

Item No: 1

Reference: DC/17/06092

Case Officer: Sian Bunbury

Ward: Gislingham

Ward Member: Cllr Diana Kearsley

Description of Development

Submission of details under Outline Planning Permission 0294/15 for the erection of 40 dwellings with new vehicular access off Thornham Road, new road ways, garages and parking.

Location

Land on the south side of Thornham Road, Gislingham IP23 8HP

Parish: Gislingham

Site Area: 2.7ha

Conservation Area: No

Listed Building: No

Received: 08/12/2017

Expiry Date: 30/04/2018

Application Type: Reserved Matters

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Lovell Partnerships Ltd

Agent: The Design Partnership (Ely) Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan drawing number LP.764.LOC02 (received 13/12/17) as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Planning Application Form - received 08/12/2017

LP.764.LOC02 - Location plan – received 13/12/17

LP.764.RM01B - Block Plan – received 12/03/18

LP.764.RM02B - Development Mix – received 02/03/18

LP.764.RM03B - Site Plan East – received 12/03/18

LP.764.RM04A - Site Plan South West – received 02/03/18

LP.764.RM05B - Site Plan North West – received 12/03/18
LP.764.RM06 - Plots 22-29 (Type 76) – received 08/12/17
LP.764.RM07A - Plots 14, 19 & 32 (Type 1990) – received 12/03/18
LP.764.RM08 - Plots 3, 9, 30 & 35 (Type 1590 V1) – received 08/12/17
LP.764.RM09 - Plot 40 (Type 1590 V2) – received 08/12/17
LP.764.RM10 - Plots 12, 33 & 36 (Type 1456) – received 08/12/17
LP.764.RM11 - Plots 5, 21 & 31 (Type 1250 V1) – received 08/12/17
LP.764.RM12 - Plot 1 (Type 1250 V2) – received 08/12/17
LP.764.RM13 - Plots 10, 11, 15, 16 & 17 (Type 1087) – received 08/12/17
LP.764.RM14 - Plots 2, 4, 6 & 20 (Type 1010) – received 08/12/17
LP.764.RM15 - Plots 34 & 39 (Type 914 V1) – received 08/12/17
LP.764.RM16 - Plots 7 & 8 (Type 914 V2) – received 08/12/17
LP.764.RM17A - Plots 18 & 38 (Type 2347) - received 12/03/18
LP.764.RM18 - Plots 13 & 37 (Type 2450) – received 08/12/17
LP.764.RM19 - Single & Twin Garages – received 08/12/17
LP.764.RM20 - Double Garages – received 08/12/17
LP.764.RM21 - Street Elevations – received 08/12/17
Topographical survey – received 08/12/17
Arboricultural impact assessment – received 08/12/17

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

History

Outline planning permission 0294/15 was granted on appeal by the Planning Inspectorate in September 2016 for the erection of 40 dwellings with a new vehicular access off Thornham Road (Appeal ref: APP/W3520/W/15/3133714).

The Planning Committee originally refused outline permission in August 2015, in accordance with the officer recommendation, based on the absence of common ground regarding viability and a package of agreed section 106 obligations.

The original scheme proposed 10% affordable housing provision. The scheme approved on appeal includes 20% affordable housing provision.

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the

recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
GP01 - Design and layout of development
H16 - Protecting existing residential amenity
T9 – Parking Standards
T10 - Highway Considerations in Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages

List of Other Relevant Legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Previous Committee / Resolutions and Any Member Site Visit

The Planning Committee originally refused outline planning permission 0294/15 in August 2015, in accordance with the officer recommendation, on the basis of the absence of common ground regarding viability and a package of agreed section 106 obligations. The original scheme proposed 10% affordable housing provision.

As noted above, the decision was appealed, contributions were negotiated and agreed, and the Planning Inspectorate ultimately determined to grant outline planning permission subject to, amongst other matters, 20% affordable housing provision.

Pre-Application Advice

No pre-application consultation undertaken.

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

Gislingham Parish Council

Plot 1 proximity to The Ley and Church Meadows – loss of privacy, light, sun.

Plots 12, 13 and 14 overlook West View Gardens.

Housing mix includes 7 x 5 bedroom dwellings, 12 x 4 bedroom dwellings (D&A Statement incorrect).

Access road position – prefer further toward the Church.

Question potential for delay of access road and shared surface adoption by SCC.

Who is responsible for maintenance of shared drives?

Not clear as to owner of public spaces and who will maintain them.

Who is responsible for maintenance of lagoon?

Are traffic calming measures proposed?

Is it possible to install low level street lighting to minimise light pollution.

Presumably boundaries of properties abutting footpaths will not extend beyond their fences.

Concerned high level fencing along footpath on northern boundary could create a dark corridor.

Important to ensure adequate on-site parking to avoid street parking causing obstruction.

Babergh and Mid Suffolk District Council – Heritage

No objection.

Historic England

No objection.

SCC - Suffolk Fire and Rescue Service

No objection. Comment regarding access and firefighting facilities, and water supplies.

SCC – Flood and Water

Initially commented that It appears that no conditions were included re surface water drainage on the appeal decision and so nothing to discharge.

Later comment on the condition imposed at appeal. A detailed design for surface water disposal will be required.

Environment Agency

Although we commented on this application at the outline stage, we are no longer a statutory consultee for surface water management issues therefore we will not be providing any further comments on this application.

SCC – Strategic Development

No comments to make on this reserved matters application, other than the strict proviso that the existing planning obligation dated 16 August 2016 remains in place. This planning obligation was taken into account by the Inspector in his decision letter dated 28 September 2016 under appeal reference APP/W3520/W/15/3133714.

SCC- Highways

Revised drawing LP.764.RM01A is acceptable in highway terms. For information advises that as Public Footpath No. 32 connects to West View Gardens and provides a route to the Primary School the improved surface will need to be to adoptable standards in order enable easy access/use by all.

SCC – Archaeology

Archaeological fieldwork has been progressed. Analysis and reports are outstanding and covered by conditions on the outline permission.

Babergh and Mid Suffolk District Council - Contamination

No objection.

Natural England

No objection.

SCC Infrastructure

This development site lies within the high value zone for MSDC CIL Charging and would be subject to CIL at a rate of £115m² (subject to indexation). The CIL Liability is calculated on final approval of details submitted under Reserve Matters. The Developer should ensure they understand their duties in relation to compliance with the CIL Regulations 2010 (as amended).

Suffolk Preservation Society

Urge that window details are known before the development proceeds.

Use of concrete tiles is regrettable. Clay or natural slate tiles preferred given development will be seen in the context of the Grade I listed St Mary's Church.

Place Services – Landscape

Details of the access, appearance, layout, and scale, have been submitted in drawings RM01, RM03, RM04, RM05, RM21 and the Design and Access Statement, however landscape details inclusive of a further detailed landscape planting plan which clearly sets out the existing and proposed planting, a landscape maintenance plan and specification (post commencement), will still need to be submitted. We recommend a landscape maintenance plan for the minimum of 3 years, to support plant establishment and ensure appropriate management is carried out.

The site plans submitted as part of this application are well informed by the previously approved plans: 7965/LOC 01 and 7965/LOC 02

B: Representations

Summary of Objections

- *Loss of privacy through overlooking
- *Loss of sunlight access
- *Plot 1 too close to The Ley and Church Meadows.
- *Impact on infrastructure – schools, roads and sewerage system
- *Increase in traffic
- *Concerns lagoon will cause drainage issues
- *Lagoon must be fenced
- *Type and style of fencing used along footpath 5
- *Loss of field views
- *Insufficient village amenities
- *Highway safety concerns regarding position of new access road
- *Noise

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific

express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1 The site is located adjacent to the settlement boundary of Gislingham and is surrounded on three sides by residential development. The site is accessed off Thornham Road. The majority of the site is an arable field, the east of the site is grassland with a number of trees located within it, including a veteran Oak tree, which is protected by a TPO. To the south east of the site, within the same ownership, is a large copse of trees with an informal footpath through it.
- 1.2 Within the site are two public footpaths, the first of these cuts through the top of the site from Thornham Road to West View Gardens (FP33). The second bisects the site from Coldham Lane to Church Farm and then through to the Church (FP32).
- 1.3 The northern boundary of the site is partly adjacent to Thornham Road with a mixed hedgerow and partly backs onto properties with Long Meadows and Church Farm, a Grade II listed building. Further to the north is St Mary's Church, a Grade I listed building.
- 1.4 The eastern boundary of the site comprises a tree belt and beyond this open countryside. The southern boundary comprises the rear gardens of dwellings located on Coldham Lane and Springfields. The western boundary adjoins the rear gardens of dwellings on West View Gardens and The Birches.
- 1.5 The site is not in, adjoining, or within proximity of a Conservation Area, Special Area of Conservation or Special Landscape Area.

2. The Proposal

- 2.1 The application seeks approval of all matters that were reserved at the time of granting outline planning permission 0294/15 on appeal in 2015, those being access, appearance, landscaping, layout and scale.
- 2.2. The access, layout and scale are generally similar to that shown on the indicative layout plan that supported the original outline application. The major departure from the original indicative layout is development (plots 1 and 2) now proposed at the entrance to the site in lieu of public open space and reduced visual gaps between many of the dwellings which has resulted in a reduced sense of openness across the site than that shown originally, albeit on an illustrative layout scheme.
- 2.3 Completed Unilateral Undertakings (dated 16/08/2016) providing for affordable housing, bus stop improvement and a public rights of way contribution have been secured pursuant to the outline planning permission.
- 2.4 It is noted that the agreed level of affordable housing provision set out in the completed Unilateral Undertaking is 20% (eight dwellings).
- 2.5 Key elements of the scheme are as follows:
 - 40 dwellings including eight affordable units (20%).
 - Proposed density of 15 dwellings per hectare.

- Mix of single, one and a half and two storey detached and semi-detached dwellings.
- Housing mix: 8 x three bedroom houses; 5 x three bedroom bungalows, 12 x four bedroom houses; 7 x five bedroom houses; 8 x two bedroom (affordable) dwellings.
- Traditional design details, incorporating (concrete tile) pitched roofs, brickwork, render, weatherboard finishing.
- Some internal garaging, other garages detached.
- There are 10 visitor spaces located through the development.
- All dwellings are provided with at least two allocated parking spaces. The larger dwellings are provided with three spaces (including garages).
- Single access point from Thornham Road providing a single 5.5m wide spine road with smaller (4.8m wide) private drives to clusters of houses.
- Attenuation lagoon fronting Thornham Road, east of the proposed internal road.
- Existing public footpaths FP32 and FP33 traversing the site retained and upgraded.
- Retention of the ancient oak to the rear of the lagoon.
- Landscape planting to the eastern boundary.
- 2750sqm public open space area central to the site (traversed by FP32).
- Landscape planting to the Thornham Road frontage.
- Each dwelling includes a paved area for refuse in the rear gardens. Dwellings located off shared private drives will have a designated refuse collection point.

3. The Principle of Development

- 3.1 The principle of a 40 dwelling development at the subject site is already accepted by virtue of the grant of outline planning permission 0294/15.
- 3.2 Council's discretion is limited to determining the acceptability, or otherwise, of the reserved matters.

4. Access

- 4.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including: the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles.
- 4.2 Policy T10 is supplemented by Policy T9 of the Local Plan, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district.
- 4.3 Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that paragraph 32 should not be interpreted to mean that anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).
- 4.4 Objections have been received regarding highway safety and the Parish Council would prefer to see the access from Thornham Road sited closer toward the church. Whilst these concerns are noted, SCC Highways find the proposal to be acceptable. In the absence of an objection from the authority charged with the responsibility of

maintaining highway safety, and having regard to the 'severe' threshold promoted at paragraph 32 of the NPPF, it is difficult to substantiate a reason for refusal based on highway safety grounds or require the applicant to revise the proposed access location.

- 4.5 The Highways Authority raises no objection regarding the quantum of on and off site car parking provision. Ten visitor spaces are proposed, compliant with the Suffolk Parking Standards rate of 0.25 space per dwelling. Proposed parking levels meet the objectives of Policy T9.

5. Layout and Scale

- 5.1 The layout and scale of development is acceptable. The layout is a conventional one and commonplace for peripheral village development. The layout adopts the masterplan principles set out in the indicative plan that supported the outline application, albeit adopting a lesser sense of openness. This said, large tracts of public open space remain a key design theme and offer an adequate sense of spaciousness. The public open space at the front of the site west of the access is now taken up with two dwellings (plots 1 and 2). This is not an unacceptable design response given the setbacks of these dwellings from Thornham Road and the spacious plots within which they are sited.
- 5.2 The retention of the public footpaths and the way in which they have been integrated into the design layout is well considered and welcomed. The design provides for excellent pedestrian connectivity through the site as well as a good level of connection to the body of the village.
- 5.3 The scale of development is commensurate with that in the village. Bungalows are located adjacent to neighbouring residences in some locations, a respectful design approach. Two storey development is commonplace in the village and not a design concern where in proximity of neighbouring dwellings owing to the significant separation distances. Garaging is generally located behind principal front building lines, a sensitive and appropriate streetscape response. Garages are of traditional form, following that of principal dwellings.
- 5.4 Overall the proposal responds favourably to local Policy GP01.

Residential Amenity

- 5.5 Residential amenity interfaces are acceptable. Concerns have been raised regarding overlooking to existing properties, particularly to West View Gardens. However, separation distances are sufficient to mitigate overlooking effects to an acceptable level. The northern public footpath, together with its landscaping, will provide an effective amenity buffer between the proposed dwellings (plots 4 – 9) and The Ley, Meadow View and The Granary.
- 5.6 A number of residents are concerned with the proximity to The Ley. Whilst the separation distance at this interface is less than elsewhere at the periphery of the site, the orientation of the proposed dwelling at plot 1 is such that amenity impacts will be limited. There are no west facing windows in the flank elevation of the plot 1 dwelling. Loss of sunlight, daylight, and visual bulk effects are all within acceptable parameters. The scheme accords with Policy H16.
- 5.7 The development layout offers a good level of internal amenity for future occupants of the development, with suitably proportioned private open space areas serving

each dwelling. Each dwelling is provided with an appropriate outlook and separation distances between proposed dwellings mitigates adverse visual bulk impacts.

Listed Building Setting Impacts

- 5.8 Paragraph 129 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.9 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.10 It is noted that the built form is closer to the northern listed building (Church Farm) than was shown on the indicative plan at outline stage (plot 9). Church Farm has a long garden enclosed at the south by tall conifer hedging. The separation distance and screen planting limits the visual relationship between the subject site and the listed building. The Council's Heritage Team, Historic England and the Suffolk Preservation Society have not raised an objection regarding the impact on the listed setting of Church Farm or the Grade I listed St Mary's Church. It is concluded that the setting of the nearby heritage assets are not materially affected by the proposal. The proposal is not in conflict with paragraphs 129 and 134 of the NPPF.

6. Appearance

- 6.1 The design detail has been carefully considered and responds favourably to site context. Design cues are taken from the village, including design elements such as steeply pitched roofs, prominent gable ends, traditional sash window proportions, red brick chimneys with pots, and traditional material finishes including render, red brickwork and weatherboards. A palette of material samples will be required by planning condition to ensure, amongst other matters, that colour finishes are appropriately resolved.
- 6.2 The Suffolk Preservation Society suggests that details regarding window detailing are required. Officers have considered this comment and consider that in this location and on an estate development this requirement is not necessary.
- 6.3 The Suffolk Preservation Society is concerned with the use of concrete tiles. Whilst not an entirely traditional finish, the look is not so at odds with neighbouring development to suggest the visual outcome is an unacceptable one, noting also the absence of any nearby designated conservation areas.
- 6.4 Slight design amendments to elevational treatment on plots 14, 19 and 32, 18 and 38 were submitted to replace areas of boarding with brickwork or render and lowering the eaves level.

7. Landscaping

- 7.1 The Planning Statement suggests that landscaping is most appropriately managed via planning condition. Officers agree. There is nothing to suggest an appropriately worded landscape condition will not secure an appropriate landscape character outcome. There is ample scope to provide effective landscape planting that will

assist in assimilating the development into its surroundings. It is noted a landscaping condition is recommended by the Council's Landscape Consultant.

- 7.2 Residents question the fence treatment along the northern public footpath. This is an important design detail and warrants very close attention, along with the treatment of all fencing throughout the development as this too can 'make or break' the look and feel of a development. An amendment has been submitted to show planting between the rear boundary fencing and the public footpath 33. Hard landscaping details, including fencing material and design, will be a requirement of the landscaping condition. It will be imperative to limit high, close boarded fencing wherever possible as this is far from a preferred design outcome in a new development. Low level front fencing will be imperative. It will also be important to understand the type and extent of the fencing proposed for the lagoon given not only its prominent gateway location but also potential health and safety considerations. Rural style fencing at this location is preferred.
- 7.3 The application is supported by an Arboricultural Impact Assessment (AIA) which includes a Tree Protection Plan. A condition will ensure that all on-site works are carried out in accordance with the supporting AIA.
- 7.4 The design incorporates the retention of the protected tree (large oak) adjacent the lagoon, with its setting substantially enhanced by the proposed location of the lagoon. This outcome represents a significant landscape amenity benefit. The loss of trees along the Thornham Road frontage is disappointing however unavoidable given the need for visibility splays. As noted in the AIA, all removed tree locations will be replaced with extensive new planting which will help to restore some of the lost habitat and landscape amenity values.
- 7.5 As noted in the AIA, all other aspects of the development avoid trees on or adjacent to the site.
- 7.6 Public footpath surface treatments will be to adoptable SCC standards.

8. Other Considerations

- 8.1 Residents are concerned with drainage issues and the effectiveness of the proposed attenuation lagoon. Surface water details are a condition on the outline planning permission and will be managed by a separate conditions discharge approvals process.
- 8.2 Fire hydrants were not conditioned on the outline planning permission. It is appropriate to require this detail as a condition of this recommended approval.
- 8.3 Amenity impacts during construction is a valid concern for residents. A Construction Method Statement is a condition of the outline planning permission and will be managed by a separate conditions discharge approvals process.
- 8.4 Archaeological considerations were conditioned at the outline planning permission stage and therefore do not require repeating here. The same applies to dwelling floor levels.
- 8.5 The Parish Council questions who will manage and maintain the public open space areas including the lagoon. It is commonplace for such assets to be managed by a private management company and this requirement can be secured via condition.

PART FOUR – CONCLUSION

9. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015.

- 9.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 9.2 In this case the planning authority has engaged with the applicant during the life of the application to resolve outstanding matters such as detailed design.

10. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

- 10.1 There are no known legal implications derived from the determination of this application.

RECOMMENDATION

That the Corporate Manager- Planning for Growth be authorised to grant Planning Permission subject to conditions including:

- *To be in accordance with approved plans and documents
- *Materials details
- *Hard and soft landscaping scheme
- *Accordance with Arboricultural Impact Assessment
- *Fire hydrant provision
- *Details of provision, future management, and maintenance of public open space provision details
- *Details of surface water disposal

Note -To be notified of unexpected ground contamination conditions