

Committee Report

Item No: 7C

Reference: DC/20/04630

Case Officer: Alex Scott

Ward: Walsham-le-Willows.

Ward Member/s: Cllr Richard Meyer.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application under S73 of Town and County Planning Act (1990) - to vary Conditions 1, 2, 3, 16 and 18 of planning permission ref: 1352/17 - Omission of twin garage to plots 29 and 30; Provision of garden sheds for plots 11, 12, 15, 16, 17, 19, 20, 27, 28, 29, 30, 37, 38, 43-52, 54, 55, 56 and 57; and amended fence and gate positions (revisions proposed to facilitate increase in affordable provision from 21 to 31).

Location

Land West of Wattisfield Road, Walsham Le Willows, Suffolk

Expiry Date: 08/04/2022

Application Type: FUW - Full App Without Compliance of Condition

Development Type: Major Small Scale - Dwellings

Applicant: Lovell Partnerships

Agent: Saunders Boston Limited

Parish: Walsham Le Willows

Site Area: 2.80ha

Density of Development:

Gross Density (Total Site): 21.4dph

Net Density (Developed Site, excluding open space and SuDs): 29dph

Details of Previous Committee / Resolutions and any member site visit: Outline Planning Permission ref: 1352/17 approved by Committee, subject to conditions, on 9th May 2018; and Reserved Matters ref: DC/19/04273 approved by Committee, subject to conditions, on 19th February 2020.

This current Section 73 Application was previously considered and approved by Committee, subject to the application description, recommendation, and conditions, as previously recommended.

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No (No formal pre-application advice given).

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings.

The following revisions have been required to be made to the application which require further consideration by members:

- Change in application description (making reference to the host planning permission ref: 1352/17, and conditions thereof rather than reserved matters approval ref: DC/19/04273, and conditions thereof);
- Officers previously recommended to Members that the proposed increased affordable housing provision represented a significant social benefit. However, the advice of the Chief Planning Officer is that the Council’s current Planning Policies do not enable the additional affordable homes proposed by the applicant to be secured by way of condition or section 106 agreement. As such, Members are advised that increased affordable housing can not be a reason for granting Planning Permission.
- Alterations to the officer recommendation previously made to Members, reference to the agreement of a S106 to secure: onsite delivery of 35% Affordable Housing (Rather than the 31 Affordable Housing Units previously recommended); and retention of financial contribution towards secondary school pupils’ transport costs (as contributions have already been paid by the developer, and the local authorities are not seeking to secure further costs), to ensure costs previously received are secured by way of approval of this current application.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk’s Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix

CLASSIFICATION: Official

GP01 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
Altered H4 – A proportion of Affordable Housing in new Housing Developments
H7 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area

Accordingly, the Neighbourhood Plan has Little 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 (Appendix 3)

Walsham-Le-Willows Parish Council
Support application.

National Consultee (Appendix 4)

(None)

County Council Responses (Appendix 5)

SCC - Highways

In highway terms there is no objection to the revisions proposed and there is no impact on the highway.

SCC - Rights of Way Department

No response received.

Internal Consultee Responses (Appendix 6)

MSDC - Strategic Planning - Planning Policy

Will not be commenting on this application.

MSDC - Strategic Housing

No objection raised - Support principle of additional provision of 10 affordable dwellings and mix and tenure proposed - The Registered provider is required to enter into a nomination's agreement for the affordable homes on this site.

MSDC - Infrastructure Team

Comments received: CIL payments previously made would be abated - Site is within high value zone for CIL charging - Developer should be aware of their duties in relation to the CIL Regulations - A CIL liability notice will not be produced until Reserved Matters are granted.

B: Representations

At the time of writing this report at least 3 letters/emails/online comments have been received. It is the officer opinion that this represents 3 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Concern that removal of garages will result in increased on-street parking;
- Proposed number of car parking spaces is inadequate for the development and the proposal will result in on-street parking;
- Ask where overflow carparking is proposed;
- Additional on-street parking will be dangerous;
- Request contingency for mitigating additional traffic and parking the development will create - on the site and on Wattisfield Road;
- The new footpath has already narrowed Wattisfield Road;
- The new footpath will make vehicle collisions on Wattisfield Road more common;
- Concern that parking on Wattisfield Road will become the norm;
- Concern with regards conflict between cars and pedestrians on Wattisfield Road, particularly parents with Children;
- Concern with regards noise and disturbance and mud on the highway as a result of current construction traffic on the site;
- Consider that substantial traffic calming and speed restriction measures are now essential on Wattisfield Road;
- Have given the developer every opportunity to demonstrate that the development will work but the current buildings expose a lack of responsible spacing and development, which is less than satisfactory.

(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/19/05262	Discharge of Conditions Application for 1352/17 - Condition 5 (Footway)	DECISION: GTD 24.04.2020
REF: DC/19/04273	Submission of details under Outline Planning Application 1352/17 - Appearance, Landscaping, Layout and Scale for erection of up to 60no. dwellings	DECISION: GTD 19.02.2020
REF: 1352/17	Outline application with all matters reserved except access for the erection of up to 60 dwellings	DECISION: GTD 05.07.2018

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. Prior to commencement of the development previously approved on the site (under outline planning permission ref: 1352/17 and reserved matters approval ref: DC/19/04273), the site in question comprised approximately 2.80 hectares of undeveloped grade 3 agricultural land. The site contains a natural enclosure from the wider open countryside due to the existing mature hedges and trees that bound the site to the north/west. There is also a public footpath that runs along the north western edge of the site, which would help to naturally include the site with the existing southern built form. The existing tree and hedgerow belt is proposed to be retained and enhanced, as well as off-site habitat enhancement.
- 1.2. The site is adjacent to the settlement boundary of Walsham-le-Willows, which is a designated primary village in accordance with Policy CS1 of the adopted Mid-Suffolk Core Strategy (2008), Walsham-le-Willows being a primary village, some basic local services can be found to meet local needs.

2. The Proposal

- 2.1. The application is submitted under Section 73 of the Town and Country Planning Act and seeks revisions to the approved plans and documents previously approved by way of Reserved Matters approval ref: DC/19/04273. There are also implications with regards the S106 agreement agreed as part of outline planning permission ref: 1352/17, with regards number and tenure of affordable housing to be provided. As such, a deed of variation amending this agreement will be required to ensure delivery of the revised number and tenure of affordable housing now proposed.

- 2.2. The current application seeks the following revisions to the layout previously approved as part of outline planning permission ref: 1352/17 and reserved matters approval ref: DC/19/04273: Omission of twin garage to plots 29 and 30; provision of garden sheds for plots 11, 12, 15, 16, 17, 19, 20, 27, 28, 29, 30, 37, 38, 43 to 52, 54, 55, 56 and 57; and minor amendments to fence and gate positions.
- 2.3. The scheme would continue to provide 0.53 hectares of Public Space to the north-east site boundary, including Toddler Play Equipment and water feature, which would double as a SuDs attenuation basin. The scheme would also continue to enhance the setting of the Public Right of Way, and wildlife corridor, adjacent to the north-east site boundary, with additional landscape planting.
- 2.4. Although the current scheme is proposed in order to facilitate an increase in onsite affordable housing units (an increase of 10 no. affordable units is indicated, over what was approved previously, at plot nos. : 27, 28, 29, 30, 37, 38, 54, 55, 56 and 57), these additional affordable units are unable to be secured under the provisions of the Council's Current Planning Policy, at Altered Policy H4, which only enables the Council to negotiate an element of affordable housing of up to 35% of the total provision of housing on the site.
- 2.5. The total number of dwellings proposed on the site would be the same as what has previously been approved (60 no.).
- 2.7. The total number of affordable dwellings on the site would also be the same as what has previously been approved (21 no - 35% of the total of 60 no.). The proposed affordable dwellings are at plots: 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53.
- 2.8. The proposed density of housing development would be approximately 29 dwellings per hectare, with back to back distances of no less than 20.5 metres.
- 2.9. The proposed dwelling heights are broken down as follows:

Market Dwellings

Single Storey Semi-Detached (Bungalows)	= 3 no.
Two Storey Detached Dwellings	= 22 no.
Two Storey Semi-Detached Dwellings	= 14 no.
TOTAL	= 39 no.

Affordable Dwellings

Two Storey Semi-Detached	= 14 no.
Two Storey Terrace Dwellings	= 3 no.
Two Storey Flats Building	= 2 no. (Containing 4 no. Flats)
TOTAL	= 21 no.

- 2.10. The proposed bedroom numbers are broken down as follows:

Market Dwellings

1 Bedroom	= 0 no.
2 Bedroom	= 6 no.
3 Bedroom	= 19 no.
4 Bedroom	= 10 no.
5 Bedroom	= 4 no.

Affordable Dwellings

- 1 Bedroom = 4 no.
- 2 Bedroom = 13 no.
- 3 Bedroom = 4 no.

- 2.11. The proposed dwellings would be provided in a range of types and styles. Proposed external facing material would be a mix of facing red brick (Ibstock, Leicester weathered red brick proposed), cream and salmon coloured render, with horizontal dark grey cladding details. Roofing materials would be a mix of rustic red and dark grey double pantiles (by Weinerberger) and rustic red and light grey plain tiles (by Calderdale). All windows will be white PVCu, with black entrance doors.

3. The Principle of Development

- 3.1. The development is outside the village settlement boundary, but extant outline planning permission (ref: 1352/17) and reserved matters (ref: DC/19/04273) are material considerations and have already established the principle of a similar development on the site, which has commenced.
- 3.2. The proposed alterations to the layout, are not considered to detract negatively from the principle of the development already approved. As such the current proposal is considered acceptable in principle.

4. Site Access, Parking and Highway Safety Considerations

- 4.1. Access details and connections to the site have previously been dealt with under outline permission ref: 1352/17. The outline permission also establishes the principle of up to 60 dwellings and related traffic to and from the site. Public Footway connections between the site and village have also been secured by way of condition of the outline permission, and are observed to have been commenced.
- 4.2. The parking proposals are as follows: - 106 private allocated parking spaces; 33 private allocated garage spaces; 15 on-street / visitor parking spaces. SCC Highways have raised no objection to the proposed parking provision, which is considered to meet the minimum requirements for parking places as per current SCC advisory parking standards (Suffolk Guidance for Parking, May 2019).
- 4.3. In conclusion, the provision of 60 dwellings and access points, the detailed road alignment, and level and location of all parking, have previously been agreed under the extant permission. The current application proposal has no objection from SCC Highways and the proposal is considered to remain acceptable in terms of highway safety.

5. Design and Layout [Impact on Street Scene]

- 5.1. The proposed layout of the estate roads and the, design, location and orientation of dwellings has previously been approved under extant planning permission ref: 1352/17 and reserved matters approval ref: DC/19/04273.

- 5.2. The current application proposals alterations to the layout previously approved, with the removal of 1 no. double garage building, the provision of 27 no. garden sheds in rear gardens, and minor alterations to gates and fences.
- 5.3. The current proposal is, therefore, considered to remain acceptable in terms of layout and the scale and appearance of buildings, structures and boundary treatments.

6. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 6.1. As previously approved, the current proposal would continue to propose a good scheme of soft landscape planting, providing strong landscape buffering, of appropriate species, to the north and west countryside boundaries of the site. The proposed landscaping scheme is considered to remain appropriate to the type and scale of development proposed. The proposed scheme would also continue to provide green corridors traversing the countryside edges of the site, to the benefit of ecological species.
- 6.2. Your officers consider an appropriate balance between landscaping and highway visibility has been struck along the Wattisfield Road frontage, with tree and hedgerow planting being proposed within the street scene.
- 6.3. Overall the proposed scheme of landscaping is considered to screen and soften the proposed development into the existing landscape, to create an appropriate soft edge to the village in this location, and to provide suitable opportunities for ecological species.

7. Impact on Residential Amenity

- 7.1. The scale, appearance, location and orientation of the proposed dwellings has previously been considered as part of the extant permission and no alterations to the dwellings, as previously approved, are proposed as part of this current application.
- 7.2. The proposed removal of a garage building is considered to have a beneficial impact on the amenity of adjacent future occupants and the inclusion of garden sheds and amended boundary treatment locations are not considered to significantly impact the standard of residential amenity currently approved.
- 7.3. Overall the proposed alterations are considered to maintain acceptable back to back distances, avoid directly overlooking windows, and maintain private garden sizes, ensuring a good standard of amenity for all future occupants.

8. Surface Water Drainage and Flood Risk

- 8.1. The applicant has previously produced a detailed Flood Risk Assessment / Surface Water Drainage Strategy in relation to the scheme, carried out by a suitably qualified Company, which has previously been considered and approved by the Lead Local Flood Authority, and which is currently in the process of being implemented on site.
- 8.2. Your officers consider the surface water drainage scheme, as previously agreed and in the process of being implemented, would suitably manage surface water runoff from the proposed development and would not demonstrably result in significant increased flood risk on the site or elsewhere.

9. Land Contamination

- 9.1 The applicant has previously submitted a Phase 1 Contaminated Land Assessment, as part of the host planning application. The Council's Environmental Protection Team has reviewed the information and has previously raised no objection.

10. Affordable Housing

- 10.1. The current application has been submitted in order to facilitate the on-site delivery of 10 no. additional affordable housing units (10 no. in addition to the 21 no. already approved, totalling 31 no.). The additional affordable units are indicated at plots: 27, 28, 29, 30, 37, 38, 54, 55, 56 and 57.
- 10.2. The proposed number and percentage of affordable units is in excess of the maximum 35% of the total provision the Council is permitted to seek to negotiate, under the provisions of altered policy H4 of the current development plan. The Council is, therefore, unable to secure the additional number of affordable units indicated by the applicant, by way of S106 agreement or by way of condition of planning permission.
- 10.3. The proposal would still secure 35% (21 no.) affordable housing, as per the provisions of altered policy H4, at a mix and tenure as previously agreed by your Strategic Housing Officers. As such the proposal is considered to meet the requirements of the Plan Policy in this regard.
- 10.3. Your Strategic Housing officers have assessed the current proposal and have not raised objection to the principle of the number and type of affordable dwellings proposed, subject to the securing of a nominations agreement.

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

- 11.1 The principle of the erection of up to 60 no. dwellings on the site, and the location and design of the proposed access and footpath connections has previously been established by way of extant outline planning permission ref: 1352/17, which has been commenced. The current proposal would not alter the amount of dwellings or highways connections, previously approved and would secure the delivery of onsite provision of 35% affordable housing. The principle of the proposed development, therefore, remains acceptable.
- 11.2. The current proposal would not result in significant alterations to the layout, scale and appearance of buildings, and the landscaping thereof, when compared to what was previously approved on the site by way of outline planning permission ref: 1352/17 and reserved matters approval ref: DC/19/04273. The current proposal is considered to continue to achieve an attractive layout and scheme of soft landscape planting, appropriate to its setting.
- 11.3. The proposal is considered to remain acceptable in terms of all other material planning issues, most significantly in terms of highway safety, residential amenity, ecology, flood risk, and land contamination assessment.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to Grant Planning Permission:

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:

- Onsite delivery of 35% Affordable Housing;
- Securing of the financial contribution, towards secondary School Pupils' transportation cost, previously secured by way of the S106 attached to host outline planning permission ref: 1352/17.

(2) That the Chief Planning Officer be authorised to Grant Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard - Section 73 Time Limit Condition;
- Standard - Approved Plans and Documents Condition;
- Provision of footway, between the site and Mill Close, along Wattisfield Road, prior to occupation, which shall thereafter be retained;
- Highways Access Condition;
- Highways Visibility Splay Condition;
- Highways Estate Roads and Footpaths Condition;
- Highways Footways and Carriageways serving dwellings Condition;
- Highways Turning and Parking Condition;
- Highways Bin storage and collection areas;
- Existing and proposed soft landscaping protection;
- Landscape management plan;
- Fire Hydrants Condition;
- Those previously required by the Lead Local Flood Authority;
- Those previously required by the Council's Ecology consultants;
- Lighting design scheme;
- Play Space provision and retention;
- Construction Management and HGV Traffic Movements - As agreed;
- Construction Hours of Work.

(3) And the following informative notes as summarised and those as may be deemed necessary:

- Pro active working statement
- SCC Highways notes

- Contaminated Land Note
- Ecology / Biodiversity Note
- S106 relates Note

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds.