

## **Committee Report**

**Item No:** 6C

**Reference:** DC/22/05077

**Case Officer:** Samantha Summers

**Ward:** East Bergholt.

**Ward Member/s:** Cllr John Hinton.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Application under S73A for Removal or Variation of a Condition following grant of Planning Permission B/15/00673 (as amended by DC/22/03853) dated 23/11/2017. Town and Country Planning Act 1990.- To vary Conditions 2 (Approved Plans and Documents), 17 (Submission Of Renewables Details), 19 (Landscaping Scheme), 21 (Landscape Management Plan), 22 (Ecological Enhancement Measures), 23 (Construction Management), 26 (Open Space Management Plan) and 27 (Provision of Open Space) - to allow for revised house type designs and minor amendments to the site layout

### **Location**

Land North West Of, Moores Lane, East Bergholt, Suffolk

**Expiry Date:** 11/01/2023

**Application Type:** FUW - Full App Without Compliance of Condition

**Development Type:** Major Large Scale - Dwellings

**Applicant:** David Wilson Homes Eastern Counties

**Agent:** Mr Richard Clews

**Parish:** East Bergholt

**Site Area:** 8.4Ha

**Details of Previous Committee / Resolutions and any member site visit:** The original planning permission was granted by Babergh Planning Committee on 2<sup>nd</sup> August 2017

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

**Has the application been subject to Pre-Application Advice:** Yes. The conclusion of the pre-application enquiry is detailed below.

## Conclusions/ Planning Balance

Overall, the proposed changes to the layout of the site are generally acceptable and largely follow what has already been approved. The major change relates to the roundabout within the site. This has been changed to a bend in the road with private access to dwellings. The roundabout centre now forms a green space. The layout has been shifted because of the mains water pipe which runs through the site. The pumping station is also something that requires moving.

The design of the dwellings themselves need some adjustments and these are discussed above. The finishing material will be very important as this is a highly visible site from the A12 and the site forms one of the main entrances into the village. Clay and natural slate should be used for roofs, as these will be the most visible parts of the buildings from a distance. Brick colour will also be very important, and it is suggested that you look at the more historic parts of the village on this aspect of the development to guide you in your brick choices. The hipped roofs are not characteristic of East Bergholt, where most properties have straightforward gabled roofs. The Heritage Officer has also raised the issue of the height of buildings.

There is a lack of street trees in the more densely built areas. Trees help a lot in softening larger developments, particularly roofs when viewed at distance and provide important nesting and foraging areas for animals, insects and birds. Trees also provide important shade in areas that get hot during summer as buildings, roads and hard surfaces soak up and store heat. Some green relief in the more built-up areas of the site would be welcome.

There was a question around a marketing strategy for the business units. This will be a document that is required to ensure that the type of business units provided on the site are suitable for the village. The B1 use on the description of the planning permission has now been swallowed up by the new Class E with interchangeable uses. The marketing strategy will be important to inform if the units are required and for what uses.

I can confirm that a new EIA Screening will take place when an application is received. It is unlikely that anything significant has changed since the previous application was screened.

There is also a question on the proposed changes to the housing mix and whether a new housing needs survey will be required for a S.73 application. Again, this is something that I will need advice on and will come back to you on.

Outstanding consultee comments and Counsel advice will be forwarded to you in due course.

You are encouraged to engage with the Parish Council and local residents prior to an application being submitted. East Bergholt are an active Parish and have a lot of expertise within its community that might be helpful to you. You have already indicated that you will be engaging with the Parish Council. Please let me know if you would like me to be present for any of your meetings with them.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

This is a major development that had been to Babergh Planning Committee previously for decision.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

CN01 - Design Standards  
HS31 - Public Open Space (1.5 ha and above)  
TP15 - Parking Standards - New Development  
CR07 - Landscaping Schemes  
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS03 - Strategy for Growth and Development  
CS11 - Core and Hinterland Villages  
CS13 - Renewable / Low Carbon Energy  
CS14 - Green Infrastructure  
CS15 - Implementing Sustainable Development  
CS18 - Mix and Types of Dwellings  
CS19 - Affordable Homes  
CS21 - Infrastructure Provision  
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**

**East Bergholt Parish Council – 15/11/2022**

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It was proposed by Councillor Woodcock, seconded by Councillor Roberts and **RESOLVED** (eleven voted for, none voted against) that approval be recommended.

The Council appreciated the constraints of the Section 73 application and the consequences of it being refused, hence the foregoing resolution, but remains concerned about certain aspects of the development and encourages the developer:

- (i) To spread the affordable housing more widely across the development;
- (ii) To provide more impactful and forward-looking sustainable energy solutions for all new homes on the development to support Babergh's and East Bergholt's drive to net zero.
- (iii) Reorientate those homes with direct access onto the B1070 to remove this ill-advised feature and enable access only via the development's primary distributor roads.

The Council disagrees with the EIA in that not removing five accesses to the B1070 will not make the situation on the road safer, but rather less safe.

### **East Bergholt Parish Council – 19/01/2023**

#### **Re-consultation due to further documents received 16 & 23 December 2022.**

It was proposed by Councillor Woodcock, seconded by Councillor Hockley and **RESOLVED** (eight voted for, none voted against), that approval be recommended though the applicant be asked to consider putting hedgerows on the northern and eastern boundaries of the site to soften the appearance of the houses and to mask sound from the A12.

### **National Consultee**

#### **Anglia Water – 14/10/2022**

Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments. If this is to change, please re-consult with us.

#### **Anglian Water – 15/11/2022**

Thank you for your enquiry to discharge condition relating to the above development site. Please find our comments below.

Foul Water Comments: The foul water proposal is in line with the drainage strategy we have previously seen. One connection at 4.8l/s is acceptable to Anglian Water Services LTD.

Surface Water Comments: Anglian Water has reviewed the document "Drainage strategy plan h8771-3b-ga-850 p2", a connection to an existing sewer is labelled, however, Anglian Water do not own any sewers within the vicinity of this site. You will need to seek written permission from the sewer owner to discharge surface water. Please note that Anglian Water do not allow surface water discharge into a foul water network.

### **Natural England – 17/10/2022**

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process. Generic advice is provided.

### **Environment Agency – 08/11/2022**

We have reviewed this planning application and as we did not recommend the conditions referred to, we have no comment to make on this application.

### **County Council Responses**

#### **SCC Archaeology – 13/10/2022**

Conditions 11 and 12 of granted planning application B/15/00673 remains outstanding, with further archaeological assessment and mitigation works required across the entire development area.

As such, we would advise that these conditions would need to be carried over to any revised planning consents, if appropriate.

#### **SCC Travel Plans – 13.10.2022**

Many thanks for your consultation request. The Travel Plans team have no comments to make regarding the proposal.

#### **SCC Developer Contributions – 13/10/2022**

There is a completed planning obligation dated 20 November 2017 attached to the planning permission under reference B/15/00673. The planning obligations previously secured must be binding on the new application if Babergh District Council make a resolution to approve and grant a new permission.

#### **SCC Flood and Water – 17/10/2022**

We have reviewed the following submitted documents and we recommend approval of this application.

- Drainage Ref: 22-016 15th September 2022
- Drainage strategy plan H8771-3B-GA-850 P2

We would like to make the applicant aware of the following informatives.

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution
- Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act
- Any works to a main river may require an environmental permit

#### **SCC Highways – 28/10/2022**

Notice is hereby given that the County Council as Highway Authority make the following comments:

Condition 2 (Approved Plans and Documents):

The curved feature near plots 81-86 raises concerns that it may be difficult for large vehicles to negotiate within the designated traffic lane and this may cause issues for oncoming traffic. This requires vehicle tracking evidence and if required, amendment to reduce the radii of the feature and ensure that two-way traffic flow involving a large vehicle can be accommodated.

On adoptable roads, speed restraint ramps should only be positioned on straight sections of road. This is not the case on the curved feature near plots 81-86.

On adoptable roads, footways should extend 2m beyond speed restraint ramps (necessary on shared surface roads) for safe pedestrian access.

It is recommended that a cycle link (upgraded from the proposed footway link) is provided from the end of the shared surface road featuring plots 125-144 to the road close to the pumping station (close to plots 34-35). This would improve permeability within the site and encourage the use of sustainable travel for short journeys.

Condition 23 (Construction Management):

The content of the submitted document is acceptable to the Highway Authority.

No comments on the other conditions.

**SCC Highways – 12/01/2023**

Condition 2 (Approved Plans and Documents):

The amended plans have largely addressed the previously raised highway related comments (dated 28/10/22). However, it is noted that speed restraint ramps are still proposed on bends, a feature that is not generally accepted on adopted roads. Subsequently, if the developer wishes to have the roads adopted by the Highway Authority, these ramps should be relocated accordingly.

No further comments on the other conditions listed above.

**Internal Consultee Responses**

**BMSDC Public Realm – 24/10/2022**

Thank you for consulting Public Realm on this request. Whilst the layout has changed from the original plans it does not seem to be greatly different in terms of POS provision. We would therefore refer to our comments made to the original consultation for the original application and dated 9th July 2015.

Public Realm officers note that they would expect management of the open spaces to be under a local solution (i.e. management company or parish council) and that they would not be something the District Council would expect to take on.

We note that as yet there is no detail of play equipment and species of plants and expect this will be submitted in due course. Public Realm officers have no other comment to make at this time.

**BMSDC Environmental Protection – Noise/Odour/light/Smoke – 02/11/2022**

In regards to condition 23, I have had regard to the document 'construction management plan – East Bergholt – prepared by David Wilson Homes, project no H8771, dated September 2022, revision A.

I would request that page 4 of this document be revised so that the working hours (to include deliveries to/from site) are amended to Monday – Friday 08.00 – 18.00hrs, Saturday 09.00 – 13.00hrs with no work allowed on Sundays, Bank or Public Holidays. Deliveries shall be limited to the above times.

I would also advise that details of maximum storage heights (essentially to ensure loose materials are not stored at higher than netting/hoarding heights) is included in this document, as required by the condition.

**BMSDC Environmental Protection – Noise/Odour/Light/Smoke – 19/01/2023**

In regard to condition 23, I have had regard to the document ‘construction management plan – East Bergholt – prepared by David Wilson Homes, project no H8771, dated November 2022, revision B.

I have no objections to the variation of condition 23 on this basis.

**BMSDC Strategic Housing – 02/011/2022**

The applicant has submitted a proposal to change affordable housing dwellings. The proposal states that no affordable dwellings will be lost because of this change. The original number, type, size, tenure of the affordable housing dwellings taken from Planning Statement, Table 4: Affordable Housing Mix and Tenure dated October 2022.

<i>Table 4: Affordable House Mix and Tenure No. Bedrooms</i>	SHMA Preferred Mix	Originally Approved Mix	Proposed Mix
<b>Affordable Rent</b>			
1 Bedroom	9 (22.5%)	Total: 7 (18.4%) 7 x 1-bed, 2-person flats	Total: 8 (21.1%) 8 x 1-bed, 2-person maisonettes
2 Bedrooms	13 (24.6%)	Total: 26 (68.4%) 2 x 2-bed, 4-person flats	Total: 26 (68.4%) 3 x 2-bed, 4-person bungalows 23 x 2-bed, 4-person houses
3 Bedrooms	9 (23.2%)	Total: 5 (13.2%) 5 x 3-bed, 5-person houses	Total: 4 (10.5%) 4 x 3-bed, 5-person houses
4+ Bedrooms	5 (13.1%)	Total: 0 (0%)	Total: 0 (0%)
<b>Shared Ownership</b>			
1 Bedroom	3 (27.2%)	Total: 0 (%)	Total: 2 (16.6%) 2 x 1-bed, 2-person maisonettes
2 Bedrooms	4 (33.1%)	Total: 9 (75%) 9 x 2-bed, 4-person houses	Total: 7 (58.3%) 7 x 2-bed, 4-person dwellings
3 Bedrooms	3 (26.5%)	Total: 3 (25%) 3 x 3-bed, 5-person houses	Total: 3 (25%) 3 x 3-bed, 5-person dwellings
4+ Bedrooms	2 (13.1%)	Total: 0 (0%)	Total: 0 (0%)
<b>Total (Affordable Rent &amp; Shared Ownership)</b>	<b>94</b>	<b>94</b>	

Looking at the proposed size of the dwellings in the Accommodation Schedule dated 13.09.2022 they meet NDSS standard which we welcome.

Looking at the plan submitted we have the following comments to make:

- a) Many of the affordable housing dwellings are located at one end of the site.

- b) It is best practice is to strike a balance between clustering for management purposes and encouraging a mixed community which enables social interaction.
- c) We did 'highlight' in our previous response that we felt that 'pepper-potting' would be desirable.
- d) Also, you have now submitted the intent to deliver bungalows M4(3) therefore these may have residents who have disability needs and maybe furthest away from transport links and other key services at the entrance to the site.

Our recommendation, as previously stated is that the affordable units should not all be clustered in one corner of the site.

We would also recommend that the one bed units are separated into two clusters of the site.

The design needs to be tenure blind, so that the affordable units are visually indistinguishable from the market units.

### **BMSDC Strategic Housing – 17/01/2023**

The applicant has submitted a proposal to change affordable housing dwellings

The proposal states that no affordable dwellings will be lost because of this change.

The original number, type, size, tenure of the affordable housing dwellings taken from Planning Statement, Table 4: Affordable Housing Mix and Tenure dated October 2022.

Following on from a meeting held with the developer & Strategic Housing on 8th December 2022, the following was noted and accepted by Strategic Housing:

Strategic Housing recognise that the developer has sought to accommodate our concerns in respect of the bungalows, and this is an improvement upon the layout as agreed in the original permission.

Overall the distribution of the affordable housing does not effectively balance the benefits of clustering for management with the desirability of pepper-potting for integration; it remains that there are too many affordable units clustered in one corner of the site.

However, we understand that there is a permission in place whereby that clustering has previously been considered acceptable. The revised plans are a marginal improvement upon what has previously been agreed, so the pragmatic approach would be for us to accept the revised proposals for distribution of tenures

We would ask that for future BDW developments, if there could be no more than 15 affordable homes in any one cluster, ideally less.

### **Consultation Response**

Our recommendation, as previously stated is that the affordable units should not all be clustered in one corner of the site.

Please also refer to previous responses from Strategic Housing regarding this application and the requirements for the affordable housing dwellings.

### **BMSDC Environmental Protection – Sustainability – 03/11/2022**

Many thanks for your request to comment on the Sustainability/Climate Change mitigation aspects of this application as it affects condition 17.



I have viewed the Applicant's Energy and Sustainability report that is the relevant document and I am satisfied with the information contained therein that pertain to Condition 17.

**BMSDC Environmental Protection – Land Contamination – 11/11/2022**

Many thanks for your request for comments in relation to the above application to vary the 2015 permission at the above site. I can confirm that I have no comments to make with respect to land contamination.

**BMSDC Heritage – 14/11/2022**

The Section 73 application seeks to vary the approved documents listed within the planning approval issued under B/15/00673.

This is for the erection of 144 dwellings including 360sqm of single storey courtyard development to contain 4 B1 (business) units, public open space, associated landscaping etc. The application follows pre-application advice.

I understand that the development has commenced, the permission is extant and could be completed in accordance with the approved documents. The site is now in different ownership and the developer wishes to make some minor changes to the approved layout and substitute the approved housing with their own house types.

The heritage considerations relate to the impact of the development upon the setting of the Conservation Area and those of nearby listed assets on Quintons Road. This is agrarian landscape, with Dedham Vale Area of Outstanding Natural Beauty to the west and Suffolk Coast and Heaths AONB to the east. There are also cultural landscape associations with the artist John Constable.

The principle of development has been established and so any impact assessment must be made as a comparison between the approved scheme and the proposed variation. Given the minor nature of the changes to the layout, I do not consider that the proposed revisions would be any more harmful to the historic built environment than the approved layout.

The substitution of the approved scheme with more standard developer houses will affect its character. The approved development was of a modern aesthetic but reflected the proportions and detail of traditional housing in the area. The submitted Design and Access statement for the current proposal references the late twentieth century developments immediately adjacent to the site and on the periphery of the village, rather than the historic development and houses within the village. These developments, except for that on Beehive Close, do not generally reflect the characteristics of the local vernacular and there is a concern that the proposed housing will appear unrelated to the context. For example, there are too many hipped roof houses with deep plan forms (over 6 metres). These are not characteristic of the traditional housing in the region and deep plans will over inflate the scale of the houses. The use of black weatherboarding as a variation to the facing material of house types used elsewhere, is also not typical of the local vernacular. Black weatherboarding is more commonly used on ancillary structures or farm buildings, such as barns, in this region. The design of the large house on Beehive Close, seen southeast of Moores Lane, is an example of how this material can be used appropriately – on a house that appears like a barn conversion, in a location that makes sense for this type of building. The proposed materials illustrated within the Design and Access Statement do not appear to closely echo those of the locality. Ideally, bricks should be a good strong orange/red, or Suffolk white, horizontal weatherboarding should be featheredged, and roof tiles and slates should be authentic, i.e., clay tiles or natural slate, rather than lesser quality substitutes, such as concrete.

The change in housing design will have some visual impact in comparison with the approved scheme. The appearance would be less strident than the modern aesthetic of the approved scheme but would be

less reflective of, or responsive to, local character and distinctiveness. It would therefore be preferable if the houses, particularly those facing the B1070- could be designed to be more in keeping with traditional housing of the area so that the development accords more fully with Local Plan Policy CN01.

### **BMSDC Heritage – 23/01/2023**

Thank you for consulting me on the revised plans submitted on 23rd December 2022.

I welcome the change in roof design from predominantly hipped roof forms to simple gable ended roofs for the houses on the front B1070 elevation. Whilst it would be preferable if this amendment could be extended to the wider scheme, it is an improvement upon the previously submitted proposal. These frontage houses are now more typical of the traditional forms of housing in the area.

I have some comments on the architectural detail of the frontage houses:

I recommend some minor revision to detailed design features according to the architectural language and proposed materials of the house types. For example, the houses of brick formal symmetrical frontages ( e.g., type 6) are more suited to polite features such as doorcases and dentilled brick features at the verges, rather than “vernacular” features, such as ornate bargeboards and timber framed porches. In this regard the elevation of house type 6 is more successful for the brick house on plot 115 than plot 60.

The design of the timber framed porches looks a little heavy with deep ornate bargeboards. This could be simplified to remove the scalloped detail and reduce the depth without harming the character.

I recommend that the rendered elevations to the houses on plots 62, 68 & 70 are amended to remove the sections of brick at the corners. It is more usual to see later red brickwork fronts applied to historic timber framed houses in this area than on the sides. As a result, this detail would appear rather arbitrary in this context. The front elevations are well fenestrated and the removal of the brick features at the corners would also simplify the aesthetic.

I recommend that conditions are attached to any planning permission requiring further information on the detailed features of houses in the critical (e.g., outward facing) locations, such as the B1070 and the northwest elevation, to include eaves, verges, fenestration, door surrounds and porches.

The materials illustrated within the submitted Design and Access statement appear to be of lesser quality than I consider to be appropriate to this gateway location. I recommend that further information on the exact materials proposed for the exterior of the houses is required by way of condition attached to any permission.

### **BMSDC Economic Strategy – 06/12/2022**

Thank you for this consultation, however I am unclear on the timescale for the phasing and delivery of the commercial units. In previous consultation we had requested that these come forward at an early stage to assimilate into the whole and to provide certainty of delivery.

We have an identified need for work-space within the district and it would be helpful to see the anticipated phasing for these units clearly and whether there are any steps being taken to make them known and available to the market.

### **Place Services Ecology – 12/12/2022**

No objection subject to securing ecological mitigation and enhancement measures

#### Summary

We have assessed the submitted documents with this application, including the Landscape Design Strategy (James Blake Associates Ltd), the Landscape and Habitat Management and Maintenance Plan

(James Blake Associates Ltd, October 2022) and the Updated Biodiversity Enhancement Strategy (Southern Ecological Solutions Ltd, October 2022), relating to conditions 19 (Landscaping Scheme), 21 (Landscape Management Plan) and 22 (Ecological Enhancement Measures).

In addition, we have reviewed the Preliminary Ecological Appraisal (The Ecology Consultancy Ltd, August 2015), provided by the applicant at outline stage, relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

It is highlighted that we have no objection to the revised house type designs and minor amendments to the site layout. In addition, we are satisfied that appropriate measures have been outlined in the Landscape Design Strategy (James Blake Associates Ltd), the Landscape and Habitat Management and Maintenance Plan (James Blake Associates Ltd, October 2022) and the Updated Biodiversity Enhancement Strategy (Southern Ecological Solutions Ltd, October 2022), which reflect the updated design.

However, it is highlighted that the Preliminary Ecological Appraisal (The Ecology Consultancy Ltd, August 2015) is no longer fit for purpose, as it is out of date in line with CIEEM Guidance<sup>1</sup>. As a result, it is highlighted that an ecological addendum or an updated ecological report will be required to support this application or the forthcoming reserved matters application. This should require an additional site visit and updated desk study information.

We also note that a Habitats Regulation Assessment Screening Report was submitted for the outline application and that a covenant to the County Council has been secured within the Sixth Schedule of the S106 Agreement, which has been approved by Natural England. In summary, this uses the Travel Plan Support and Evaluation Contribution for evaluation of a Full Travel Plan, which will then inform the financial contribution to be delivered at the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site by the County Council. A Travel Plan Notice will be issued on all Owners, if the Owners fail to perform obligations to inform the Travel Plan.

This mitigation was agreed prior to the provision of the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Therefore, the measures contained within the S106 Agreement are a bespoke approach to ensure that the development will avoid an adverse effect on site integrity upon the Stour and Orwell Estuaries SPA and Ramsar site from increased recreational disturbance (from the development alone and in combination with other plans and projects).

However, we query whether this adopted approach is over complicated and deliverable, given that Suffolk County Council has no strategy or mechanisms in place to provide mitigation measures at the Stour and Orwell Estuaries SPA and Ramsar site, as this matter is now addressed by each relevant Local Planning Authority (i.e. Babergh District Council) as part of the Suffolk Coast RAMS.

As a result, whilst the proposed approach has been adopted and is sufficient to demonstrate compliance under the Conservation of Habitats and Species Regulations 2017 (as amended), we propose that this s.73 application or the forthcoming Reserved Matters application could have further information to support an amended mitigation strategy to avoid recreational disturbance at the Stour and Orwell Estuaries SPA and Ramsar site, as this may provide a more deliverable mitigation strategy and will be a more cost effective for the developer.

Therefore, if this alternative approach is considered feasible, the LPA will just need the developer to demonstrate that Suitable Accessible Natural Green Space (SANGS) has been provided on site, following Natural England's Thames Basin Heaths example guidance (it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles

are more widely applicable). However, if this is not possible, Natural England indicates that following should be provided at minimum:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (Provided via a map of the existing PROW).
- Dedicated 'dogs-off-lead' areas

The applicant should also agree in principle that they are happy to provide the following, prior to determination:

- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long-term maintenance and management of these provisions
- A proportionate financial contribution towards visitor management measures to be secured from the developer in line with the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) (£121.89 per dwelling) for delivery prior to occupation, to be secured by S.111 Payment or Legal Agreement.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

### **Place Services Landscape – 15/12/2022**

In response to the documents submitted for review, we have the following comments to make;

#### Landscaping and mitigation

- At pre-application stage we requested that: "Appropriate mitigation to compensate for the loss of vegetation should be carried out on site through new species rich native hedgerow creation". Effort has been made to preserve the existing character along B1070 by re-introducing a native hedgerow planting with the addition of new hedgerow trees. We would prefer to see native tree species for hedgerow tree planting along B1070 frontage, to help deliver greater benefits to wildlife. This should also be supported by a flowering lawn or meadow mix on grass verges.

- As per our Pre-application response: New planting will be expected along the site boundaries to the west part of the northern site area boundary, east and south-east. The use of native species will be required. Landscaping proposal should contribute positively to the landscape character area of the site – Plateau Farmlands." This was also highlighted in Landscape and Visual Impact Appraisal (Revised October 2015): "dense native trees and shrubs to soften the interface between the development and the open countryside beyond".

Currently, there is no hedgerow planting proposed on the north-west and eastern boundaries and the space provided for soft landscaping is very narrow. As it stands, we do not consider that the proposed mitigation is acceptable, and the landscaping scheme needs to be amended to provide sufficient space for new hedgerow and tree planting to deliver appropriate mitigation as per recommendations in the LVIA (October 2015).

- As per our Pre-application response: Any landscape proposal should aim to deliver a green infrastructure that forms a multifunctional network, e.g., blue and green infrastructure combined in the same corridor with natural play provision amongst other functions, street trees, green verges, open swales, rain gardens, hedge/shrub planting combined with fencing.

We feel that the proposal has missed the opportunity to integrate green and blue infrastructure in a more multi-functional way:

- o The use of planted swales could be included around the open space in the centre of the development.
- o We encourage the creation of multi-functional SuDS features. Fencing is proposed around the attenuation area therefore the SuDS features appears disconnected from the open space. Fencing is generally not desirable as it reduces the amenity benefits provided by the attenuation feature. Health and safety risks can be managed through education and raising awareness – interpretation boards can be provided to inform the public of the function of the pond and also to provide information on the flora and fauna the system supports.
- o Whilst we do not oppose to the proposed play provision, we feel that the play area could have been better integrated within the public open space.

#### Connectivity

- Pedestrian connectivity has been improved and new links have been included as per our previous comments.

#### SuDS

- As mentioned above, we feel that the proposal has not optimised the opportunity to integrate green and blue infrastructure in a multi-functional way. Our previous comments under pre-application ref. DC/22/02314 still stand.

#### Boundary treatment

- We welcome the soft landscaping alongside fencing to private gardens fronting onto the footways, parking areas and public spaces. However, we do query the boundary treatment, if any, in between the footway next to the visitor parking bays and parking court for plots 19 to 23. We recommend that soft landscaping is provided to supplement any boundary features.

#### Summary

As per our comments and recommendations above, further improvements to the development proposal and landscaping scheme will be required to be explored. The proposed landscape mitigation is not considered to be acceptable and should be addressed prior to determination.

#### **Place Services Landscape – 12/01/2023**

Reason(s) for re-consultation: Further documents received 16 and 23 December 2022.

The overall landscape proposal includes many positive features and is delivering a development which protects and enhances the existing landscape features on site and provides green open spaces, new tree planting and a varied public realm.

Following the review of the recently submitted information, we have the following comments.

- We welcome the amendments to the masterplan which now indicate native tree species along B1070 frontage.
- We confirm that we find the proposed landscaping to the western and northern boundaries acceptable.
- We welcome the additional new hedgerow planting along track leading to High Trees bungalow.
- Planting to the eastern boundary (rear of plots 118 to 127) shown on earlier drawings has been removed. We accept its omission because of the LVIA findings where the visual impact of this edge of the development was assessed as being negligible. However, in terms of green infrastructure and habitat connectivity, there is an opportunity to further increase biodiversity on site by providing a native hedgerow along this boundary. We acknowledge the issues raised around ownership and maintenance of the new landscape feature. Options could be explored to either include management under the site's maintenance contract or under a management between the developer and landowner.

- Changes around the SuDS feature are welcome. The removal of the perimeter fencing allows the attenuation basin to be a multi-functional space, optimizing its amenity benefits. Landscaping details and specification will be required to inform of the proposed plant species.

- We welcome the new soft landscaping areas to visitor parking bays area (outside plots 19) as per our recommendation.

- The need for fencing around the play area is debatable but we acknowledge the applicant's objectives and health and safety concerns. Fencing will be acceptable subject to been designed to blend in and reduce its visual appearance. The use of bright colour and high level fencing should be avoided, instead a low level fencing and the use of colour black will be preferred.

Recommended conditions.

## **B: Representations**

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

Views are summarised below:-

I am disappointed that a reputable developer such as "*David Wilson Homes (Where Quality Lives) the nation's leading housebuilder providing high-quality homes*" [their words not mine] does not pursue a more sustainable strategy in this application. I am missing:

1. Utilization of grey water in the houses to reduce the reliance on fresh water.
2. Installation of Solar Panels in all or most houses with the correct or optimal roof direction.
3. Replacement of gas boilers and replace with heat pumps.
4. Improve insulation of walls, ceilings and use better windows.

These conditions would help the CSR credentials of the developer.

(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**

<b>REF:</b> DC/21/02703	Application for Non Material Amendment relating to B/15/00673 - Amendments to Conditions (Condition 2/Section A - Approved Plans and Documents) (Condition 4 - Footpath Improvements) (Condition 10 - Formation of new Junction to B1070) (Condition 11 - Archaeology) (Condition 19 - Landscaping Scheme) (Condition 28 - Fire Hydrants) (Condition 29 - Rainwater Harvesting) (Condition 30 - Electric Car Charging Points).	<b>DECISION:</b> GTD 20.07.2021
<b>REF:</b> DC/21/03990	Discharge of Conditions Application for B/15/00673 - Condition 11 (Archaeological Works) Condition 22 (Ecological Enhancement Measures) and Condition 23	<b>DECISION:</b> PGR 15.10.2021

(Construction Management to be Agreed)

<b>REF:</b> DC/21/04097	Discharge of Conditions Application for - B/15/00673 - Condition 3 (Details of Accesses) and Condition 8 (Provision of Roads and Footpaths)	<b>DECISION:</b> GTD 27.08.2021
<b>REF:</b> DC/21/04356	Discharge of Conditions Application for B/15/00673 - Condition 7 (Discharge of Surface Water), Condition 13 (Foul Water Drainage Scheme), Condition 14 (Sustainable Surface Water Drainage Details), Condition 15 (SUDS Maintenance and Management)	<b>DECISION:</b> GTD 22.10.2021
<b>REF:</b> DC/21/04625	Discharge of Conditions Application for B/15/00673 - Condition 17 (Submission of Renewables Details)	<b>DECISION:</b> GTD 14.10.2021
<b>REF:</b> DC/21/06346	Application for a Lawful Development Certificate for a Proposed Use or Development. Town and Country Planning Act 1990: Section 192, as amended by Section 10 of the Planning and Compensation Act 1991. Town and Country Planning (General Management Procedure) (England) Order 2015 - Confirmation sought that following the implementation of planning application B/15/00673 (Erection of 144 dwellings including 360sqm of single storey courtyard development to contain 4 B1 (business) units, public open space, associated landscaping and infrastructure) through the laying out and construction of a part of a road and the discharge of relevant pre-commencement conditions and planning obligations for Phase 0 continuation and completion of development of Phase 0 in accordance with the approved plans will be lawful. As such, these commencement works mean that the planning permission is now extant and will not lapse or expire.	<b>DECISION:</b> LU 17.02.2022
<b>REF:</b> DC/22/03853	Application for a Non Material Amendment relating to B/15/00673 - Change description of development as per covering letter.	<b>DECISION:</b> GTD 03.10.2022
<b>REF:</b> B/15/00673	Erection of 144 dwellings including 360sqm of single storey courtyard development to contain 4 B1 (business) units, public open space, associated landscaping and	<b>DECISION:</b> GTD 23.11.2017

infrastructure, as amended by The Ecology Consultancy Preliminary Ecology Assessment received 21st September 2015, Stage 1 and 2 Road Safety Audit received 28th September 2015, Fenn Wright Employment Units Marketing Strategy, Soil Report and the email from the agent all received 19th October 2015, Revised Landscape and Visual Impact Assessment received 20th October 2015, The Ecology Consultancy Habitats Regulations Screening Assessment received 23rd October 2015 and plans 46489\_PP\_SK01D, 46489\_PP\_SK02B, 46489\_PP\_SK03C, 46489\_PP\_SK04C, 46489\_PP\_SK05D and 46489\_PP\_SK06A received 27th October 2015. Further amended by Archaeological Evaluation and Metal Detecting Survey and Geophysical Survey received 24th February 2016 and by Assessment against Neighbourhood Plan received 3rd April 2017 and Agents letter dated 4th April 2017.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0 The Site and Surroundings**

- 1.1 The application site measures 8.46ha (18.8 acres) and comprises a parcel of agricultural land located to the north side of the village of East Bergholt. The land is classified as Grade 2 agricultural land.
- 1.2 The southern boundary of the site lies adjacent to Moore's Lane, a single track private road which serves a small number of properties to the south east of the application site. Recently constructed detached properties, located on Beehive Close, back onto Moore's Lane and a section of the eastern boundary, located to the north eastern corner, is in use as paddocks and an open arable field.
- 1.3 The western boundary abuts the B1070, being the principal access into the village from the north, where access to the A12 exists via a short slipped junction towards Ipswich, or via a similar connection towards Colchester.
- 1.4 The northern boundary is not currently defined, with the existing linear fields continuing northwards a further 250 metres before they are truncated by a field boundary ditch and hedgerow and trees. Between the northern boundary of the site and the existing field boundary to the north, the land falls sharply downwards. The northern most part of the eastern boundary abuts a small field.
- 1.5 There are no national or local landscape designations which affect the site. The site is, however, close to the Stour and Orwell Estuaries, a European designated Special Protection Area (SPA), where consideration will need to be given to the impacts of the development on the SPA.



## **2.0 The Site History**

- 2.1 Full planning permission was granted in 2017 for the erection of 144 dwellings (including 50 affordable housing units), 360sqm of single storey courtyard development to contain 4 no. B1 use business units, 8750sqm of open space (including children's play space) and associated landscaping and infrastructure under reference B/15/00673.
- 2.2 In 2021 application DC/21/02703 was received for a Non-Material Amendment relating to B/15/00673. The application sought to change the trigger points of some of the conditions of the planning permission to allow for phased development to take place. The amendments related to:
- Condition 2/Section A - Approved Plans and Documents
  - Condition 4 - Footpath Improvements
  - Condition 10 - Formation of new Junction to B1070
  - Condition 11 – Archaeology
  - Condition 19 - Landscaping Scheme
  - Condition 28 - Fire Hydrants
  - Condition 29 - Rainwater Harvesting
  - Condition 30 - Electric Car Charging Points.
- 2.3 Pre-commencement conditions were cleared in 2021, these mainly relate to Phase 0 of the development and therefore some conditions are part discharged to cover Phase 0.
- DC/21/03990 Condition 11 (Archaeological Works) Condition 22 (Ecological Enhancement Measures) and Condition 23 (Construction Management to be Agreed)
  - DC/21/04097 Condition 3 (Details of Accesses) and Condition 8 (Provision of Roads and Footpaths)
  - DC/21/04356 Condition 7 (Discharge of Surface Water), Condition 13 (Foul Water Drainage Scheme), Condition 14 (Sustainable Surface Water Drainage Details), Condition 15 (SUDS Maintenance and Management)
  - DC/21/04625 Condition 17 (Submission of Renewables Details)
- 2.3 In 2021 a Lawful Development Certificate application (DC/21/06346) was submitted to ascertain whether the construction of part of an internal road within the site constituted a commencement of development on the site. This was considered to be lawful. The commencement of Phase 0 is considered to be commencement of the whole planning permission.
- 2.4 The ownership of the land changed hands in 2022 and the new developer contacted the LPA for pre-application advice. The developer wished to change the layout and house types of the development to be more in-keeping with its own style of development and to improve the approved layout. The pre-application was comprehensive and included advice from planners, highways, ecology, landscape and strategic housing.
- 2.5 The main issue was the mechanism on how to make the changes within the scope of the existing extant planning permission, to ensure that a full planning application was not required. Legal advice was sought by the developer on how this could be achieved because the development had commenced. The original planning permission description included specific documents that are also listed within the approved plans and documents section of the planning permission which is secured by condition 2 of B/15/00673. This restricts the planning permission being implemented

as sent out in those plans and documents. Including specific documents within the proposal description is unusual, and not a practice that is carried out in normal circumstances. The questions raised by the developer and subject to legal advice was, if the description was changed to remove the specified documents from the description, to simplify it by way of a Non-Material Amendment application, would the developer be able to submit a S.73A application to make the changes they wished under the existing planning permission? The legal opinion was positive and the LPA sought their own legal advice on these issues. It was agreed that this mechanism could be used in this instance.

2.6 In 2022 an application for a Non-Material Amendment relating to B/15/00673 - Change description of development as per covering letter (DC/22/03853). The description was changed from:

*Erection of 144 dwellings including 360sqm of single storey courtyard development to contain 4 B1 (business) units, public open space, associated landscaping and infrastructure, as amended by The Ecology Consultancy Preliminary Ecology Assessment received 21st September 2015, Stage 1 and 2 Road Safety Audit received 28th September 2015, Fenn Wright Employment Units Marketing Strategy, Soil Report and the email from the agent all received 19th October 2015, Revised Landscape and Visual Impact Assessment received 20th October 2015, The Ecology Consultancy Habitats Regulations Screening Assessment received 23rd October 2015 and plans 46489\_PP\_SK01D, 46489\_PP\_SK02B, 46489\_PP\_SK03C, 46489\_PP\_SK04C, 46489\_PP\_SK05D and 46489\_PP\_SK06A received 27th October 2015. Further amended by Archaeological Evaluation and Metal Detecting Survey and Geophysical Survey received 24th February 2016 and by Assessment against Neighbourhood Plan received 3rd April 2017 and Agents letter dated 4th April 2017.*

To:

*Erection of 144 dwellings including 360sqm of single storey courtyard development to contain 4 B1 (business) units, public open space, associated landscaping and infrastructure*

This was acceptable because the documents that were to be removed from the description were listed on the decision notice and secured under condition 2 (Approved Plans and Documents) of the planning permission.

2.7 The developer was then free to submit a s.73A application to vary the conditions of the original planning permission. This application seeks to vary conditions of planning permission B/15/00673. The conditions to be varied are:

- Condition 2 (Approved Plans and Documents)
- Condition 17 (Submission of Renewables Details)
- Condition 19 (Landscaping Scheme)
- Condition 21 (Landscape Management Plan)
- Condition 22 (Ecological Enhancement Measures)
- Condition 23 (Construction Management)
- Condition 26 (Open Space Management Plan)
- Condition 27 (Provision of Open Space)

This would allow for revised house type designs, housing mix and minor amendments to the site layout. Prior to submitting the application, the developer entered into discussions with the Parish Council. Public engagement took place in the form of 666 newsletters being delivered by Royal Mail to local residents and business in East Bergholt. 28 responses were received.

### **3.0 The Principle of Development**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise. Strictly speaking, that direction is more appurtenant to the determination of applications for planning permission; however, it is considered appropriate that the development plan be the starting point in determining the appropriateness of the reserved matters detail that has been submitted and is no less relevant in that respect.
- 3.2 Relevant to the submitted application, the development plan comprises the following:
- Babergh Core Strategy (2014)
  - Saved policies from the Babergh Local Plan (2006)
  - East Bergholt Neighbourhood Plan 2016
- 3.3 Within the current development plan, those policies considered to be most important for the determination of the reserved matters application and its associated details are as follows:
- CN01 - Design Standards
  - CN06 - Listed Buildings - Alteration/Ext/COU
  - CR07 - Landscaping Schemes
  - TP15 - Parking Standards - New Development
  - HS31 – Public Open Space
  - CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
  - CS02 - Settlement Pattern Policy
  - CS03 - Strategy for Growth and Development
  - CS11 - Core and Hinterland Villages
  - CS13 - Renewable / Low Carbon Energy
  - CS14 – Green Infrastructure
  - CS15 - Implementing Sustainable Development
  - CS18 - Mix and Types of Dwellings
  - CS19 – Affordable Homes
  - CS21 - Infrastructure Provision
  - NPPF - National Planning Policy Framework
  - East Bergholt Neighbourhood Plan
- 3.4 The Council is currently in the process of preparing a new Joint Local Plan with Mid Suffolk District Council. The National Planning Policy Framework (NPPF) identifies that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with national policies. The plan-making process in this instance is at a very early stage and is therefore not weighed as a determinative consideration in this instance.
- 3.5 The NPPF of July 2021 contains the Government’s planning policies for England and sets out how these are expected to be applied. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three

overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (paragraph 9).

- 3.6 The principle of development on the site has been established by the granting of planning permission under B/15/00673 for the erection of 144 dwelling, 4 business units, public open space, landscaping and infrastructure. The planning permission has been implemented and therefore the site could be built out as approved. This is a material planning consideration when assessing the changes that have been proposed.
- 3.7 Conditions 2, 17, 19, 22, 23, and 27 are varied on the basis that they reference, or are based upon, drawings / house types previously approved that are to be replaced by new drawings through the proposed variation to Condition 2 under this S.73 planning application. The variations in that respect are therefore proposed to regularise the conditions with the revised house types and minor amendments to the site layout. Conditions 21, 23, and 26 are simply being varied to become compliance conditions, with the change not being a direct consequence of the variation proposed to Condition 2.
- 3.8 Condition 2 of the planning permission requires the development to be carried out in accordance with the drawings/documents listed under 'Section A' of the decision notice, in addition to any such other drawings/documents as may be approved by the Local Planning Authority. Section A lists a large number of drawings and documents. In order to facilitate the delivery of the development by DWH, it is proposed to substitute a number of the approved drawings and documents for new drawings and documents.
- 3.9 Condition 17 – Energy Strategy - The original planning permission was supported by an Energy Statement prepared by A J Energy Consultants. A condition was then attached to the planning permission, Condition 17, requiring the submission and approval of an Energy Strategy. The details reserved for approval under Condition 17 were subsequently discharged under application reference DC/21/04625, through the submission of an Energy Statement prepared by Stroma Built Environment, and SAP calculations for all of the 144 dwellings, based upon the approved house types.

The energy details approved under the original planning permission and the subsequent discharge of conditions application related to the house types proposed by the Applicant at that time. Therefore, for completeness, under this S.73 planning application DWH are seeking to supersede the previously approved energy details with updated details that reflect the specifications of their own house types.

Accordingly, a Sustainability Statement, prepared by Environmental Economics Ltd, has been submitted in support of the application and demonstrates how, amongst other matters, a Fabric First approach; the provision of efficient appliances; and the use of solar panels, will collectively reduce carbon emissions by an average of 27.73% when assessed against the relevant Building Regulations, thereby significantly exceeding the requirements of local planning policy, as will be set out in Section 4 below.

It is proposed that Condition 17 would become a compliance condition, requiring the development to be delivered in accordance with the approved Sustainability Statement.

- 3.10 Condition 19 – Landscape Scheme - Condition 19 of the original planning permission links the submission of details with the phasing plan approved under non-material amendment application DC/21/02703. It also requires compliance with an Arboricultural Assessment, prepared by

Oakfield Arboricultural Services, which was predicated on the previously approved layout. As such, it is necessary to vary this condition so that it aligns with the submitted DWH phasing plan, as well as the submitted Arboricultural Impact Assessment (AIA), prepared by James Blake Associates, both of which reflect the revised layout proposed.

For completeness, it should be acknowledged that the DWH proposals for the Site will retain more of the existing vegetation than the original planning permission.

- 3.11 Condition 21 – Landscape Management Plan - Condition 21 of the original planning permission requires the submission and approval of a landscape and habitat management plan. Whilst there is no requirement to do so at this early stage, given the condition requires the details prior to occupation, DWH have sought to provide comfort on the long term management and maintenance of their enhanced landscaping proposals under this S.73 planning application by submitting the required details to make Condition 21 a compliance condition.
- 3.12 Condition 22 – Ecological Enhancement - Condition 22 of the original planning permission requires the submission and approval of a scheme of ecological enhancements. A Biodiversity Enhancement Strategy, prepared by SES, was subsequently submitted and approved under application DC/21/03990. However, the approved details relate to the original scheme, not the DWH layout and proposals. Accordingly, a revised Biodiversity Enhance Strategy, also prepared by SES, which reflects the DWH layout and proposals has been submitted with this S.73 application to enable Condition 22 to become a compliance condition.

Moreover, as an additional enhancement over the originally approved scheme, DWH have prepared and submitted a Biodiversity Net Gain (BNG) Report, prepared by SES, as part of their ecological enhancement proposals. This demonstrates that the DWH proposals will achieve a BNG of 26.69% in habitat units and 35.87% of Hedgerow Units, exceeding the current planning policy and legislative requirements, thereby representing a significant benefit.

- 3.13 Condition 23 – Construction Management - Condition 23 of the original planning permission requires the submission and approval of a scheme of a construction methodology. A Construction Method Statement, prepared by Countryside Properties, was subsequently submitted and approved under application DC/21/03990. As the approved details relate to the original scheme, DWH have prepared and submitted an updated Construction Management Plan, which aligns with their proposing phasing plan and construction programme, as part of this S.73 planning application. The submission and approval of the DWH's Construction Management Plan will enable Condition 23 to become a compliance condition.
- 3.14 Condition 26 – Open Space Management Plan - Condition 26 of the original planning permission requires the submission and approval of an open space management plan. Whilst there is no requirement to do so at this early stage, given the condition requires the details prior to occupation, DWH have sought to provide comfort on the long term management and maintenance of their open space proposals under this S.73 planning application by submitting the required details to make Condition 26 a compliance condition.
- 3.15 Condition 27 – Open Green Space - Condition 27 of the original planning permission requires the submission and approval of a timetable for the delivery of the 'open green space' as identified on Site Concept Plan 4587 PA\_10\_04\_B. This information is required prior to the first occupation of the development.

The Site Concept Plan 4587 PA\_10\_04\_B currently referred to under Condition 27 relates to the site layout approved under the original planning permission. As DWH are seeking a minor

amendment to the layout, with associated landscaping changes, it is necessary to rationalise the condition wording so that the 'green open space' referred to is that shown on the Landscape Masterplan prepared by James Blake Associates and submitted as part of this S.73 planning application.

3.16 The changes to the layout and design of the development are considered to be acceptable under the current policies listed above.

#### **4.0 Site Access, Parking And Highway Safety Considerations**

4.1 There are three main accesses into the site from the B1070. These are in the same positions as the extant planning permission. There are also five private access points to the dwellings facing onto the B1070. This aspect of the proposal is the same as the previous scheme. This element of the proposal is considered to be acceptable as the access points could be built as they are covered by the extant permission.

4.2 The main changes to the internal layout of the roads and paths concern the roundabout that is accessed from the southern access point. This area previously had marked parking bays on the roundabout. This has been changed to a curved road with a private access to serve five dwellings. This keeps one of the main routes through the development free of parked vehicles, creating a more inviting and safer environment that is not car dominated.

4.3 The north-eastern corner of the site also has a revision to the road layout, now making it a no-through road, which enables a safer pedestrian/cycle link through the development.

4.4 Residential allocated car parking is based on Suffolk standards. These are:

- 1 bed dwelling - 1 space
- 2, 3 and 4 bed dwellings - 2 spaces
- 5 bed dwelling - 4 spaces

Most allocated spaces are located on-plot. In some instances, allocated parking is located off-plot or within a mews court. Any communal or off-plot spaces will be clearly allocated to their plot to avoid any conflict. There are 36 visitor parking spaces that are located around the site which represents 1 space per 4 dwellings. All visitor spaces are fully integrated into the street scene. All properties without a garage will be provided with covered and secure cycle parking. Houses and Bungalows will have small cycle sheds located in rear gardens.

4.5 The movement strategy has been designed to offer safe and convenient routes through and around the site, primarily for pedestrians and cyclists. These routes are also located along desire lines, allowing residents to easily access the on-site community facilities and open spaces.

4.6 The site is accessed via 3no. T-junctions located along B1070. Removal of some existing boundary vegetation will be required to facilitate this. The required visibility splays are achievable in both directions. Pedestrian refuge points are located either side of the junction to assist crossing.

4.7 A 2-metre-wide shared footpath-cycle route travels through the site from the private drives along the north-western boundary providing residents access to the public open space areas. A 1.5 – metre hoggin path is situated in the main public open space located in the centre of the site. The hoggin paths provide routes off the site's access road to the proposed play area. A secondary 1.5-metre mown grass path is located north of the site along the attenuation basin.

4.8 All dwellings have been designed to allow refuse to be conveniently left out. Garden gates are located close to adopted roads for refuse to be left at the end of paths or drives. Refuse can be stored when not in use in garages or rear gardens. All roads have been designed to allow for refuse vehicles to turn, ensuring that the entire development is serviceable.

4.9 The developer has worked with the SCC Highway Authority to address concerns raised during the consultation period. The scheme is acceptable in terms of highway safety, parking and access.

### 5.0 Design and Layout

5.1 The main areas of the site layout are very similar to those of the extant permission, with public open space in roughly the same locations and the road layout also reflects what has planning permission. The layout changes mainly concerns the dwellinghouses. The business units in the southern corner of the site remain unchanged with this application.

APPROVED LAYOUT OF EXTANT PLANNING PERMISSION B/15/00673



## PROPOSED LAYOUT CHANGES



5.2 The first layout plan is the extant planning permission layout and the second plan is the proposed.

5.3 The developer has divided the site into four character areas.

- Character Area – Vista - This character area will provide the setting of the development, viewed from the public highway. The Character will demonstrate materials of traditional styled houses that can be found within East Bergholt and the Suffolk Region. Gabled Roofscape will be incorporated into this area which is a key characteristic feature to the surrounding context. This area will be informal with mainly larger 2-storey houses which are served via private drives.
- Character Area – Village Green - This character area can be accessed via the three entrances into the site. The dwellings within this character are mainly detached and provide an outlook onto the public open spaces within the site.
- Character Area – Mews - These private and shared spaces serve a number of smaller dwellings within the site. An area of this character will play a key role in establishing an attractive character when entering the village from its northern approach.
- Character Area – Rural Edge - This character area provides an informal setting within the site and provides predominately larger detached houses keeping within the same character of the existing character along Moores Lane and Beehive Close.

5.4 On-Plot parking provision has been focused across the layout to ensure less on-street parking is encouraged. Also, to help prevent on-street parking, visitor parking bays have been evenly distributed across the site. Vehicular connections between south-western and north-western parcels of the site in the previous approved layout have been replaced with in-favour shared pedestrian and cycle connections. Whilst providing additional connections across the site, this allows the retention of more existing vegetation and a reduction in road dominance and grey infrastructure.



- 5.5 The layout will look to retain more existing trees and hedgerows across the site. This will deliver an important environmental benefit over the previous approved layout.
- 5.6 The creation of a number of accessible, recreation spaces across the site layout seeks to provide enjoyment to future residents and the wider public. The public open space and basin situated in the northern corner of the site produces a natural surrounding for overlooking proposed dwellings.
- 5.7 The ‘roundabout’ in the previous approved scheme adjacent to the southern access of the site has been re-designed to create private drives for the dwellings that overlook the open-space. A new raised table adjoining the open space has been incorporated into the layout to calm traffic speeds and make the site more welcoming for pedestrians and cyclists. The central public open space has been improved with tree planting around it’s edges. Alongside the reduction of car parking spaces adjacent to the open space area, tree planting will soften this space and support the ‘Village Green’ setting making this character area more attractive and welcoming.
- 5.8 Following consultation responses a number of comments have been addressed.
- The predominance of hipped roofs was considered not a characteristic form of traditional houses in East Bergholt. The layout consists of dwellings that can be seen from the entrance of the village will have gabled roof to address the existing built form.
  - The use of materials should be logical and relate to the traditional built form. The proposed roof tiles, render and brickwork have been chosen to match the traditional built form following an analysis of the existing material palette of properties surrounding the site and for each different character areas. The use of weatherboarding is used in the rural edge to help soften the appearance of the development along the north-eastern boundary.
  - The frontages along the B1070 have been designed to be sensitive to the character of the local green space opposition.
  - Pedestrian connectivity within the site has been improved and footpaths have been provided to create additional links between the parcels. Links are incorporated mainly along and through public open spaces.
  - The design also responds to highways comments with the removal of triple tandem parking.
- 5.9 This proposal was a mix of units ranging from one-bed maisonettes to five-bed houses, with a total of 144 no. dwellings:

No. Bedrooms	Originally Approved Mix	Proposed Mix
1 Bedroom	Total: 9 (6%)	Total: 10 (7%)
2 Bedrooms	Total: 60 (41%)	Total: 58 (40%)
3 Bedrooms	Total: 48 (33%)	Total: 43 (30%)
4+ Bedrooms	Total: 27 (19%)	Total: 33 (23%)
<b>Total</b>	<b>144</b>	<b>144</b>

The proposed development offers a mix housing, maisonettes and bungalows, creating a varied and sustainable development. The proposed number of dwellings is 144, with market housing equating to 65% of the total. The affordable housing provision equates to 35% of the total. Of this provision, 38 of the affordable homes would be available for affordable rent, and twelve would be available for shared ownership, in accordance with the s.106 engrossed as part of the original planning permission.

#### MARKET HOUSING

22no. 2 bed houses  
3no. 2 bed bungalows  
43no. 3 bed houses  
20no. 4 bed houses  
6no. 5 bed houses

#### AFFORDABLE RENT

8no. 1 bed maisonettes  
3no. 2 bed bungalows  
23no. 2 bed houses  
4no. 3 bed houses

#### SHARED OWNERSHIP

2no. 1 bed maisonettes  
7no. 2 bed houses  
3no. 3 bed houses

- 5.10 The proposed development comprises one-storey bungalows and two-storey houses. Garages will be 1-storey. Maximum height parameters for these buildings types are:

1-Storey Garages - 4.60 m  
1-Storey Bungalows - 5.75 m  
2-Storey Houses/ Maisonettes - 9.16 m

Scale has been considered through the development of character areas with storey heights utilised to achieve design objectives. For example, the bungalows are located in a part of the site that will reduce the presence of the built-form when viewed from neighbouring properties.

- 5.11 The net density of the proposal is 23dph which is considered to be appropriate in this location. Density has been considered through the development of character areas, with denser areas located in the centre of the site and lower density zones around the edges, overlooking open space.
- 5.12 Five types of bricks are specified. A strong red brickwork will be used along the entrance of the site with a solid red and red-multi brickwork for variety. A lighter buff brickwork is proposed as a variation. Four types are specified including a clay pantile, red plain tile, grey slate tile and brown tile. Render and Weatherboarding is a characteristic of the local area and is applied to the layout in key locations. A white and cream renders and black weatherboarding are proposed to add variety along important frontages and to enhance corner or vista stop buildings.
- 5.13 The layout has been carefully designed to provide a broad variety of homes to suit varying lifestyles and help to create a diverse community. This includes market, shared ownership and affordable rent homes. The mix comprises one-bed maisonettes, two and three-bed bungalows and two, three, four and five-bed houses. There are a variety of typologies, each with different

styles and features. In addition, the palette of materials used will generate even greater variety in each character area.

- 5.14 The Strategic Housing Team has raised concerns that the affordable dwellings have not been “pepper-potted” around the site. Although this is less than ideal, consideration has been given to the extant planning permission where the affordable units were grouped together in a similar location. The developer has taken on board the comments that the bungalows should be moved closer to the entrance of the site where the bus stop is located.

## **6.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

- 6.1 The landscape strategy for this site has been developed to focus on two primary aims: to create a network of interconnected open spaces linking the residential parcels into the wider landscape; and to create a sense of place through emphasising and defining individual character areas. The proposed areas provide a network of interlinked spaces forming a green corridor through the proposed development and around its perimeter, which links to the Green Infrastructure Corridor.
- 6.2 Public Open Spaces areas will break up the built form so that the development is integrated into the existing landscape. The open space areas will vary in character with groups of trees and areas of wildflower grassland and vegetation specific to the local character and water conditions, ranging from wetland mixes to buffer planting and native hedges. These create the setting to proposed buildings as well as providing opportunities for play, ecological diversity and connectivity throughout the site and to neighbouring developments and green spaces.
- 6.3 An internal show home garden guide has been produced with the RSPB. The RSPB awards developments with a bronze, silver and gold rating. All developments show home gardens must meet bronze level standard as a minimum. This planting guidance has been utilised by the landscape consultants JBA to help produce a biodiverse landscaping scheme for the development which will contribute to measurable net gains. It is the applicants policy that all new developments have a biodiversity action plan in place.
- 6.4 The LPA’s Ecologist has raised no objection to the scheme but has requested that a walk-over and summary update is added to the Ecology information that forms part of the approved documents of the original planning permission. The applicant has declined providing this information and has sought legal advice as to whether this is necessary or not. They believe that because the planning permission has been implemented, the development could be built out as approved without further ecology assessment being carried out. The information provided with the original scheme is now nine years old and the Ecologist’s concerns are around mobile species that may have moved to the site. Badgers, in particular, are of concern because there are records of Badger setts within 200-300 metres of the site. These species are highly mobile and can rapidly create new setts.
- 6.5 It is acknowledged that works have commenced on site to implement the permission. However, this is a small section of internal road, the remainder of the site is untouched. During the site visit it was noted that there is no fencing in place around the site and the field has been left open with no further works taking place. That being the case, it is likely that mobile species could have moved onto the site. In order for the Council to carry out its duties under S.41 of the NERC Act. 2006, it would be prudent to condition that a walk-over by a qualified ecologist is carried out and a summary provided of its findings to add to the approved ecology documentation of the original planning permission. The condition should have a trigger point of “prior to any further works being carried out on the site”. Further information would be required to fully understand the extent of works that have been carried out thus far, ideally with photographs to ensure that the LPA fully

understands what the trigger is measured from. Although this is a s.73a application the Council will in effect be issuing a fresh planning permission. An informative is also suggested by the LPA's Ecologist to ensure that works are carried out in accordance with the ecological procedures secured by condition.

## **7.0 Land Contamination, Flood Risk, Drainage and Waste**

- 7.1 The foul drainage will gravitate following the existing topography to the central area of the development where it will be collected in a new pumping station which will be offered for adoption by Affinity Water. The pumping station will have emergency storage provided below the incoming invert level in case of pump breakdown, the storage will be sized in accordance with Affinity Water's requirements.
- 7.2 The surface water drainage system will be offered for adoption by Affinity Water with the basins maintained by management company. SCC Floods Team have raised no objection to the amended scheme.
- 7.3 The Environmental Protection have raised no objection on land contamination grounds.

## **8.0 Sustainability**

- 8.1 The applicant ensures all of its developments adopt the good design principles endorsed and promoted by the Zero Carbon Hub, the construction industry's key advisors and partners with the Governments Communities and Local Government Department. The Fabric Energy Efficiency Standard (FEES) is the proposed maximum space heating and cooling energy demand for zero carbon homes. This is the amount of energy which would normally be needed to maintain comfortable internal temperatures.
- 8.2 Water consumption as required by Part G of the building regulations requires all new developments to provide a maximum water usage of 125 litres of water, per person, per day. If required by a planning condition, it is possible for sites to need to achieve 110 litres. The applicant ensures that all of its dwellings achieve a maximum usage of 105 litres of water.
- 8.3 The applicant pride themselves on being at the forefront of innovation. That's why on the 29th January 2020 the board approved science-based carbon emission reduction targets, this is a fundamental step forward in being a leading national sustainable house builder. This approval puts them as the only developer to have set such a target, and this puts them in a select group of companies globally who are committed to lead by example to prevent the most severe impacts of climate change.
- 8.4 The development will be provided with Electric Vehicle charging infrastructure, with the relevant details to be submitted and approved separately under what is currently Condition 30 (Electric Vehicle Charging) under the original planning permission.
- 8.5 In terms of the construction life-cycle of the site, the major focus has been on waste segregation, putting the right waste types in to the right skips to maximise recycling. In 2018 the applicant diverted 97% of construction waste from landfill. They have also set a challenging target in 2018 to reduce waste relative to build area by 20% by 2025 from 2015 levels. By the end of June 2018 they had already reduced construction waste relative to build area by 15% from 2015 levels.
- 8.6 By applicant has also sought to source responsibly, purchasing materials which reduce carbon emissions in the supply chain and making use of recycled content to reduce waste and raw

material use. Examples of this include working with UPVC window suppliers who have high percentages of recycled content in their frames as well as floor tile suppliers with a high amount of recycled content in the tiles they supply. 90% of the timber used on sites nationally come from suppliers that can guarantee (with certification) that the timber came from a legal source, avoids damaging impacts on biodiversity as well as the destruction of forests and communities around them.

## **9.0 Heritage Issues**

- 9.1 The heritage considerations relate to the impact of the development upon the setting of the Conservation Area and those of nearby listed assets on Quintons Road. This is agrarian landscape, with Dedham Vale Area of Outstanding Natural Beauty to the west and Suffolk Coast and Heaths AONB to the east. There are also cultural landscape associations with the artist John Constable.
- 9.2 The principle of development has been established and so any impact assessment must be made as a comparison between the approved scheme and the proposed variation. Given the minor nature of the changes to the layout, it is not considered that the proposed revisions would be any more harmful to the historic built environment than the approved layout.
- 9.3 The substitution of the approved scheme with more standard developer houses will affect its character. The approved development was of a modern aesthetic but reflected the proportions and detail of traditional housing in the area.
- 9.4 Following amended drawings being submitted the Heritage Officer stated, *“I welcome the change in roof design from predominantly hipped roof forms to simple gable ended roofs for the houses on the front B1070 elevation. Whilst it would be preferable if this amendment could be extended to the wider scheme, it is an improvement upon the previously submitted proposal. These frontage houses are now more typical of the traditional forms of housing in the area.”* The Heritage Officer requires some conditions for further information on the detailed features of houses in the critical (e.g., outward facing) locations, such as the B1070 and the northwest elevation, to include eaves, verges, fenestration, door surrounds and porches. She also took issue with the materials illustrated within the submitted Design and Access statement appear to be of lesser quality than I consider to be appropriate to this gateway location. She recommends that further information on the exact materials proposed for the exterior of the houses is required by way of condition attached to any permission.

## **10.0 Impact on Residential Amenity**

- 10.1 The layout is very similar to that of the extant permission with small changes being made. It is unlikely that the proposed scheme will cause an issue of loss of residential amenity any greater than would exist if the extant permission were built out.

## **11.0 Planning Obligations**

- 11.1 A s.106 agreement formed part of the extant planning permission. This will be carried over to this permission with some minor changes required, to be secured by way of a Deed of Variation to ensure that the agreement covers the changes proposed in this application.

## **12.0 Parish Council Comments**

- 12.1 The Parish Council has acknowledged that an extant permission exists on the site and therefore its comments have been constructive suggestions. Some issues have been raised by consultees and have received amendments. However, the “pepper potting” of affordable dwellings and the five private accesses onto the B1070 are not issues that the developer is considering with this application. It is the opinion of officers that the five access points would change the proposed development to a scheme that would require full planning permission rather than being assessed under a variation of condition application.

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## **PART FOUR – CONCLUSION**

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### **13.0 Planning Balance and Conclusion**

- 13.1 This s.73a application seeks permission for changes to the layout, design and mix of dwellings on the site. It is acknowledged that the original planning permission has been commenced and therefore could be built out as approved under the 2015 permission. This is a material planning consideration.
- 13.2 The layout changes are very minor and the design and mix changes to the dwellings are considered to be acceptable. The concerns raised during the consultation process have been largely resolved with the exception of “pepper-potting” the affordable housing around the site. The original scheme had the affordable housing grouped together in one part of the site. Although this is not ideal in terms of Babergh policy, the scheme could be built out as approved. The developer has moved some of the bungalows to the entrance site, as suggested by the Strategic Housing Team to ensure that older people who may be less mobile can easily access the bus stop outside of the development.
- 13.3 Overall, the scheme is considered to be better than the previously approved development. Any outstanding concerns can be secured by condition.

### **RECOMMENDATION**

That the application is GRANTED planning permission and includes the following conditions:-

All conditions (other than commencement) to be carried over from the extant permission as pre-commencement conditions have only been discharged for Phase 0 of the development. Other phases will need to be discharged prior to commencement in those zones. Additional conditions are required to secure detailing and materials of the dwellings as suggested by the Heritage Officer and also the ecology condition for a walk-over to take place prior to any further works being carried out on the site.

Further informative to be added relating to the Protection of Badgers Act 1992.

That authority be delegated to the Chief Planning Officer to add any further conditions or informatives that may be required following the completion of the Deed of Variation to the s.106 agreement (to change the mix of affordable dwellings).