4: Decision Making

Chapter 5: Delivering a Sufficient Supply of Homes

Chapter 12: Achieving Well-Designed Places

Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15: Conserving and Enhancing the Natural Environment

Neighbourhood Plan Status

This application site is not within a Neighbourhood Development Plan area.

Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council

- **Acton Parish Council**

Object. Need reassurance the following are addressed 1- Design Code will be amended, 2- no provision for safe access for HGV construction traffic and 3- no clarity on what will happen to Acton Lane which cannot cope with increased traffic, 4- lack of renewable energy, 5- contrary to emerging plan, 6- cycling/ pedestrian routes should be of sufficient width.

- **Chilton Parish Council**

Object. 1- this application was submitted prior to the agreement of the Design Code, 2- lack of community woodland 3- use of natural gas infrastructure, 4- lack of Construction Environmental Management Plan in place 5- no travel plan, 6- ecological concerns, 7- would like assurance that surface water will not affect existing watercourses and land drains.

- **Great Cornard Parish Council**

Supports the application. Recommends a condition that construction traffic must enter the town via the A134 wherever possible.

- **Great Waldingfield Parish Council**

Support the development. Notes 1- construction traffic should not come through Newton Green on the A134, up Valley Road and then south east on the B1115, 2- hopes drainage does not cause flooding to surrounding land or the moat serving Chilton Hall, 3- hopes street lighting will not cause light pollution, 4- waste water should not be located to the small sewage plant at Great Waldingfield, 4- landscaping should be a native mix and 5- labour and materials should be sourced locally.

- **Little Waldingfield Parish Council**

Object. Support comments made by Chilton Parish Council and do not support installation of gas-powered service.

- **Long Melford Parish Council**

Object. 1- the potential piecemeal approach of phases resulting in an incoherent design, 2- plan needs to show how access to key destinations will be achieved and linked to internal networks and 3- proposed closure of Acton Lane for vehicular traffic as it has not been justified and if justified the code must show how traffic will be accommodated on other roads.

- **Newton Parish Council**

No comment. Note 1- no construction management plan has been submitted and 2- concerned about construction traffic along the A134.

- **Sudbury Town Council**

Support the application. Note 1- concerns on construction traffic using Aubrey Drive, 2- construction traffic should enter the town via the A134.

Officer Comments to Parish Councils:

Whilst many of these issues will be addressed in the main body of this report, it is important to understand that many of the objections made relate to the Design Code and to a Construction Management Plan.

For the avoidance of doubt, Members are reminded that the Design Code and Construction Management Plan are NOT matters for consideration here.

In more detail, the Design Code in question was required by condition 8 of the Outline Application B/15/01718. For ease of reference, this condition states:

'No development in any phase, other than works to complete the approved site access points, shall take place on the residential land, village centre land, or market square land (as identified on the approved Land Use Parameter Plan, drawing no. 35223-Lea121j) until a Design Code for the whole of that land has been submitted to and approved in writing by the local planning authority. The Design Code shall demonstrate how it has been informed by a programme of public consultation and engagement and responds to the character areas and principles identified on pages 48-54 of the Design and Access Statement (Amec Foster Wheeler, December 2015). Thereafter, any reserved matters application for any phase of development on the residential land, village centre land, or market square land shall comply with the principles established within the approved Design Code or any amended scheme submitted to and approved in writing by the local planning authority.'

Reason - A Design Code is needed to ensure adequate consideration of the interrelationships between the phases of development, to expound upon the principles in the submitted Design and Access Statement, and; to ensure appropriate community engagement in accordance with Policy CS4.'

Note that the Design Code is tied to the Outline application and is a matter for discharge of condition. It is, therefore, not a relevant consideration under this application, which proposes to solely gain approval

for the technical infrastructure works (as listed in Section 2 of this report) for phase 1 of the development. Any approval as may be given on the application before Members here is entirely separate from the principles and strategy of the Design Code, though the Design Code is anticipated to pay regard to it. Issues of access were also raised, however access points were established and approved under the Outline Permission, with further consideration of the internal estate roads being considered under the Design Code. Matters relating to construction management and traffic are to be agreed and controlled via condition 30 on the Outline Permission which will be submitted separately from this application. For the avoidance of doubt no works can commence on site without a construction management plan having been formally agreed.

In addition, the Construction Management Plan was an Outline matter, not for consideration here. This is explained in detail elsewhere.

Members are, therefore, reminded that the scope of assessment for this application is relatively narrow and the application seeks approval of the reserved matters for the land identified within the red-lined area and relating to - as far as applicable - issues of scale, layout, landscaping and appearance in connection with the infrastructure only.

National Consultee

- **Anglian Water**

No objection. Foul water drainage strategy is acceptable at this stage and surface water drainage does not affect Anglian Water-owned assets.

- **Environment Agency**

No objection. 1 - Note that infiltration drainage is not proposed, 2 - they await a Phase 2 Geo-Environmental Risk Assessment for condition 32 of the outline, 3 - foul water drainage is to be discharged to main sewer and 4- Plans for foul water treatment should be clearly outlined.

- **Highways England**

No objection.

- **Ministry of Defence**

No objection.

- **Natural England**

No objection.

- **Suffolk Constabulary**

No objection. Recommend subsequent residential phases seek to achieve Secured by Design New Homes 2019 Version 2 accreditation.

- **Suffolk Wildlife Trust**

Holding objection. 1- impacts of construction access road not considered, 2- landscaping should be comprised of rich native planting, 3- loss of hedgerow and young hedgerow will need protecting from deer and 4- up to date ecological information/ surveys not yet provided.

County Council Responses

- **Archaeology**

No objection. Recommend conditions for 1- works to be carried out in accordance with a written scheme of investigation and 2- submission of site investigation and post investigations.

- **Development Contributions**

No objection. The development as a whole must accord with the original obligations within the S106 Agreement.

- **Fire and Rescue**

No objection, subject to condition for fire hydrants.

- **Floods and Water**

No objection. Recommend informatives.

- **Public Rights of Way**

No comment.

- **Highways**

No objection. Full technical details, finishes and construction of roads and footways and a Traffic Regulation Order (TRO) will be agreed under separate S278 and S38 agreements, all footways will have bound surfacing, any trees proposed in future landscaping must be a minimum of 2.5 metres away from the highway.

- **Travel Plan**

No comment. No travel plan is required at this stage.

- **AONB**

No comment.

Internal Consultee Responses

- **Heritage**

No comment.

- **Arboricultural Officer**

No objection. Recommend condition that works should be done in accordance with the submitted arboricultural report.

- **Infrastructure**

No objection. As the site falls within designated Strategic Land it is CIL exempt.

- **Ecology**

No objection. Recommend conditions on 1- conducting works in accordance with ecological appraisals, 2- submission of Natural England's Licence for Hazel Dormouse, 3- submission of Natural England's Licence for Hazel Dormouse, 4- Construction Environmental Management Plan for Biodiversity, 5- Farmland Bird mitigation strategy 6- Biodiversity Enhancement Strategy, 7- Landscape and Ecological Management Plan, 8- wildlife sensitive lighting scheme.

- **Environmental Health- Noise, Odour, Light and Smoke**

No objection. Note that the noise output of the proposed substation may need to be considered in the future. Recommends condition on construction hours.

- **Environmental Health- Sustainability**

No comment. Note that a Climate Emergency has been declared by the Council and encourages the developers to consider sustainability at an early stage and note that building regulations are likely to change in coming years to ensure new buildings are zero carbon ready and existing buildings can be retrofitted.

- **Environmental Health- Land Contamination**

No objection. Applicant must accord with condition 32 on the Outline Permission.

- **Environmental Health- Air Quality**

No objection.

- **Landscaping**

No objection. Recommend that the rustic knee railings around the perimeter of many of the attenuation basins are removed and the basins are left open to be more sympathetic to their landscape setting.

- **Public Realm**

No objection. Raise some concerns about the use of *Carex riparia*.

- **Waste Management**

No objection at this stage. Note that internal estate roads will need to accommodate Refuse Collection Vehicles and space for bin presentation.

Other Consultee Responses

- **Sudbury Society**

Object. 1- the Reserved Matters Application has been submitted prior to the agreement of the Design Code, 2- It follows the indicative layout on the Outline Application which is not the best solution and 3- No sustainable innovation or regard to climate change.

- **Suffolk Preservation Society**

Object. 1- the Reserved Matters Application has been submitted prior to the agreement of the Design Code, 2- It follows the indicative layout on the Outline Application, which is not the best solution, 3- cannot determine impact on landscaping at a site wide level at this stage, 4- No sustainable innovation or regard to climate change and 5- cycle and pedestrian routes should run through the site.

- **Babergh Green Party**

Object. 1- a substation and gas governor are proposed which supports the use of natural gas in future dwellings and 2- there is minimal consideration and action to reduce carbon emissions.

- **Sudbury Green Belt Group**

Object. 1- submitted prior to agreement of the Design Code, 2- layout still closely follows masterplan, 3- landscaping should provide natural habitats and be of a native species, 3- lacking connected green spaces, 4- public walkways should be along the southern boundary into the town, 5- safeguard wildlife site near to airfield and 5- three paths have been omitted from the plans.

B: Representations

At the time of writing this report at least 1 letters/emails/online comments has been received. It is the officer opinion that this represents 1 objection. A verbal update shall be provided, as necessary.

Views are summarised below:-

- Means of access inappropriate onto Reynolds Way

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/20/05269	Discharge of Conditions Application for B/15/01718- Condition 29 (Levels) and Condition 38 (Hard and Soft Landscaping Scheme- Part Discharge)	DECISION: PCO
REF: DC/20/05270	Discharge of Conditions Application for B/15/01718- Condition 9 (Surface Water Drainage Scheme), Condition 10 (Implementation, Maintenance and Management), Condition 11 (SUDS Components and Piped Networks), Condition 12 (Construction Surface Water Management Plan) and Condition 28 (Foul Water Drainage Strategy)	DECISION: PCO
REF: DC/20/05724	Discharge of Conditions Application for B/15/01718- Condition 38 (Hard and Soft Landscaping Scheme) Part discharge for western boundary.	DECISION: GTD 15.01.2021
REF: DC/20/04763	Application for Non-Material Amendment following approval of B/15/01718 - Revisions to the land parameter plans.	DECISION: GTD 09.11.2020
REF: B/15/01718	Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary	DECISION: GTD 29.03.2018

works.

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The site extends 10.18 hectares, located to the north of the A134 and adjoins Tesco, Woodhall Business Park and adjacent residential estates. To the north, east and west of the site are agricultural fields with sporadic development before reaching more defined settlements within Newman's Green, Acton, Great Waldingfield, Chilton and Long Melford. The site straddles the parishes of Acton, Chilton, Long Melford and Sudbury, with the largest proportion of land falling within Chilton. The site is currently comprised of Grade 3 agricultural land (land with moderate limitations).
- 1.2. There is a Public Right of Way (footpath) running through the site starting adjacent to Mountbatten Road and running northwards through the site. There is another Public Right of Way (footpath) located to the north east of the site running eastwards and south east into surrounding fields.
- 1.3. The site is not within nor 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. There are several protected trees within the wider development site, however none of these fall within the application site for the proposed residential infrastructure. The site does fall within a SSSI Risk Impact Zone; however, the proposal is not for development categorised as being a risk to the SSSI.
- 1.4. The eastern 'limb' of the Site, comprising part of the airfield is, however, recognised for its high ecological value and as such is designated as a County Wildlife Site (Waldingfield Airfield Arable Margins CWS).
- 1.5. The site is located wholly within Flood Zone 1 and is the least vulnerable to fluvial (river) flooding the site is also not at a high risk from pluvial (surface water) flooding.
- 1.6. There is a Scheduled Monument (Wood Hall Moat) to the south west of the site. The site sits outside of any Conservation Area, with the nearest Conservation Area being within the centre of Sudbury to the south. There are a range of listed buildings near to the site but all fall outside of the site to the south. The nearest of these include Grade II* listed Barn at St Bartholomew's Priory Farm, Chapel at St Bartholomew's Priory Farm and Chilton Hall and Grade II listed St Bartholomew's Priory Farmhouse, Walled Garden east of Chilton Hall and Chilton Hall Historic Park and Garden.

2.0 The Proposal

- 2.1. This application seeks to secure the required infrastructure (site-wide services, drainage and highways infrastructure) for the residential land prior to works commencing on any residential development.
- 2.2. Permission is sought for the following aspects of the development, based on the type of matters being determined, there is some overlap between the reserved matters at this stage and the conditions that were imposed on the Outline Permission (B/15/01718). The below technical details

are therefore being considered with regard to the conditions on the Outline Permission where relevant.

Technical infrastructure details-

- Highways infrastructure
- Surface water drainage systems
- Foul water drainage
- Site levels
- Associated planting

There are several Discharge of Conditions Applications currently under consideration by the Council for determination which relate to these conditions as listed within the Planning History section of this report. There is inevitably some overlap between the Discharge of Conditions Applications and this Reserved Matters Application. All applications are being considered holistically and together to ensure they align providing a cohesive strategy for the development. Whilst the details submitted under this application may not fully satisfy those conditions at this stage, it must be remembered that this application forms one aspect of the wider development and therefore these conditions are likely to be progressed gradually through each stage of development. As such many of the conditions are likely to only be 'partially discharged' as many can only be satisfied in full at a certain trigger point.

For completeness, the full wording of the relevant outline conditions is included below, the relevant technical consultees have viewed this application whilst having regard to the relevant conditions and associated Discharge of Conditions Applications.

9. *"No development in any phase shall take place until a surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the principles of the submitted Drainage Strategy dated May 2017 (document reference L35223R033) and include:*

- a. Dimensioned plans and drawings of the surface water drainage scheme;*
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;*
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the Drainage Strategy;*
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;*
- e. Modelling of the surface water conveyance network in the 1 in 30-year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100-year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;*
- f. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;*
- g. Details of the triangular shaped highway drainage pond to the west of the site (identified on Figure 2.2 of the Amec Foster Wheeler Drainage Strategy (L35223R033), May 2017) and how this connects into the wider drainage network south of the A134 Springlands Way where relevant to that phase.*

The development shall be carried out in accordance with the approved scheme or any amended scheme submitted to and approved in writing by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.”

10. *“No development in any phase shall take place until details of the implementation, maintenance and management of the surface water drainage scheme for the phase has been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details or any amended scheme submitted to and approved in writing by the local planning authority.*

Reason - To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.”

11. *“No development hereby permitted shall be occupied until details of all Sustainable Urban Drainage System components and piped networks for that part of the development have been submitted to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.*

Reason - To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.”

12. *“No phase of development shall commence until details of a Construction Surface Water Management Plan (CSWMP) for that phase detailing how surface water and storm water will be managed on the phase during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction or any amended scheme submitted to and approved in writing by the local planning authority. The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:- i. Temporary drainage systems ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses iii. Measures for managing any on or offsite flood risk associated with construction*

Reason - To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan.”

17. *“The layout details to be submitted for approval under condition 2, for each phase of development, shall include details of all necessary on-site highway infrastructure, including estate roads, turning and parking areas, footways, footpaths and cycle tracks (linked to existing routes), verges, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, street furniture, street lighting and highway drainage, together with a timetable for the implementation of these works.*

Reason - In the interests of highway safety to ensure that highway infrastructure is constructed to an acceptable standard.”

28. *“No development in any phase shall take place until a foul water drainage strategy for that phase has been submitted to and approved in writing by the local planning authority. No part of any phase of development shall be occupied until the works have been carried out in accordance*

with the approved scheme for that phase or any amended scheme submitted to and approved in writing by the local planning authority.

Reason - To ensure that adequate provision is made for the management of foul water."

29. *"No development in any phase shall take place until details of the existing ground levels and proposed ground levels and the level of proposed floor slabs for that phase have been submitted to and approved in writing by the local planning authority. Development of that phase shall be carried out in accordance with the approved details or any amended details submitted to and approved in writing by the local planning authority.*

Reason - In the interests of amenity and mitigating visual impacts."

38. *"No phase of development other than works to complete the approved site access points, until a hard and soft landscaping scheme for that phase of development has been submitted to, and approved in writing by, the local planning authority. This will include the following details:*

- a. Details of hard surface materials and boundary treatments to be used within the development, including all means of enclosure.*
- b. Details of the existing trees and plants on site to be retained and details (species, size of stock at time of planting, location) of new plants and trees to be provided as well as any areas for seeding. The new landscaping should comprise of native species only as defined in Schedules 2 and 3 of the Hedgerow Regulations 1997.*

The 'soft landscaping scheme' shall be implemented in accordance with the approved details within the first planting season (October - March) following the commencement of development of that phase, unless otherwise agreed in writing by the local planning authority.

The 'hard landscaping scheme' shall be implemented and completed prior to the first occupation of the dwellings to which that area relates. The approved landscaping schemes shall be carried out in their entirety.

If within a period of five years, any of the existing or proposed plants identified in the approved landscaping scheme die, are removed, or in the opinion of the local planning authority become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

Reason - In the interests of visual and environmental amenity and to ensure a comprehensive approach to landscaping."

- 2.3. Whilst there is significant overlap between the details submitted for the Reserved Matters Application and the associated Discharge of Conditions Applications, all the technical infrastructure details for Phase 1 have been submitted within this Reserved Matters Application for the purposes of presenting and adopting a coherent and clear approach for addressing the relevant conditions and technical infrastructure that underpins the future residential development.
- 2.4. As noted previously, further information to wholly satisfy the conditions will be provided in subsequent applications and this Reserved Matters Application in no way seeks to alter or omit the level of information required by those conditions. Moreover, the development and this Reserved Matters Application are tied to the conditions on the Outline Permission and, therefore, there are many other relevant conditions which will be addressed in subsequent Reserved

Matters Applications and Discharge of Conditions Applications prior to any works commencing on site.

3.0 The Principle of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2. The principle of development has been previously established under Outline Permission B/15/01718. Under B/15/01718 the access points were approved and indicative layouts of site-wide infrastructure, spine road and drainage systems were provided. This application is consistent with the approved Outline Permission. Moreover, the delivery of this site is considered of strategic importance and the aims for the development are guided by Core Strategy policy CS4.
- 3.3. A Land Use Parameter Plan was also approved which shows that this Reserved Matters Application falls within land allocated for residential development. Whilst this proposal is not strictly residential, it is the necessary infrastructure required to deliver that approved residential development.
- 3.4. Specific details including the named 'reserved matters' (appearance, landscaping, layout and scale) for the dwellings will be submitted in subsequent applications and are not matters for consideration at this stage.
- 3.5. This application seeks approval for the preliminary infrastructure on site which is the first step in the wider delivery of this strategically important site. Furthermore, this application underpins and aligns with the strategic priorities of the Development Plan under Core Strategy policy CS4 and contributes significantly to the Council's current healthy land supply, measured at 6.74 years (October 2020). i.e. delay to the delivery of Chilton Woods development is likely to have a significant impact on the supply trajectory going forward, bearing in mind the quantum of housing expected to be delivered over the near-term assessment period.
- 3.6. The provision of this infrastructure is fundamental to the delivery of the subsequent stages of this scheme.

4.0 Nearby Services and Connections Assessment of Proposal

- 4.1. The proximity to existing services and facilities and provision of future services and facilities were assessed and secured within the Outline Permission under a S106 Agreement.
- 4.2. As discussed further in Sections 5 and 6, this application proposes some pedestrian and cycling connections alongside the distributor road. Further connections will be included on future applications, however at this stage the proposed connections are considered acceptable.

5.0 Site Access, Parking and Highway Safety Considerations

- 5.1. The Outline Permission included approval of several access points. One of which is located along the western side off of the A134 (Springlands Way), near to the Woodhall Business Park, this would link into the employment land, which Taylor Wimpey does not own, therefore this link cannot be delivered at this stage. Two other access points were also previously approved, including one that directly comes off of Reynolds Way/ Acton Lane and another extending Aubrey

Drive. These two accesses are being delivered under this scheme and would facilitate the delivery of subsequent residential development.

- 5.2. The application seeks permission for the creation of the site-wide distributor road within residential land. The distributor road would tie in with the already approved access points on Reynolds Way/ Acton Lane and Aubrey Drive and would loop around the site ending within the western area adjacent to the boundary with the employment land. The indicative plan supplied under the Outline Application did not show that the residential land would be linked with the employment land by the distributor road. However, on the advice of SCC Highway Authority as the Local Lead Highway Authority (LLHA), changes have been proposed to loop the distributor road around to the employment land to better integrate the site and enable cohesive development should the employment land be brought forward in the future.
- 5.3. There are also several connections proposed to other areas of the development, including the Village Centre, which will be developed out further in the latter stages of the development and through subsequent Reserved Matters Applications.
- 5.4. The proposed distributor road will be met by internal estate roads in subsequent Reserved Matters Applications for the residential development. It is wholly realistic that future internal estate roads will further increase permeability and opportunities for active travel to and from the site. To this end, the proposed distributor road provides a well-integrated foundation for subsequent applications by providing the opportunities for good permeability throughout the site.
- 5.5. The main distributor road will be adopted by the LLHA in the future, but this is subject to the grant of this Reserved Matters Application and subsequent Section 278 and 38 Agreements with the LLHA to agree finalised technical details. To this end it is likely that the speed limits along the spine road will vary between 20mph and 30mph but these would be subject to a Traffic Regulation Order which would again be secured via a Section 278 Agreement.
- 5.6. Whilst external street lighting is part of condition 17, which primarily relates to the highway infrastructure being proposed under this application, external street lighting has not been included for approval at this stage. Details of external street lighting shall instead be submitted at a later date within subsequent Reserved Matters Applications to satisfy the remainder of condition 17.
- 5.7. Several comments were made by parish councils relating to construction disruption and construction traffic. Condition 30 on the Outline Planning Permission requires the submission of a Construction Environmental Management Plan (CEMP), this condition must be discharged prior to commencement of any development on site, therefore this is not a matter for consideration at this stage, nor is it a condition that needs to be reimposed on this Reserved Matters Application. For clarity, condition 30 states:

'No development in any phase shall take place until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing for that phase of the site by the local planning authority. The CEMP shall include the following details:

- a. The means of access for construction traffic to and from that phase.*
- b. Parking provision for site operatives and visitors.*
- c. The loading and unloading of plant and materials.*
- d. The storage of plant and materials used in constructing the development.*
- e. The erection and maintenance of site security.*
- f. Wheel washing facilities (including full details of its specification and siting).*
- g. Measures to control the emission of dust and dirt during construction.*

- h. A scheme for the recycling/disposal of waste resulting from construction works.*
- i. Siting and appearance of contractors' compounds.*
- j. Measures for ensuring that construction traffic does not use rural routes alongside best practicable measures to ensure construction traffic entering and leaving the site is routed via the A134 Springlands Way.*
- k. Details of the method and frequency of liaison with the community for the duration of the construction period.*
- l. Noise assessment and noise management strategy to reduce construction noise as far as possible in accordance with BS 5228-1:2009.*
- m. Application of a 20mph speed limit during construction.*
- n. Measures for the protection of ecology and wildlife identified in section 5.5 Environmental Statement Addendum (Amec Foster Wheeler, May 2017) including an Ecological Clerk of Works.*
- o. Training of construction workers to comply with the approved CEMP. Development of that phase shall be carried out in accordance with the approved scheme or any amended scheme submitted to and approved in writing by the local planning authority.*

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.'

- 5.8. The proposal would wholly accord with Core Strategy policies CS4, CS14 and CS15 and Local Plan policy CP01, delivering a preliminary network and facilitating future connectivity to promote active travel of future occupants.

6.0 Design and Layout

- 6.1. As part of increasing the connectivity and integration of the site, there are links for active travel along the distributor road. These links include 3-metre-wide shared footpath and cycle links and 2-metre-wide footpath links interspersed with both footpath and 3-metre-wide footpath and cycle path priority crossings along the distributor road. There would also be a 3.5-metre-wide pedestrian and cycle route segregated from the distributor road located east of Aubrey Drive and another designated pedestrian and cycle route leading from Acton Lane travelling northwards.
- 6.2. The distributor road would adequately weave around the parcels of land that are to be developed for residential use in the future. This facilitates a well-integrated layout in subsequent Reserved Matters Applications.
- 6.3. There are fifteen sustainable urban drainage systems (SuDS) on site, including swales/ basins/ attenuation ponds proposed within the scheme distributed around the site, around the edges of distinct parcels of land and the distributor road.
- 6.4. A feature brickwork wall with signage would be erected adjacent to the Aubrey Drive entrance, which would measure 2.1 metres in height sloping downwards to measure 1.425 metres and measure 9.289 metres with brickwork pier and cast stone capping. Alongside other boundaries and SuDs it has been proposed that there would be a 1.1-metre-high timber post and rail fence, 0.45-metre-high timber bollard, 0.4-metre-high rustic knee rail fence and 1.1-metre-high rustic post and rail fence. In acknowledging the comments made by Place Services Landscaping a condition would be imposed for the submission of finalised boundary treatments around the attenuation ponds to ensure both landscape impact and health and safety implications can be appropriately considered.

6.5. Whilst the design and layout matters are limited at this stage with development primarily proposed at or below ground level, the development would accord with Core Strategy policy CS4, CS14, CS15 and Local Plan policy CN01 and CP01 and would enable future development to meet the aims of paragraph 127 of the NPPF.

7.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

7.1. An Environmental Impact Assessment was submitted and approved with the Outline Permission. A Statement of Conformity has been submitted with this Reserved Matters Application to demonstrate that the application remains within the previously assessed parameters on the Outline Permission, ensuring it is in accordance with the Environmental Impact Assessment considerations on that Outline Permission.

7.2. A landscaping scheme has been provided to better integrate the drainage strategy and maximise the ecological and biodiversity benefits of the swales, basins, attenuation ponds and associated open space. This landscaping strategy is one aspect of the site wide landscaping scheme that is required under the Outline Permission, further landscaping details will therefore be provided during the other stages of the development. This landscaping strategy will however be designed into and addressed in any future subsequent applications to ensure complete cohesion and well-conceived landscaping across the site.

7.3 Landscaping is proposed directly around the swales and SuDS basins/ponds, providing a strong foundation for future landscaping around the site. It is indicated that further landscaping is proposed between the swales/ basins and the highway/ hedgerows/ residential parcels of land. Details of such landscaping will be included in future submissions, paving the way for high levels of greenery on site which are well integrated with their surroundings. The LLHA have however noted that any trees will need to be planted 2.5 metres away from the highway and any hedgerows would need to be positioned to enable growth which will not overhang the highway.

7.4 An arboricultural report was submitted with the application which outlined the limited and necessary removal of trees/ hedgerow in order to make way for the infrastructure required on site. None of the trees or hedgerows on site are protected nor are they of a high quality. The following will be removed to accommodate the development:

- To accommodate the highways infrastructure 180 metres of moderate quality hedgerow, 5 field maple trees and 1 goat willow tree of low quality and 3 semi-mature field maple trees of moderate quality will be removed.
- To accommodate the cycleway and footpath connections 60 metres of moderate-quality hedgerow and localised trees will be removed.
- To accommodate SuDS 20 metres of low-quality hedgerow and 4 low quality trees (sumac, common lime and two semi-mature silver birch) will be removed.

The SuDS are designed to ensure compliance with recommended root protection areas to ensure there is no inadvertent damage to any of the trees to be retained.

A condition would be imposed to ensure that all works are carried out in accordance with the recommendations within that report. Furthermore, the arboricultural report concluded that the overall arboricultural impact will be low in the wider context and can be appropriately mitigated through future landscaping in subsequent applications.

- 7.5. Place Services Landscaping raised no objection to the proposal following amendments to planting species and visual improvements to the SuDS strategy. As noted at point 6.3, Landscaping made recommendations for the removal of the rustic knee rail fence currently proposed around attenuation ponds, this will be dealt with via condition. Having taken the Public Realm Team's response into account, they are also content that the *Carex riparia* (Greater Pond Sedge) proposed within the swales would not rapidly spread given that the environment it would sit within would not be permanently wet.
- 7.6. Under the Outline Permission, condition 38 requires the submission of a full hard and soft landscaping scheme for each phase and the required timescales for planting/ replacement. Whilst some landscaping is proposed currently, this will only partially discharge the landscaping for this phase as further landscaping will be included in future submissions.
- 7.7. Place Services Ecology raised no objection to the proposal as sufficient ecological information has subsequently been provided. It is noted that as the applicant has submitted their enquiry form to Natural England to trigger the 1st stage payment for District Level Licensing for Great Crested Newts, the Council will need the Impact Assessment and Conservation Payment Certificate document countersigned by Natural England as evidence of site registration. This is required to be submitted prior to issuing a decision which is reflected in the recommendation section of this report. Several conditions are also proposed to further protect and enhance biodiversity within the area which would all be imposed.
- 7.8. Under the Outline Permission, condition 39 requires the submission of an Ecological Management Plan prior to works commencing. Moreover, the Construction Environmental Management Plan under condition 30 also requires measures to mitigate against any detrimental impact on ecology.
- 7.9. The proposed levels of the distributor road and drainage strategy would broadly meet the existing land levels and as such would not appear visually prominent. The land is generally level with a slight slope towards the south of the site.
- 7.10. The proposal would wholly accord with Core Strategy policies CS4, CS14 and CS15 and Local Plan policies CP01 and CR07, delivering green infrastructure, well integrated landscaping and ecological mitigation and enhancement measures.

8.0 Land Contamination, Flood Risk, Drainage and Waste

- 8.1. The whole site is located within Flood Zone 1 and is at a low risk of fluvial (river) flooding. It is also at a low risk of pluvial (surface water) flooding. The Outline Permission sought to incorporate a network of SuDs across the site in the form of basins, swales and attenuation ponds.
- 8.2. This infrastructure application seeks to incorporate all of the above elements in line with the Outline Planning Permission to achieve drainage run off rates below the existing green field conditions on site once developed out. SCC Floods and Water as the Local Lead Flood Authority (LLFA) raised no objection to the proposed drainage systems. The details and layout of this drainage system are discussed within section 6 of this report.
- 8.3. A surface water drainage strategy has also been submitted proposing to discharge surface water to existing drainage ditches on site alongside the use of SuDS. The LLFA raised no objection to this strategy for preventing and dealing with rainfall events and pluvial flooding.
- 8.4. The surface water drainage strategy on site would not only mitigate flood risk but would also serve to improve biodiversity of the developed site.

- 8.5. A site-wide foul water drainage strategy is proposed under this application. This strategy primarily provides links around the site into the existing Anglian Water foul water sewer via existing manholes. Anglian Water confirmed that their foul water sewers will have capacity for these flows and as such the foul water drainage strategy is acceptable at this stage.
- 8.6. The Council's Environmental Health Team confirmed they have no objection from the perspective of land contamination, noise, odour, light and smoke or air quality.
- 8.7. The proposal would accord with the aims of CS4 and CS15 in securing a development that integrates SuDS, reduces flood risk and would not detrimentally harm the environment in terms of air quality, noise, odour or light.

9.0 Heritage Issues

- 9.1. Whilst the Council's Heritage Team did not wish to comment on the application, Officers are of the opinion that based on the nature and form of this infrastructure application, it is in line with the previous heritage assessment conducted during the determination process of the Outline Application. Therefore, it is not considered that there is any requirement for further heritage assessment at this stage. In any event, the development under this particular application i.e. ground-level infrastructure, would not materially affect the significance of any designated heritage asset.
- 9.2. SCC Archaeology raised no objection but recommended two conditions for conducting a programme of archaeological evaluation including a written scheme of investigation and conducting site and post investigations. Both of these conditions would be imposed.

10.0 Impact on Residential Amenity

- 10.1. As the proposal is solely for infrastructure at this stage, the direct impact on residential development of this stage of the development would be minimal as there are no specific details of the residential development being considered. Therefore, there would be no impacts arising from overlooking, loss of privacy, overshadowing etc. The infrastructure being proposed is consistent with what was assessed and expected under the Outline Permission, therefore the potential impacts arising from this stage of the development are likely to be concentrated during the construction period, impacts of which are controlled by conditions on the Outline Permission. Moreover, two further conditions would be imposed on this application relating to prohibiting burning and restricting construction hours.

11.0 Parish Council Comments

- 11.1. Much of the concern raised by parish councils related to the prematurity of this application in relation to the Design Code that is currently being consulted on and amended outside of this application. The Design Code specifically relates to the design aspects of the residential development, and whilst this application is within residential land, it does not strictly relate to nor would it be controlled by the contents of that Design Code. As such approval of this infrastructure application would not prejudice the delivery of cohesive site-wide residential development which will be informed by the Design Code.
- 11.2. Further concerns were raised on construction traffic and routes for accessing and exiting the site. These are subject to agreement at a later stage but prior to commencement under condition 30 on the Outline Permission. These matters will be agreed between the applicant and the Local

Planning Authority in consultation with SCC Highways, Place Services Ecology and BMSDC Environmental Health under a Discharge of Conditions Application.

- 12.3. A gas governor and substation are included within the submission as part of establishing site-wide principal utility connections. Several concerns were raised in regard to the phasing out of gas in the coming years, the change in energy approach for future housing is not however something that can be considered, or insisted on, at this stage as there is no local or national policy to underpin it. However, any future dwellings on site would have to accord with the most up-to-date Building Regulations of the time and further assessment of sustainability will come in subsequent applications and be subject to assessment by the Council's Sustainability Officer.

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1. The proposed site-wide infrastructure for the residential development is a crucial first step in delivering this strategically important site. This application lays the foundations for a well-conceived and cohesive development that can be achieved through subsequent Reserved Matters Applications.
- 13.2. The main infrastructure matters of the site-wide distributor road, site levels, surface water drainage, foul water drainage and associated landscaping have been thoroughly planned and adequately addressed, ensuring a smooth transition from the first stages of development into the main residential development to be secured through subsequent Reserved Matters Applications. The future residential development on site will incorporate the principles set out and agreed in the Design Code without being prejudiced by this infrastructure application, but rather being integrated within it.
- 13.3. This Reserved Matters Application goes to the heart of the aims of Core Strategy policy CS4 specifically and more broadly the Development Plan as a whole by presenting a holistic plan and 'road map' for the future phases of the development and in no way represents a piecemeal approach to its delivery.
- 13.4. The application complies with the Development Plan viewed as a whole. There are no material considerations which indicate a decision should be taken other than in accordance with the plan.

RECOMMENDATION

Subject to the applicant submitting the Impact Assessment and Conservation Payment Certificate document countersigned by Natural England as evidence of site registration to the Council: That the Reserved Matters Application be GRANTED permission and include the following conditions:-

- Works done in accordance with approved plans
- Works done in accordance with the arboricultural report
- Provision of fire hydrants
- Written Scheme of Investigation
- Submission of Site and Post Investigations
- Restriction on construction hours
- No burning on site
- Works done in accordance with the ecological appraisal recommendations
- Copy of the Natural England Mitigation Licence for Hazel Dormouse
- Copy of the Natural England Mitigation Licence for Great Crested Newts
- Construction Environmental Management Plan for biodiversity
- Farmland Bird Mitigation Strategy
- Biodiversity Enhancement Strategy
- Landscape and Ecological Management Plan
- Wildlife Sensitive Lighting Design Scheme
- Attenuation ponds/SuDS basins fencing

Informatives

- Local Lead Flood Authority recommended informatives
- The Reserved Matters Permission should be read in conjunction with the Outline Planning Permission, including any conditions contained on that previous permission