

Committee Report

Item 6A

Reference: DC/20/04663

Case Officer: Samantha Summers

Ward: East Bergholt.

Ward Member/s: Cllr John Hinton.

RECOMMENDATION – PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application for approval of reserved matters following outline approval B/16/01092. Town and Country Planning (Development Management Procedure) (England) Order 2015 - Access, Layout, Scale, Design and Landscaping for Mixed-use development including up to 75 dwellings, a pre-school and a neighbourhood hub, comprising a swimming pool, office space and a local shop, public open space, and associated infrastructure and landscaping as amended by drawings received on 11th November 2016 (omission of school land).

Location

Land East of The Constable Country Medical Centre, Heath Road, East Bergholt, Suffolk

Expiry Date: 22/04/2021

Application Type: RES - Reserved Matters

Development Type: Major Small Scale - Dwellings

Applicant: Hills Building Group

Agent: Mrs Emma Walker

Parish: East Bergholt

Site Area: 8.7Ha

Details of Previous Committee / Resolutions and any member site visit: None

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

Has the application been subject to Pre-Application Advice: Yes DC/20/02534. The layout plan was significantly different to that of the indicative layout received as part of the Outline planning application submission. The layout of the site needed amendments, particularly the affordable housing, access to the public open space, the main access point with Heath Road and visibility splays, location of the SUDs, some minor changes to house types 1, 3 and 4 and changes to house type 2 or photographic evidence of similar designs found in East Bergholt.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- This is a major development.
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PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CN01 - Design Standards
EM01 - General Employment
CR02 - AONB Landscape
CR07 - Landscaping Schemes
TP15 - Parking Standards - New Development
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CS19 - Affordable Homes
East Bergholt Neighbourhood Plan
NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has Significant weight.

Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council

08/04/2021

Following an extensive debate, it was proposed by Councillor Woodstock, seconded by Councillor Dent and Resolved (unanimously) that the Council was pleased to see the redistribution of the affordable units across the estate but remains opposed to:

(a) The affordable one bed flats still being located over the commercial hub, which is not a satisfactory living solution for those seeking accommodation;

(b) Access plans for the site, with the unnecessary retention of two access roads from the site onto the B1070, close to the High School and the Medical Centre. Inevitably this raises safety issues for motorists, cyclists and pedestrians;

(c) The proposed pedestrian crossing leading to a traffic island at the entrance to the school is also a major concern in itself and whilst Suffolk County Councillor Reid (Cabinet Member for Highways) promotes his £500k fund to provide safety for pupils and parents at school gates in Suffolk, the East Bergholt High School appears to be an exception with County Highways having failed to comment on this proposal.

The Council also requests that a condition be attached to ensure that all boundaries of the application site are able to benefit in perpetuity from tree screening.

The Council also requests that its previous extensive submissions on this application still stand and should be taken into account in the determination of the application.

The Chairman stressed that there is no ability to amend the outline permission in respect of the content of the commercial hub.

National Consultee

Historic England

Thank you for your letter of 7 April 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

East Suffolk Internal Water Board

The Board has no comments to make.

Anglian Water

Foul Water

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 17 of outline planning application B/16/01092, to which this Reserved

Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water

We have reviewed the applicant's submitted surface water drainage information (Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

NHS

1. I refer to your consultation letter on the above planning application and advise that, following a review of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of Ipswich & East Suffolk Clinical Commissioning Group (CCG).

Background

2. The proposal comprises a development of up to 75 residential dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

Review of Planning Application

3. There is one GP practice within a 2km radius of the proposed development; this practice also has a branch surgery that is within relatively close proximity to the development. These practices do not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore, a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

Healthcare Needs Arising from the Proposed Development

4. At the earliest stage in the planning process it is recommended that work is undertaken with Ipswich and East Suffolk CCG and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.

Encourage oral health preventative advice at every opportunity when planning a development, ensuring that oral health is everybody's business, integrating this into the community and

including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

Health & Wellbeing Statement

As an Integrated Care System, it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care are being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

The primary healthcare services directly impacted by the proposed development and the current capacity position is shown in Table 1.

Table 1: Summary of capacity position for healthcare services closest to the proposed development.

Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
Constable Country Rural Medical Practice (and branch Capel St Mary Surgery)	11,059	794	11,582	36
Total	10,059	794	11,582	36

Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
2. Current Net Internal Area occupied by the Practice.
3. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO) Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
4. Based on existing weighted list size.

5. This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of extension, refurbishment or reconfiguration at Constable Country Rural Medical Practice and/or its branch The Surgery, Capel St Mary, servicing the residents of this development, would be sought from the CIL contributions collected by the District Council.

6. Although, due to the unknown quantities associated with CIL, it is difficult to identify an exact allocation of funding, it is anticipated that any funds received as a result of this development will be utilised to extend the above-mentioned surgery. Should the level of growth in this area prove this to be unviable, the relocation of services would be considered, and funds would contribute towards the cost of new premises, thereby increasing the capacity and service provisions for the local community.

Developer Contribution required to meet the Cost of Additional Capital Funding for Health Service Provision Arising

7. In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL Regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution is sought.

8. Assuming the above is considered in conjunction with the current application process, Ipswich and East Suffolk CCG would not wish to raise an objection to the proposed development.

9. Ipswich and East Suffolk CCG is satisfied that the basis of a request for CIL contributions is consistent with the Position Statement produced by Babergh and Mid Suffolk District Councils

Ipswich and East Suffolk CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

County Council Responses

SCC Highways

I confirm that the revised layout proposals remain acceptable in highway terms.

However, as a minor point I would add that the area around the road turning head near Plots 19 to 22 is a bit messy in terms of relationships between road, footway, accesses, dropped kerbs and parking spaces. I am content that this can be resolved at the road adoption stage by maybe adjusting materials etc.

SCC Fire and Rescue

Please be advised that we require Condition 16 to be brought forward from the original planning application B/16/01092/OUT – Details of Fire Hydrants.

SCC Development Contributions

SCC previously submitted a consultation response by way of letter dated 29 January 2021 which this letter replaces.

The original application under reference B/16/01092/OUT has an associated planning obligation dated 08 February 2018 – the parties to this Deed are Babergh District Council (1), Suffolk County Council (2), Michael George Harris & James George Harris (3), and Hills Residential Construction Limited (4). The obligations previously secured under the first planning permission will remain in place if reserved matters approval is granted.

Additional infrastructure mitigation for this scheme is also covered by the District's Community Infrastructure Levy (CIL). Therefore, SCC intends on making a bid for CIL funds once further information is understood about the development build out rate and infrastructure delivery.

Under the Definitions "Affordable Housing Units" and "Key Worker Dwelling" three Key Worker Dwellings are to be constructed. The use of these Key Worker Dwellings is set out in Schedule 3 paragraph 3.2.3 – eligible persons who are permanently employed by the East Bergholt Academy. In this respect it will be helpful for the district council housing team to confirm arrangements going forward including keeping the county council and East Bergholt Academy updated on progress with the delivery of these units. For example, when should East Bergholt Academy make nominations etc? I note that a revised Masterplan has been submitted by the agent (uploaded to the LPA's planning portal). This plan highlights in pink the proposed locations of the affordable housing units – can you please clarify which of these units are the three Key Worker Dwellings?

In respect of the pre-school building the applicant should discuss this with the county council's early years team FAO Kelly Smith. Discussions would cover the building specification and user of the building.

SCC Archaeological Service

The site of the proposed development has high potential for the discovery of important hitherto unknown heritage assets of archaeological interest in view of its large size and location close to a number of sites recorded in the County Historic Environment Record. It is situated to the east of the historic settlement core of East Bergholt (EBG 044) and scatters of multi-period finds have been recorded in the vicinity. However, the site has not been the subject of previous systematic investigation.

Given the potential, lack of previous investigation and large size of the proposed development area, I would recommend that, in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant should be required to provide for an archaeological evaluation of the site before a Development Brief is prepared, to allow for preservation in situ of any sites of national importance that might be defined prior to determination of the application. The proposed development area cannot be assessed or approved in our view until a full archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent). This is in accordance with paragraphs 128 and 129 of the National Planning Policy Framework.

A geophysical survey should be undertaken in the first instance, followed by a trial trenched evaluation. Decisions on the suitability of the site, and also the need for, and scope of, any further mitigation work should there be any below-ground archaeological finds of significance, will be based upon the results of the evaluation.

The results of the evaluation must be presented in the application, along with a detailed strategy for further investigation. The results should inform the development to ensure preservation in situ of any previously unknown nationally important archaeological remains within the development area.

I would be pleased to offer guidance to the applicant on the archaeological work required and, in our role as advisor to Babergh District Council, the Conservation Team of SCC Archaeological Service will, on request of the applicant, provide a specification for each stage of this work.

SCC Water and Floods Team

The LLFA are only commenting on the surface water drainage of the site, foul water will be reviewed by others.

The following submitted documents have been reviewed and we recommend approval subject to condition.

- Drainage Strategy Ref 610593-MLM-ZZ-XX-RP-C-001 Rev P02
- Soft Landscaping Proposals Layout Ref 20.5096.10 Rev C
- Location Plan Ref L170120/P75/01
- Site Plan Ref 170/20/P75/03 Rev B
- Foul and Surface Water Drainage Ref 610593-MLM-ZZ-XX-RP-C-0110 Rev P05
- Basin Sections Ref 610593-MLM-ZZ-XX-RP-C-0110 Rev P05

We propose the following condition in relation to surface water drainage for this application.

1. A bespoke planning condition is to be agreed with LPA and applicant regarding an independent RoSPA assessment of the basin post construction.

SCC Travel Plans

Thank you for consulting me about the reserved matters application for the mixed-use development off Heath Road in East Bergholt. Having reviewed the application documents submitted, I have no comment to make as the Travel Plan requirements have been secured through the supporting Section 106 Agreement, where the trigger has not yet been met.

AONB Team

The amendments proposed in the additional information submitted to support the application on 17 March 2021 will have negligible impact on the AONB. The AONB team has no additional comments to make. The issues raised in our previous responses dated 16/12/2020 and 18.02.21 re the lack street trees remain valid.

Place Services – Landscape

Amendments have been made to the layout design and soft landscape proposal plans including detail information on plant species, plant numbers and stock size have been submitted. The number of trees however remains unspecified and should be included in the planting plans.

We welcome the provision of street trees and landscaping to the car park areas around the Hub (shop, pool, pre-school). We recommend changes to some of the proposed plant species:

- Alternative to silver birch with species of higher longevity, beneficial to wildlife and provides adequate canopy cover to withstand climate change.
- We recommend that *Viburnum tinus* spp. is removed from the specification. The species can be severely damaged by Viburnum beetle and often produces an unpleasant smell particularly when the foliage is wet.

The natural play area included in the attenuation area is a great addition to the scheme delivering a multi-functional green infrastructure. There are other POS areas within the development which can benefit of this approach.

The majority of our previous concerns have been address including securing a long-term maintenance to the existing vegetation to the west and south boundaries.

Place Services – Ecology

We have reassessed the Revised Ecological Assessment (Eco-Planning UK, October 2020), supplied by the applicant to provide an update on the likely impacts of the development upon designated sites, Protected & Priority Habitats and Species.

We have also reassessed the Ecological Assessment (Eco-Planning UK, Feb 2016), the Bat Report(ADAS, Oct 2016) and Habitats Regulations Assessment Screening Report (Suffolk County Council, 2016), which was submitted to support the outline approval (B/16/01092).

Furthermore, we have reviewed the proposed soft landscape proposals (Andrew Hastings Landscape Consultants Ltd., October 2020), which have been submitted on the 18th November 2020.

The soft landscape proposals are considered appropriate for this application and are considered to meet the requirements of condition 13. The proposals include suitable native species planting which will be appropriate for the local character and will also deliver further ecological benefits by providing opportunities for nesting birds.

However, it is highlighted that a Landscape & Ecological Management Plan will still be secured prior to occupation for this application, in line with condition 26. Therefore, this will need to provide management measures for all soft landscaping on site, including the adjacent plantation broadleaved woodland. In addition, to ensure that measurable biodiversity net gains are secured for this application, as outline under paragraph 170[d] & 175[d] of the NPPF, the Landscape & Ecological Management Plan should demonstrate a range of bespoke ecological enhancement measures. This should be informed by a professional ecologist and should include a number of bird and bat boxes/integrated bricks (including swift nest bricks), Log piles/hibernacula and hedgehog friendly fencing (13x13cm holes at the base of fencing) to be delivered throughout the development. Alternatively, this could be secured as a separate condition of any consent via the following Biodiversity Enhancement Strategy.

Internal Consultee Responses

BMSDC Environmental Protection – Noise/Odour/Light/Smoke

We have no objections in principle to the proposed development, subject to the following matters.

Given the proposed residential setting, there is potential for loss of amenity due noise from any externally mounted mechanical equipment such as air conditioning or refrigeration units at the pre-school, pool, or shop/work hub buildings. I would therefore recommend that a condition be attached to any permission to the effect that no external plant of machinery shall be used in association with the pre-school, pool, or shop/work hub units unless full details (including manufacturers acoustic data) of the equipment and an assessment of noise impact at nearby dwellings, based on the current version of BS4142, have been submitted to and approved in writing by the Local Planning Authority. Where such equipment is also designed to remove fumes or odours (particularly in the case of the commercial kitchens in the pool and preschools), details of the fume and odour control measures will also be submitted to and agreed in writing with the Local Planning Authority prior to installation.

In respect of the proposed apartments above the shop and work hub, this will put noise sensitive dwellings in direct proximity to business uses that have the potential to cause noise from the business activity as well as ongoing access and egress during business opening hours. This poses a restriction on the flexibility of the shop unit which will be limited by the ability of the structure to prevent sound transfer internally and contain noise break out externally – I would recommend that a noise assessment be carried out to this effect which would inform structure and any enhanced glazing/ventilation measures as needed. I would also suggest that operating hours will need to be limited by means of condition, with negotiation with the applicant - I would suggest that hours such as 08.00 – 20.00 hours Monday – Saturday with reduced hours on a Sunday would be acceptable, with deliveries limited to these times.

I would also suggest that opening hours for the pool and pre-school be limited by means of condition, by negotiation with the applicant. I would also recommend you consider whether a condition requiring access to the car park to be restricted by means of barrier outside of opening hours might be appropriate.

In respect of the pre-school, the use of the covered outside area may result in some loss of amenity to nearby dwellings, I would request that further details be provided of any boundary treatment – as an acoustic fence would go some way to ameliorate this.

I have had regard to the document 'soft landscape proposals layout- full extent' (Andrew Hastings Landscape Consultants Ltd). Whilst I appreciate that this plan is not to scale, I am concerned that the proposed LEAP appears to be in close proximity to residential dwellings (particularly H11 and H12). The Supplementary Planning Guidance HS32 states that LEAPs should be located at least 20m from the edge of activity zone to the property boundary. I am concerned that this will not be the case and as such there is likelihood of significant loss of amenity at these dwellings. I would suggest that this matter be reviewed.

I do have some concerns about the likelihood of loss of amenity to surrounding residential dwellings during the demolition and construction phases of the development.

I would recommend that a condition be attached to any permission to the effect that all works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.

I would therefore strongly recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Operating hours
- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)
- Loading and unloading of plant and materials
- Wheel washing facilities
- Hours of operation and vehicle movements
- Lighting
- Location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
- Waste storage and removal
- Temporary buildings and boundary treatments
- Dust management measures
- Noise and vibration management (to include arrangements for noise limits, monitoring, and specifically for management of piling) and;
- Litter management during the construction phases of the development.

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: the Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

I would also recommend that a condition be added to any permission to the effect that no burning shall take place on the site of the development.

Finally, I would recommend that a condition be attached to any permission to the effect that Before the development commences a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented prior to beneficial use of the approved development and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority. The scheme shall provide that each pole/wall counted light must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. All pole/wall mounted lighting shall be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 2.5%. The submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) marked with 5, 1 and 0 lux contour lines), be submitted to and approved by the LPA.

The applicant's attention is drawn to the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage).

AMENDED COMMENTS I note that the matter of the LEAP, as outlined in my previous response, in relation to proposed housing, has now been address and play equipment is no longer proposed at this location.

I have no further comments to make other than those already made in my initial consultation response of 6th November 2020 which relate to noise assessment, hours of operation for the shop unit, issues relating to the pre-school, construction management and lighting levels.

BMSDC Environmental Protection – Land Contamination

Many thanks for your request for comments in relation to the above application. I can confirm that I have no comments to make with respect to land contamination as all issues were dealt with at the outline stage.

BMSDC Sustainability

I have viewed the applicant's documents and there is mention of the Council's relevant sustainability related policies in the Planning Statement but there is little detail.

I have no objection and If the planning department decided to set conditions on the application, I would recommend the following

Prior to the commencement of development, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed, and the measures provided and made available for use in accordance with such timetable as may be agreed.

There is a checklist at the website detailed below that will help with this process.

The Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3, CS12, CS13, CS15 and NPPF) including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day).

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

Guidance can be found at the following locations:

<https://www.babergh.gov.uk/environment/environmental-management/planningrequirements/>
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-anddevelopment-advice/parking-guidance/>

The Sustainability and Energy strategy should take into account the following:

Babergh Mid Suffolk Councils declared a Climate Emergency in 2019 and have an aspiration to be Carbon Neutral by 2030, this will include encouraging activities, developments and organisations in the district to adopt a similar policy. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability, taking into account the requirements to mitigate and adapt to future climate change.

If the development is constructed with levels of insulation to just equal or slightly better the current building regulations Part L requirements, they will need to be retrofitted within a few years to meet the National milestones and targets leading up to zero carbon emissions by 2050.

We now ask that any Sustainability and Energy Strategy requires the applicant to indicate the retrofit measures and to include an estimate of the retrofit costs for the properties on the

development to achieve net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those measures are included now at the initial building stage.

BMSDC Environmental Protection – Air Quality

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of local air quality management. The scale of the development, at 75 dwellings, is far below the level that we would anticipate an actionable impact of local air quality the existing air quality in and around Capel is regarded as being good with no air quality management areas and background levels of nitrogen dioxide being around 10ug.m3 according to DEFRA background air quality maps. The Institute of Air Quality Management takes a precautionary approach and indicates that an air quality impact assessment may be necessary for developments that are to add 500 vehicle movements a day and at 75 dwelling this threshold is unlikely to be passed.

In light of the above I can confirm that I have no objections to the proposed development from the perspective of local air quality management. However, the development offers opportunities to improve the existing good air quality through the provision of Electric Vehicle Charging Points to the levels set out in the Suffolk Parking Standards – this will be picked up in detail in the consultation on Environmental Management Issues which will be dealt with by another member of the team.

BMSDC Public Realm

Public Realm Officers support the inclusion of the natural play structures as indicated on Drawing 20.5096.05 Soft Landscaping Proposals. Locating these features close to the attenuation basin within an area planted with bulbs is a slight concern when considering safety and future maintenance. Bulb areas are normally not cut until later in the year and damage to plants would be expected if children are using play features set with an area of bulbs. Amenity grassland may be more appropriate here with bulbs at the edges. Signage indicting the presence of open water may be required if the attenuation basin contains surface water in heavy rain conditions.

BMSDC Strategic Housing

We note that the scheme layout has been amended and the affordable homes are more integrated into the scheme. This is acceptable however we require confirmation of the number of affordable homes. Currently this appears to be 18 and not 26.

Please confirm that the apartments over flats are market homes and not affordable? We do not accept affordable homes over shops which has been mentioned previously to the developer.

BMSDC Heritage

The Heritage Team was not consulted at outline stage and in this instance has no comments to make at reserved matters stage.

B: Representations

At the time of writing this report at least 27 letters/emails/online comments have been received. It is the officer opinion that this represents 25 objections and 2 general comments. A verbal update shall be provided as necessary.

Views are summarised below:-

- Lack of renewable energy features
- Concern over the hedgerow between the site and Richardson's Road
- Current scheme does not reflect the layout shown at outline stage
- Two access point are not necessary and could cause highway safety issues
- Less public open space than the outline
- Design of the housing does not enhance the village
- The swimming pool and shop buildings are unattractive
- The houses are nearer the Donkey Track than the outline shows
- The scheme adulterates the views of John Constable's paintings
- Highway safety issues for the High School
- Impact on the AONB
- Boundary screening
- Outlook for residents of Richardson's Road

(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

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REF: B/16/01092	Outline - (all matters reserved) Mixed-use development including up to 75 dwellings, a pre-school and a neighbourhood hub, comprising a swimming pool, office space and a local shop, public open space, and	DECISION: GTD 09.02.2018

associated infrastructure and landscaping as amended by drawings received on 11th November 2016 (omission of school land).

REF: BIE/16/00414

Pre-app advice for outline application for residential development **DECISION:** PCO

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site is located on the eastern side of East Bergholt, a large village located in close proximity to the A12, 18km to the north-east of Colchester and 16km to the south west of Ipswich.
- 1.2 The village is designated as a Core Village in the Babergh Core Strategy and contains a number of services and facilities. These include a primary school, a secondary school, playing fields and a sports centre, four community buildings including a village hall, a filling station, a GP practice, a sports centre, churches, public houses, a pharmacy, a village shop, a post office, a butcher's, a bakery and a tearoom.
- 1.3 The application site is split into two areas; the main area is to the south of Heath Road (B1070), and a smaller parcel is located to the north of the road. The main parcel is agricultural use and is subdivided into two fields, with a field boundary running roughly north-south through the site. To the south of the site there is a small block of spruce planting and to the eastern side of the site there is an existing copse. To the south is the Dedham Vale Area of Outstanding Natural Beauty (AONB) which is separated from the southern boundary by one field's depth, with a well-used footpath (the Donkey Track) with views looking south over the AONB. This parcel lies immediately adjacent to the built-up area of East Bergholt with rear gardens backing onto the application site. The Constable Country Medical Practice is located immediately adjacent to the site and fronting onto Heath Road. To the south and east the site is surrounded by agricultural land.
- 1.4 The parcel to the north of Heath Road falls within the East Bergholt High School site, adjacent to the school's entrance and coach parking area. To the east of this parcel lies a cluster of commercial and residential buildings. The combined site area is 9.2 hectares.
- 1.5 This Reserved Matters application relates only to the larger site to the south of Heath Road.

2.0 The Proposal

2.1 The proposal includes 75 dwellings, a pre-school with associated playing field, a swimming pool, car park, public open space and a building that will accommodate a local shop and work hub with flats above. The housing schedule is as follows:

Dwelling Type	Affordable	Private	Total
1 bedroom apartment	8	0	8
2 bedroom house	13	5	26
3 bedroom house	5	11	16
4 bedroom house	0	27	27
Total	26 (35%)	54	75

The affordable element is made up of the following:

Tenure	Number of Units	Bedrooms	People	Dwelling type
Rental dwelling	6	1	2	Flat
Rental dwelling	9	2	4	House
Rental dwelling	2	3	5	House
Shared ownership	2	1	2	Flat
Shared ownership	2	2	4	House
Shared ownership	2	3	5	House
Key worker	2	2	2	House
Key worker	1	3	3	House

2.2 All properties have sufficient parking which are to current Suffolk Parking Standards. The SCC Highway Authority has raised no objection to the scheme on parking and turning issues.

2.3 The density of build on this site is very low. The market houses have large gardens and there are large areas of open space which give the development a feeling of openness

that reflects the edge of village character. The density of build is eight dwellings per hectare.

- 2.4 There is a mix of house types on the development which includes bungalows, one-and-a-half-storey and two-storey dwellings. The swimming pool and pre-school are both single-storey. The shop has one storey of flats above.
- 2.5 Garden sizes vary on the development, with most of the market houses having large gardens and those for the affordable units being smaller. The flats above the shop do not have dedicated gardens. However, there is a green space to the south which could be utilised by the residents.
- 2.6 The dwellings have been laid out mostly in a linear form which results in a high level of privacy for residents. Some of the plots are back-to-back. However, the angle is oblique and because of the size of gardens, there is very good spacing and this is not considered to cause any overlooking or loss of privacy.
- 2.7 The materials palette consists of buff, red and mixed bricks for the dwellinghouses, with artificial slate, pantiles and plain tiles for the roofs.
- 2.8 The site area is 8.7 hectares.

3.0 The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF.
- 3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up-to-date.
- 3.4 Also, as required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.
- 3.5 The principle of development has been established by the granting of Outline Planning permission under permission B/16/01092 for “Outline - (all matters reserved) Mixed-use development including up to 75 dwellings, a pre-school and a neighbourhood hub, comprising a swimming pool, office space and a local shop, public open space, and

associated infrastructure and landscaping as amended by drawings received on 11 November 2016 (omission of school land).”

- 3.6 This application concerns the Reserved Matters of the Outline application which include:
- Access
 - Layout
 - Scale
 - Appearance
 - Landscaping

These issues will be looked at in turn in the report that follows.

- 3.7 As this is a Reserved Matters application, the detailing of the proposal will be assessed against Babergh Local Plan, Babergh Core Strategy and East Bergholt Neighbourhood Plan policies. These policies are given full weight in decision making and are considered to be consistent with the National Planning Policy Framework.
- 3.8 There has been much negotiation during the course of this application between the developer and Officers. Particular points that have required changes include surface water drainage, highway safety, landscape impact, affordable housing location and general layout changes.

4.0 Access

- 4.1 The indicative layout of the Outline Planning permission shows one access point. Members are reminded that access is a Reserved Matter. This has been changed on the Reserved Matters application to two separate access points onto Heath Road.
- 4.2 The first access point is to the north west of the site near to the Constable Country Rural Medical Practice (Doctor’s Surgery). This access would serve the shop, swimming pool and pre-school. In addition to the commercial traffic, access to the housing on the site would also be available. This access was negotiated at pre-application stage as the western access previously only served the commercial properties and the affordable units. There was no linking of the site as a whole. This has now been rectified and the scheme reads as one whole development rather than two separate entities of market housing and commercial/affordable housing.
- 4.3 The second access, which would primarily serve the housing, uses an existing farm access. This lies roughly on the centre point of the site, where there is an existing line of mature trees which separates two agricultural fields. This access was shown at Outline stage as the only access to the development.
- 4.4 Pedestrian footways run along in the internal roads to Heath Road. A further pedestrian footway runs through some open space in the north western corner of the site to Heath Road. Heath Road has an existing pedestrian footway which links the site to the facilities in the village.

- 4.5 A road crossing is shown on the layout plan, enabling safe access across the busy Heath Road to the East Bergholt High School.
- 4.6 The access points have raised no objection from the SCC Highway Authority. The development is considered to comply with policy TP15 of the Babergh Local Plan.
- 4.7 A thin strip of land in the south western corner of the site has been retained to form an informal pedestrian link to the Donkey Path which lies south of the application site. This is a historic public footpath and is widely used by walkers and will allow access into, and out of, the site on the footpath networks around the village.
- 4.8 It is noted that there are no internal roads that access the surrounding fields. This is a point that residents of the village have been concerned about, in terms of expansion of the site in future. Landscaping completely surrounds the site with no break-through.
- 5.0 **Layout**
- 5.1 The layout below was received and approved as an indicative layout for the outline planning permission under B/16/01092.



5.2 The layout plan below shows the first version of the layout that was received with this Reserved Matters application.



5.3 The layout before members today is shown below. The layout has changed somewhat and there have been several variations of the layout throughout the life of the application. Changes have been made to the layout following comments from the Case Officer, Strategic Housing, East Bergholt Parish Council, SCC Floods Team, SCC Highways, Landscape Officer and also residents of Richardson's Road who share a boundary to the west of the site.



- 5.4 One of the main changes to the layout is that the public open space has been taken from a central green area and is now positioned in the eastern field which also holds the attenuation basin. There are smaller pockets of public open space around the site which include the existing wooded areas along the eastern and southern boundaries, a wide area at the northern boundary which fronts the public highway, a small area between plots 63 and 64 and a triangular green space adjacent to the pre-school. Public Realm have raised no objection to the proposed public open space. The scheme is considered to comply with policy HS31 of the Babergh Local Plan because the development provides at least 10 per cent of the total site area as public open space.
- 5.5 By dividing up the open space into different areas in this very large site, the layout has a more open feeling, particularly in the eastern area which gives out onto open countryside. Dwellings have a loose pattern at the road frontage which adds to the sense that one is leaving the built-up area of East Bergholt and moving into the countryside.
- 5.6 As mentioned above, two access points have now been introduced to the scheme. This allows for domestic and commercial traffic to be divided and will put less strain on just one access point. The internal roads of the site end with houses and therefore do not provide opportunities of dead ends that are not overlooked where there is potential for crime to take place. The linear pattern of development in addition to the size of the gardens results in private rear gardens that are not overlooked.

- 5.7 Strategic Housing raised an objection to the location of the affordable dwellings on the first layout plan that was received with the application. All of the affordable units were clustered in the north western corner of the site near to the commercial buildings. Following negotiations with the developer, the affordable units have been “Pepper Potted” around the site resulting in a more integrated development. This is considered to comply with policy CS19 of the Babergh Core Strategy.
- 5.8 There are eight flats proposed above the shop. Strategic Housing and the Parish Council have raised an objection to this. The Council’s Registered Providers tend not to take up this type of housing. The developer has entered into discussions with their own Registered Providers and confirm that they have had interest in the flats. The flats do provide something different to the mix of housing on the site and is not considered to be detrimental to the application.
- 5.9 The shop, swimming pool and pre-school are all located in the north western area of the site and have parking around them which can be shared when times are busy. 67 standard parking bays and seven disabled parking bays are provided. A delivery layby is provided to the side of the shop. The dwellings either have a garage or open parking bays. The parking is compliant with the current Suffolk Parking Standards.
- 5.10 The existing trees to the road frontage, eastern and southern boundaries and also the central line of mature trees dividing the two fields, are to be retained. Additional planting is proposed along the southern and eastern boundaries.
- 5.11 The attenuation basin has caused some concerns about safety as it is tucked into the corner of the site. Plots 24-27 have been rotated so that that they overlook the basin and open space rather than having their backs turned to this corner of the site. This will help with surveillance of the area. The SCC Floods Team has not raised any concerns over the basin. The basin is steeper than normal but has a shelf halfway down the side. A condition is required that this is to be inspected after completion.

6.0 Scale

- 6.1 There is a mixture of heights across the site. The shop with flats above and also house type 10 are the tallest buildings on the site with a ridge height of 9.3 metres. There are no buildings proposed that are more than two-storeys high.
- 6.2 Five bungalows are proposed on the site, eight flats above the shop and the remaining 62 dwellings are one-and-a-half-storey or two-storey dwellings.
- 6.3 The dwellings in Richardson’s Road that share a boundary with the site are a mix of one-and-a-half-storey and two-storey dwellings. The Doctor’s Surgery is also two storeys. The scale of the buildings is considered to be acceptable and reflects the scale of development near to the site.
- 6.4 A resident of Richardson’s Road raised concerns about possible overlooking of private amenity space. The developer entered into negotiations with the resident and has

changed Plots 64-66 from two-storey houses to bungalows. The scale of development is considered to comply with policy CN01 of the Babergh Local Plan and policy EB9 of the East Bergholt Neighbourhood Plan.

7.0 Appearance

- 7.1 The application site is an edge of village location. The appearance of the buildings is important in terms of the landscape impact in addition to complementing the surrounding development. The appearance of the dwellings has picked up traditional elements from East Bergholt. These include chimneys, bay windows, steeply-pitched roofs, decorative barge-boards and finials.
- 7.2 Objectors have raised concerns over the design of the dwellings. However, it is important that a larger development has its own character and can be read as a development of its time. A good example of this abuts the site in Richardson's Road. It is easily read as an extension development to the historic core of the village. The designs of the dwellings complement each other, and the affordable units, although smaller, do not stand out as something alien to the development, particularly as they have been integrated into the whole site.
- 7.3 The internal roads have an organic pattern which reflects development on the edge of villages within Suffolk, where spacing is wider and houses do not form straight lines.
- 7.4 The materials proposed are generally acceptable, except for the mixed brick. This can cause a blotchy appearance and is not acceptable, as it does not reflect local distinctiveness in East Bergholt. The proposed buff and red brick are acceptable. The roof tiles proposed need to be changed to natural, rather than artificial, slate and the pantiles and plain tiles will need to be clay. This detailing can be secured by condition.
- 7.5 The shop with flats above is a two-storey building. The shop has large windows at the front of the building at ground floor level with dormer style windows above. Chimneys give the building a softer more traditional appearance. The first-floor flats are accessed by a single internal staircase and a separate door from the side of the shop, which results in no ugly external staircases. All flats are accessed from a central corridor running the length of the building. There is a large lobby at ground floor level where bicycles and pushchairs can be stored. A separate internal bin store and a smaller unit/work hub are included on the ground floor. The appearance is considered to be acceptable as a functional commercial building.
- 7.6 The pre-school has a more contemporary appearance with a split-level roof which breaks up the rather wide span of the building and adds interest to the appearance. The building contains an office/reception, meeting room, staff room, staff WC, soft playroom, kitchen and three separate rooms for different age groups. Also attached to the building is a covered outside play area. Two playing fields are offered with the pre-school. The split roof allows for windows to light the corridor area. The building has the appearance of a welcoming space for children and staff to work and is considered to be acceptable.

- 7.7 The swimming pool is a long, low building with a barn-style appearance. A gable above the entrance breaks the long ridge and adds a little interest to the building. The building contains a 15 metres x 8 metres pool, changing rooms, plant room, seating area (which includes a servery), staff room, WCs, reception and office. The building is considered to be visually acceptable for its purpose.
- 7.8 Objectors have raised concerns over the design of the commercial buildings. Each building has its own character and is considered to be acceptable even though the designs are different to the dwellinghouses. The commercial buildings are in one corner of the site, which is adjacent to the Doctor's Surgery, which also has a different character to other parts of East Bergholt.
- 7.9 Policy CN01 of the Babergh Local Plan and policy EB9 of the East Bergholt Neighbourhood Plan require a high standard of design for new development of the village. The proposed dwellings and the commercial building are considered to have a pleasing appearance, and with a slight change in finishing materials can achieve the quality that is expected by the policies.

8.0 Landscaping

- 8.1 The site is very sensitive in landscape terms, because it is close to the Dedham Vale Area of Outstanding Natural Beauty, which lies to the south. The site is also at the edge of the village with Heath Road forming one of the main routes into the village. The site is relatively flat, and its expanse can be viewed from both Heath Road and the Donkey Track public footpath to the south of the site.
- 8.2 Landscaping of the site forms a very important feature of the development, particularly around the boundaries. An existing tree belt runs along the boundary of the eastern field and up through the centre of the site. These mature trees will be retained. There is a patchy hedgerow that runs along the southern and western boundary of the site. This is to be reinforced with new planting that will screen the site from the Donkey Track. The western boundary landscaping will help to create privacy with the properties in Richardson's Road.
- 8.3 As discussed above, the breaking up of the public open space creates green pockets around the site which gives a sense of space and openness to the development. Additional trees are proposed in the commercial area and will help to soften the hard surfaces of the car parking area. Trees are also proposed around the pre-school playing field. The landscaping scheme is considered to be acceptable, with some further details required on planting species which can be controlled by condition. The development is not considered to cause harm to the protected wider landscape because of the additional planting proposed along the southern boundary and, therefore, complies with policies CR02 and CR07 of the Babergh Local Plan.

9.0 Planning Obligations

- 9.1 Planning obligations were secured at outline planning stage through a s.106 agreement.

- 9.2 The s.106 will need to be slightly varied as the housing type being offered here differs slightly from that contained within the legal agreement.
- 9.3 This application falls within the 13km Zone of Influence (ZOI) for the Stour and Orwell Estuaries SPA & Ramsar site. Consequently, a financial contribution shall be sought, in line within the Suffolk Recreational Avoidance and Mitigation Strategy (RAMS), from the residential development within the 13 km ZOI specified. This will need to be secured by a unilateral undertaking or a S.111 agreement with the Local Planning Authority. This can be secured by condition.

10.0 Parish Council Comments

- 10.1 The matters raised by East Bergholt Parish Council have been addressed in the above report.
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PART FOUR – CONCLUSION

11.0 Planning Balance and Conclusion

- 11.1 Central to the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the Local Plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 11.2 The principle of development has been established by the granting of Outline permission under B/16/01092. This application seeks agreement of Reserved Matters comprising access, layout, scale, appearance and landscaping. Other than an outstanding objection from Strategic Housing, all other statutory consultees have raised no objection to the proposals.
- 11.3 The development is considered to be thoughtful in its relationship with the Area of Outstanding Natural Beauty and to the existing neighbours in Richardson's Road. The development itself has an attractive layout that has a great sense of space and openness which is reflective of an edge of village location. The commercial buildings have been kept in one corner of the site which will not impact existing or future residents in terms of traffic movements or noise from the buildings themselves. The playing fields associated with the pre-school provide an open aspect to the nearby dwellings with small gardens.

RECOMMENDATION

That, following the variation of the Outline s.106 Agreement in relation to the affordable housing provision, the application be GRANTED planning permission and include the following conditions:-

- Approved plans and documents
- Agreement of finishing materials for walls and roofs
- RAMS Contribution
- Landscape details to be agreed
- No externally mounted mechanical equipment at the pre-school, swimming pool or shop/work hub unless otherwise agreed with the LPA
- Details of fume/odour control measures from the pre-school, swimming pool and shop/work hub to be agreed with the LPA
- Noise assessment to be carried out on shop/work hub to inform the structure of the building and noise leakage to protect residents of the flats above.
- Shop opening hours to be restricted to 08:00-20:00 Monday and no deliveries outside of these times.
- Construction times to be limited to 08:00-18:00 Mondays to Friday and 09:00 – 13:00 on Saturdays. No working on Sundays or Bank Holidays.
- Construction Management Plan
- Details of external lighting to be agreed
- No burning on site
- Scheme for the implementation of water, energy and resource efficiency measures