

Committee Report

Item No: 6A

Reference: DC/21/05844

Case Officer: Jasmine Whyard

Ward: South East Cosford.

Ward Member/s: Cllr Leigh Jamieson.

RECOMMENDATION – APPROVE RESERVED MATTERS SUBJECT TO CONDITIONS

Description of Development

Submission of Details (Reserved Matters in Part) Application for Outline Planning Permission DC/17/05204. Appearance, Scale and Landscaping to be considered for residential development comprising 18 no. dwellings

Location

Shrubland Park Nurseries, Maltings Farm, Whatfield Road, Elmsett Suffolk IP7 6LZ

Expiry Date: 30/09/2022

Application Type: RES - Reserved Matters

Development Type: Major Small Scale - Dwellings

Applicant: Stemar Group Ltd

Agent: Barry Whymark

Parish: Elmsett

Site Area: 0.86 hectares

Density of Development:

Gross Density (Total Site): 20.9 dwellings per hectare

Net Density (Developed Site, excluding open space and SuDs): 35.7 dwellings per hectare

Details of Previous Committee / Resolutions and any member site visit: Members were previously presented Outline Application DC/17/05204 on the 28th November 2018

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

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- The proposed development is for over 15 dwellings and therefore must be determined by Planning Committee as per the Council's Scheme of Delegation.

CLASSIFICATION: Official

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Development Plan

The following policies are considered the most important to the determination of this proposal. The policies are all contained within the adopted development plan for Babergh District which for the purposes of determining this application is comprised of: Elmsett Neighbourhood Plan (2019), Babergh Core Strategy (2014) and Babergh Local Plan Alteration No.2 (2006), specifically its saved policies.

For the purposes of determining this application, all policies listed are considered to hold full weight as they are wholly consistent with the NPPF when assessed against paragraph 219 of that document and are not considered to be out date for any reason.

Elmsett Neighbourhood Plan (2019)

- EMST1- Spatial Strategy
- EMST2- Housing Development
- EMST5- Housing Space Standards
- EMST6- Housing Mix
- EMST9- Protection of Important Views and Landscape Character
- EMST11- Heritage Assets
- EMST12- Development Design Considerations

Babergh Core Strategy (2014)

- CS1 - Applying the presumption in Favour of Sustainable Development in Babergh
- CS2 - Settlement Pattern Policy
- CS11 - Core and Hinterland Villages
- CS15 - Implementing Sustainable Development
- CS18 - Mix and Types of Dwellings
- CS19 - Affordable Homes

Babergh Local Plan Alteration No.2 (2006)

- CN01 - Design Standards
- CR07 - Landscaping Schemes
- TP15 - Parking Standards - New Development

Emerging Joint Local Plan (Regulation 22)

- SP02- Affordable Housing
- SP09- Enhancement and Management of the Environment
- SP10- Climate Change
- LP15- Environmental Protection and Conservation
- LP16- Biodiversity and Geodiversity
- LP17- Landscape

The emerging Joint Local Plan has now progressed through the examination process to main modifications. The main modifications are now being consulted on. The plan as a whole is now considered to have added weight, but is not considered to be determinative for the purposes of determining this application at the present time.

In respect of this reserved matters application, the policies relate to the design, landscaping, construction and biodiversity. These policies do not alter the recommendation made on this application, conditions are recommended where appropriate and where they have not been imposed on the Outline Permission.

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Particularly relevant elements of the NPPF include:

- Chapter 2: Achieving sustainable development
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15: Conserving and Enhancing the Natural Environment

Other Considerations

- Suffolk County Council- Suffolk's Guidance for Parking (2014 most recently updated in 2019)

The national Planning Practice Guidance (PPG) provides guidance and advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.

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

Parish Council Response

- **Elmsett Parish Council**
Object on the basis of 1) visibility splays cannot be achieved, 2) potential conflict between commercial nursery and residential development, 3) footway discussed under the outline is missing, 4) lack of visitor parking, 5) safety issues with access to plots 3 and 9, 6) lack of planting compared to the outline scheme, 7) inappropriate parking arrangements for plots 1, 2, 3, 16, 17 and 18 and 8) object to road lighting.

National Consultee Responses

- **Natural England**
No comment.

County Council Responses

- **Archaeology**
No objection.
- **Development Contributions**
No comment. Infrastructure requirements funded by CIL.
- **Floods and Water**
No objection. Note that the SuDS basin has a uniform shape and is not aesthetically pleasing when assessed against national guidance (Ciria SuDS Manual C753), however it is functionally acceptable and meets the LLFA design requirements.
- **Highways**
No objection.

Internal Consultee Responses

- **Ecology**
No objection, note a range of biodiversity measures have either been submitted under a Discharge of Conditions application or are required under the Outline Permission.
- **Heritage**
No objection.
- **Land Contamination**
No comment.
- **Landscape**
No objection, subject to conditions
- **Noise, Odour, Light and Smoke**
No objection. Recommend condition on the flues to plots 12 and 13.
- **Public Realm**
No comment.
- **Strategic Housing**
The application is in accordance with the S106 Agreement.
- **Sustainability**
No objection to the proposed sustainability measures, subject to a condition securing those measures.

B: Representations

At the time of writing this report at least 1 comment has been received. It is the officer opinion that this represents 1 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Building work
- Health and safety arising from construction traffic
- Increased danger of flooding- effective drainage required

(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/17/05204	Outline Planning Application (Access and Layout to be considered)- Erection of up to 18 no. dwellings. Erection of commercial nursery and creation of vehicular access. Demolition of existing buildings.	DECISION: GTD 25.01.2019
REF: DC/21/01533	Full Planning Application - Replacement Commercial Garden Nursery (re-submission of DC/20/01363)	DECISION: GTD 07.07.2021
REF: DC/21/04465	Discharge of Conditions Application for DC/21/01533 - Condition 10 (Biodiversity Compensation and Enhancement Strategy)	DECISION: GTD 21.10.2021
REF: DC/21/05903	Discharge of Conditions Application for DC/17/05204- Condition 5 (Estate Roads and Footpaths), Condition 7 (Manoeuvring and Parking), Condition 8 (Storage of Refuse/Recycling Bins), Condition 10 (Archaeological Works), Condition 17 (Surface Water Drainage Scheme), Condition 18 (Implementation, Maintenance and Management), Condition 20 (Construction Surface Water Management Plan) and Condition 21 (Construction Management) (Part discharge of conditions 5, 7, 8, 17, 18, 20 and 21 for 18 no. dwellings)	DECISION: PCO

It should be noted that a number of conditions on the outline permission DC/17/05204 were required to be 'concurrent with reserved matters', the details subject of those conditions have been submitted under live Discharge of Conditions application DC/21/04465, which is pending consideration and will be held in abeyance until the reserved matters are approved.

For ease of reference a range of conditions were imposed on the outline permission which will still need to be adhered to. These are as follows:

- Time limit for commencement
- Accordance with approved plans
- Access visibility splays implemented
- Details of estate roads and footpaths
- Carriageways and footways constructed to Binder course level prior to occupation
- Details of parking areas, EV charging points and secure cycle storage
- Details of storage for refuse/ recycling
- Details of fire hydrants
- Written Scheme of Investigation for archaeological work
- Post Investigation for archaeological work
- Great Crested Newt EPS Licence
- Ecological enhancement measures implemented
- RAMS mitigation
- Biodiversity Compensation and Enhancement Strategy
- Wildlife sensitive lighting scheme
- Surface Water Drainage scheme
- Implementation, maintenance and management details for surface water drainage scheme
- SuDS details for LLFA's Flood Risk Asset Register
- Construction Surface Water Management Plan
- Construction Management Plan

Only condition 14 (RAMS contribution) has been discharged under DC/22/05060. No other conditions have been discharged at present, however there are two pending Discharge of Conditions applications in under DC/21/05903 and DC/23/01252.

A S106 Agreement was also signed as part of the outline permission securing the following:

- Affordable rent units:
 - 2 x 1-bedroom 2 person flats
 - 1 x 2-bedroom 4 person house
 - 1 x 3-bedroom 5 person house
- Shared ownership units:
 - 2 x 2-bedroom 4 person houses
- Habitat Mitigation Contribution

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site extends 0.86 hectares on the site of the former Shrubland Park Nurseries and is located south of an estate of new build bungalows off of Whatfield Road. There are dwellings located west and south with a more sporadic cluster of development east. There is a mixed vernacular along Whatfield Road. The commercial garden nursery granted as part of the outline permission secured full planning permission DC/21/01533 immediately adjoins the site southwest.
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- 1.2. There are no protected trees on or near to the site. There are two ponds located east. The site is not within any designated landscape area (for example Special Landscape Area or Area of Outstanding Natural Beauty) and is not a local green space (as identified under policy EMST8) The site is however adjacent to the Elmsett Special Character Area (identified under policy EMST10 of the Neighbourhood Plan). There are no Public Rights of Way on or near to the site.
- 1.3. There are no listed buildings on site, the nearest listed building is northeast (47 metres from the site's access), which is Grade II listed Mannings. The site is not within or adjacent to any Conservation Area.
- 1.4. The site falls within Flood Zone 1 (very low fluvial flood risk) and is not at risk from any other form of flooding (including pluvial).
- 1.5. The site falls within the countryside and is wholly within the parish of Elmsett and falls within their Neighbourhood Plan area.

2. The Proposal

- 2.1. The quantum of development was fixed at 18 dwellings under the outline permission.
- 2.2. The proposed housing mix is as follows:
 - 8 x 2-bedroom houses
 - 4 x 1-bedroom flats
 - 3 x 3-bedroom houses
 - 3 x 4-bedroom houses
- 2.3. Landscaping, estate roads, SuDS and footways are also proposed.

3. The Principle of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2. The principle of developing the site for the erection of 18 dwellings has previously been established under Outline Permission DC/17/05204. Whilst the development is not allocated within the Neighbourhood Plan, the principle of residential development and quantum of development proposed has been established and cannot therefore be revisited at this stage.
- 3.3. The Outline Permission included access and layout as matters for approval. Such that the access and layout arrangements on site were previously set.
- 3.4. The key considerations, as discussed throughout this report relate to whether the proposed appearance, scale and landscaping of the development responds appropriately to the character and amenity of the area, having regard to the relevant development plan policies.

4. Site Access, Parking and Highway Safety Considerations

- 4.1. Policies CS15 and TP15 and paragraphs 110, 111 and 112 of the NPPF seek to ensure development has safe and sufficient access, parking provision and connectivity for all users.
- 4.2. Whilst Elmsett Parish Council comments are noted, the access arrangements were agreed under the Outline Permission. Moreover, the adjacent hedgerows and landscaping associated with a separate development have been enforced against to ensure visibility from the access is achieved. The main access route in, which will also serve the commercial garden nursery approved under DC/21/01533, is to be adopted by SCC Highways under S38 of the Highways Act. The access route then ends at plots 9 and 14 to meet a shared private drive which will serve plots 10-13.
- 4.3. Elmsett Parish Council note that a footway is missing to the frontage of the site adjacent to the access as was shown in earlier plan iterations under the Outline Application. No such footway link was explicitly secured under the Outline Permission, either by way of condition or S106 Agreement. However, following discussions with the applicant and SCC Highways a small area of footway is proposed to the east of the access which is once again shown on the submitted plans. The footway would be constructed via a S278 agreement with SCC Highways, the specific technical detail of this footway may therefore be slightly altered come construction, however its provision is secured. This footway is now included within the plans submitted in respect of the live Discharge of Conditions application DC/21/05903, as such the footway will be secured via condition.
- 4.4. Parking provision is proposed in accordance with SCC Highways Parking Guidance (2019). There are no instances of triple parking.
- 4.5. Secure cycle storage is provided either in garages or in 1.2 metre by 2.4 metre sheds within the rear gardens.
- 4.6. EV charging capability will be provided to each dwelling. This will be on a wall mounted point for plots 10-15 and via ducting with suitable consumer unit to allow a wall mounted unit where requested by the occupant to plots 1-9 and 16-18.
- 4.7. The proposed development would accord with Core Strategy policy CS15, Local Plan policy TP15 and paragraphs 110 and 111 of the NPPF.

5. Sustainability

- 5.1. The development would incorporate a range of environmental sustainability measures (which are to be secured via condition). These include the following:
 - EV charging points
 - Aims to achieve EPC B and net carbon zero in advance of regulatory requirements
 - Fabric first approach
 - Air source heat pumps to all dwellings controlled by smart controls
 - Water butts to all homes
 - Low water fixtures, fittings and appliances
 - Planting native species
 - Orientated dwellings to maximise passive solar gains and reduce heat loss, position and concentrate fenestration towards natural light

- Wildlife sensitive lighting scheme
- Bat boxes
- Hedgehog highways
- Barn owl nest box
- Bird boxes (including for House Sparrows and Swifts)

5.2. The proposal would accord with Core Strategy policy CS15, Local Plan policy CR07 and paragraph 8 of the NPPF.

6. Design and Layout

6.1. Policies CS15, CN06, EMST10, and EMST12 and paragraphs 126 and 130 of the NPPF seek to ensure that development achieves a high standard and quality in design and layout terms.

6.2. The general layout of the site was approved under the Outline Permission, with the dwellings arranged in a cul-de-sac type development.

6.3. Whilst the site sits adjacent to the Elmsett Special Character Area, the principle of developing the site was established under the Outline Permission. Policy EMST10 identifies the Special Character Area and places specific emphasis on the need to preserve and enhance heritage assets. The Council's Heritage Team raised no objection and no heritage assets would be harmed by the development.

6.4. The proposed materials would be varied across the development and include a mix of pantiles (in Terracotta and Breckland Brown colours), slate roof tiles, brickwork (in Gainsborough Multi and Hurstwood Multi), with the addition of either render (in Rosemary colour) or cladding (in dark grey colour) to some dwellings.

6.5. Whilst all dwellings would adopt a two-storey form, the architectural features are included to further create variation including porches, bay windows, chimneys and dormers.

6.6. The variety of materials, appearance, and orientation of the dwellings would ensure the development does not appear uniform and monotonous.

6.7. The affordable housing units are tenure blind and are well integrated into the main development.

6.8. The proposed development would accord with Core Strategy policy CS15, Local Plan policy CN06, Neighbourhood Plan policies EMST10 and EMST12 and paragraphs 126 and 130 of the NPPF.

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

7.1. Policies CS15, CN01, CR07, EMST12 and paragraph 174 of the NPPF seek to ensure there are a range of landscaping, biodiversity protection, and enhancement measures incorporated into developments.

7.2. The site does not fall within any important view or landscape character as identified within the Elmsett Neighbourhood Plan.

7.3. Place Services Landscaping and Ecology raised no objection to the proposed development, subject to conditions, all of which are imposed.

- 7.4. Elmsett Parish Council's comments were noted in respect of a lack of landscaping, in conjunction with Place Services Landscaping, the proposed landscaping scheme has been amended accordingly.
- 7.5. The proposed planting scheme includes a range of species securing a variety in the landscaping scheme, supporting its long-term resilience against disease and climate, and providing further ecological benefits.
- 7.6. 1.8-metre-high brickwork walls are proposed in the prominent visual locations on the site, with less prominent locations enclosed by 1.8-metre-high timber screen fencing. Hedgerows are integrated along the frontages of the units alongside hard boundary treatments to create a rural edge of settlement character.
- 7.7. No public open space was secured under the outline permission. However, a SuDS lagoon located to the south of the site has been better integrated into the site as a result of consultation comments received from Landscaping and Floods and Water. A path is proposed to run around the SuDS feature with benches along it. The area has further been broken up by hedgerow, trees and grassland. Whilst the development does not accommodate the most well-designed SuDS feature, layout was approved under the Outline and the reason for a SuDS basin in this location has been influenced by existing topography in this part of the site.
- 7.8. A range of biodiversity enhancement measures are proposed as listed under 5.1 of this report. These details are to be agreed and secured under a condition on the outline permission, which has been submitted and is pending consideration under Discharge of Conditions application DC/23/01252.
- 7.9. The proposed development would accord with Core Strategy policy CS15, Local Plan policy CN01 and CR07, Neighbourhood Plan policy EMST12 and paragraph 174 of the NPPF.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1. Policies CS15 and CN01 and paragraphs 169 and 174 of the NPPF seek to steer development to the most appropriate locations in environmental terms, including in respect of flooding.
- 8.2. There are no land contamination issues on site as established under the Outline Permission and confirmed again by the Council's Environmental Protection Officer under this application.
- 8.3. The site is not vulnerable to flooding. The proposed SuDS basin is located to the southeast corner of the site, would span 28.3 metres with a slope gradient of 1:4 broken up by 1.5-metre-wide dry bench plateaus. SCC Floods and Water have confirmed that the construction of the basin is sufficient and safe and would not require any fencing or additional safety measures surrounding the basin.
- 8.4. Whilst it is acknowledged that the basin is not directly overlooked by dwellings as per guidance, the cul-de-sac layout was set under the outline application. Therefore, there is limited scope to alter the orientation of the dwellings in a way which would not undermine the cul-de-sac layout. The basin would however be sat between the dwellings and commercial nursery, such that there would nonetheless be a degree of natural surveillance.

8.5. The proposed development would accord with Core Strategy policy CS15, Local Plan policy CN01 and paragraphs 169 and 174 of the NPPF.

9. Impact on Residential Amenity

9.1. The back-to-back distances between the proposed dwellings and the nearest existing dwellings along Whatfield Road are a minimum of 25 metres.

9.2. Whilst some of the proposed gardens are small, these would serve the smaller two-bedroom dwellings and are sufficient for the purposes of sitting out, child's play and the drying of clothes. The flats would also have access to a communal garden area to the rear.

9.3. The proposed development would accord with Core Strategy policy CS15, Local Plan policy CN01 and paragraph 130 of the NPPF.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

2.1. The principle of erecting 18 dwellings was established through the grant of Outline Planning Permission DC/17/05204.

2.2. Since the grant of Outline Permission, the Elmsett Neighbourhood Plan has been made. The site did not form part of the allocations within that plan, as it was granted after the Neighbourhood Plan had already advanced.

2.3. The principle of development (alongside the access and layout) has been established, however in terms of the reserved matters (appearance, scale and landscaping) the development accords with the development plan (Elmsett Neighbourhood Plan, Babergh Core Strategy and Babergh Local Plan), the Outline Permission (including s106 agreement and conditions) the NPPF (an important material consideration) and the emerging Joint Local Plan. There are no material considerations that indicate that a decision should be taken other than in accordance with the development plan.

2.4. In conclusion, the development is considered acceptable, and the recommendation is therefore to grant the reserved matters.

RECOMMENDATION

That these reserved matters are GRANTED and subject to the following conditions (and those as may be deemed necessary by the Chief Planning Officer)

- Approved plans
- Bin presentation point(s)
- Specific details of materials
- Sustainability measures
- Timescale for landscaping
- Landscape management plan

Informative

- NPPF proactive working- no pre-app
- Conditions and obligations on the outline permission must be discharged separately from these reserved matters and complied with- any details that overlap between these reserved matters and the requirements of a separate condition must match one another