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Planning Services
Babergh District Council
Endeavour House
8 Russell Road
Ipswich
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Our Ref: AC/218877

20th December 2023

Dear Sir/Madam,

Re: Planning Application ref: PP-12692118 Variation of Condition 2, 5, 10, 12 and the request for the imposition of two new conditions to enable an external lighting scheme to be implemented and phasing of development of planning application DC/20/03810 at Perrywood Garden Centre, Newton Road, Newton, Sudbury, Suffolk CO10 0PZ

On behalf of our client, Perrywood Garden Centre, we seek a variation of Condition 2, 5, 10 and 12 and the imposition of two new conditions to enable an external lighting scheme to be implemented and phasing of development of planning application DC/20/03810. The application has been submitted via the planning portal under ref: PP-12692118. Strutt & Parker have prepared the application alongside Perrywood Sudbury Limited, who are the owners and occupiers of the site.

Full planning permission was granted on 11th June 2021 for the following description of development (DC/20/03810):

The erection of a new garden centre building (Use Class E) including restaurant, enclosed and open canopies and outdoor sales area. Erection of a glasshouse and store. Partial demolition of and erection of an extension to the existing garden centre building (to be used for Use Class E). Erection of a replacement potting shed. External alterations of the existing barn. Erection of electricity substations and an electricity distribution building. Provision of landscaping, car parking areas, wildlife area and outdoor events space

The subject planning permission (Ref: DC/20/03810) has previously been varied under application reference DC/22/01350, which sought to amend the drainage scheme and was approved on 10th June 2022. The planning consent was varied again under application reference DC/22/02188, which sought to amend the design of the scheme and was approved on 27th July 2022. A number of conditions have been discharged in relation to the subject planning permission.

Since the grant of planning permission including the varied consents, Perrywood Sudbury Limited are seeking to commence the development. However, due to the current economic and building climate, whereby construction costs and interest rates are significantly high, an alternative design and a greener drainage strategy is required to feasibly deliver the development.

Design

Condition 2 of the decision notice is a compliance condition requiring the development to be carried out in accordance with the drawings/documents listed within the decision notice.



This application seeks to slightly alter the approved design and layout of the scheme and thus it is considered necessary to vary the approved set of application plans under Condition 2. This will enable the proposed design changes to be lawfully implemented.

As part of this submission, the updated plans have been submitted and providing this is acceptable, it is requested to update the approved drawing list as detailed in Section A of the approved decision notice.

A brief summary of the main design changes proposed with corresponding submission plans is provided below:

M18.117(a).D.008A – Proposed Floor Plan Phase 2 & 3

- Building structure and roof spans refined.
- Entrance lobby, glazing, external doors and windows refined.
- Canopy structures refined.
- Internal layout altered to tills, staff offices & welfare, customer wcs, café & kitchen layouts.

M18.117(a).D.009B – Proposed Roof Plan Phase 2 & 3

- Building structure and roof spans refined.
- Roof glazing & roof mounted services altered.
- Canopy structures refined.

M18.117(a).D.010B – Proposed Elevations Phase 2 & 3

- Building structure and roof spans refined.
- Entrance lobby, glazing to gables, external doors and windows refined.
- External wall facing to be black profiled metal wall cladding.
- Roof mounted services.
- Canopy structures refined.

M18.117(a).D.015 – Site Layout Phasing Plan

- Revised SuDS drainage design & swale layout.
- GC Building structures relocated approx. 6m to east to create space for additional swale.
- Revised car park and access road layout.
- Revised utility & external services location & layout.
- Project Phasing.

Although there appear to be a large number of changes proposed, they are all considered to be minor and result from the detailed construction designs. The original development was significant in scale and complexity. The amendments sought are each considered to be minor, and in combination they remain minor compared to the original determination and previous amendments and would have no fundamental change to the description of the development or have any meaningful planning implications. The proposed changes to the scheme are fully detailed within the supporting submission documents.

The following documents have been submitted to accompany this submission in relation to the amended design and layout:

- M18.117(b).D.002 - Site Location Plan
- M18.117(b).D.003A - Proposed Site Plan - Planning Phase 1
- M18.117(b).D.004D - Proposed Floor Plan - Planning Phase 1
- M18.117(b).D.005B - Proposed Roof Plan - Planning Phase 1
- M18.117(b).D.006B - Proposed Elevations - Planning Phase 1
- M18.117(b).D.007A - Proposed Site Plan - Planning Phase 2 & 3

- M18.117(b).D.008A - Proposed Floor Plan - Planning Phase 2 & 3
- M18.117(b).D.009B - Proposed Roof Plan - Planning Phase 2 & 3
- M18.117(b).D.010B - Proposed Elevations - Planning Phase 2 & 3
- M18.117(b).D.014 - Sub-station & LV housing (planning)

It is considered that the following documents will be superseded from the approved consent and drawing list:

- M117.D.036 - Proposed Store - Elevations Floor and Roof Plans
- M18.117.D.037 - Proposed Barn and Potting Shed - Elevations, Floor and Roof Plans
- M18.117.D.049 - Proposed Elec Sub-station - Elevations, Floor & Roof Plan
- M18.117.d.050 - Proposed Elec Distribution Building - Elevations Floor and Roof Plan
- M18.117.D.052 - Proposed Site Plan
- M18.117.D.053 - Proposed Landscape Strategy
- M18.117.D.056 - Existing Garden Centre Building - Proposed Extension – Elevations
- M18.117.d.058 - Proposed Garden Centre Floor Plan
- M18.117.D.059 - Proposed Garden Centre Elevations
- M18.117.D.060 - Proposed Garden Centre Roof Plan

Phasing

This Section 73 planning application also seeks to implement a new development phasing compliance condition to ensure the development can be implemented and begin operation in phases. The proposed new condition will ensure the development is constructed in phases in accordance with plan reference: M18.117(b).D.0015 - Phasing Plan, submitted with this application.

This condition will allow the development to be built in a phased approach of a series of three manageable projects rather than a one build-out period. The intention is that each phase will be able to operate once constructed without the need for the next stage to be delivered, which will allow the business to begin operations from an early stage of development and begin obtaining a financial return. This will help finance the subsequent phases and improve the facilities.

Lighting

As part of the revised layout and design, the proposal now requires external lighting to be implemented as part of the development. As a result, it is proposed that a new compliance condition is imposed which ensures the proposals deliver the lighting strategy and assessment, which has been submitted with this application, if deemed acceptable by the council.

A full lighting assessment and design accompanies this planning application in the following documents:

- External Lighting Report prepared by The Engineering Workshop LLP
- External Site Plan – External Lighting Layout (Ref: 2322-TEW-ZZ-XX-DR-E-4010-S0-P03)
- External lighting calculations (Ref: 2322-TEW-ZZ-XX-DR-E-4011-S0-P03)

We request that a condition to comply with the above lighting plans be added to the planning permission.

Surface Water Drainage Strategy

Condition 10 of the decision notice is a compliance condition requiring the recommendations of the submitted surface water disposal strategy and flood risk assessment to be implemented. The precise wording is as follows:

The strategy for the disposal of surface water (dated December 2020, ref: 260/2020/DS P3) (dated August 2020, ref: 135567/02) and the Flood Risk Assessment (FRA) (dated August 2020, ref: 135567/02) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

The SUDS strategy has been changed to remove a lot of pre-cast concrete items from the design and replace with an open swale running through the carpark. As well as saving cost, this has the advantage of being more visually appealing, achieving better biodiversity and better water cleansing capabilities. There is a net increase in green space within the carpark, despite losing the planting beds. This was implemented in order to achieve a wide apron of tarmac without additional kerbs etc. The mix of block paving and tarmac has been removed, retaining only tarmac in order to reduce the cost of surfacing.

Due to the change in SUDS strategy and the wording of Condition 10, which is a compliance condition, a variation is sought to enable the new SUDS strategy to be lawfully implemented, if considered acceptable by the council.

The following documents have been submitted to accompany this submission:

- Drainage Strategy ref: 011/2023/DS, prepared by GHBullard & Associates LLP

It is requested that Condition 10 is amended to the following:

The drainage strategy for the disposal of surface water (dated December 2023, ref: 011/2023/DS, prepared by GHBullard & Associates LLP) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Should Officers consider an alternative condition to be more appropriate we would be pleased to consider alternative wording. Should officers not consider the alternative strategy to be effective, we would ask that we have the opportunity to discuss any concerns prior to a decision being issued to ensure the delivery of the garden centre is not delayed.

Construction Surface Water Management Plan (CSWMP)

Condition 12 of the decision notice is a pre-commencement condition requiring the submission of a Construction Surface Water Management Plan to be submitted to and agreed in writing by the LPA.

The precise wording is as follows:

No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i) Temporary drainage systems*
- ii) Measures for managing pollution / water quality and protecting controlled waters and watercourses*
- iii) Measures for managing any on or offsite flood risk associated with construction*

Condition 12 was previously discharged under application reference DC/22/00808, however due to the updated drainage strategy and the implementation of development phasing, this application seeks to provide a new CSWMP and therefore re-discharge the condition.

The following documents have been submitted to accompany this submission:

- Construction Phase Surface Water Management Plan ref: 011/2023/CSWMP, prepared by GHBullard & Associates LLP

Construction Management Plan (CMP)

Condition 5 of the decision notice is a pre-commencement condition requiring the submission of a Construction Management Plan to be submitted and agreed in writing by the LPA.

The precise wording is as follows:

Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a photographic survey to be carried out to determine the condition of the carriageway and footways prior to commencement of the works*
- Means of access for construction traffic*
- haul routes for construction traffic on the highway network and monitoring and review mechanisms.*
- provision of boundary hoarding and lighting*
- details of proposed means of dust suppression*
- details of measures to prevent mud from vehicles leaving the site during construction*
- details of deliveries times to the site during construction phase*
- details of provision to ensure pedestrian and cycle safety*
- programme of works (including measures for traffic management and operating hours)*
- parking and turning for vehicles of site personnel, operatives and visitors*
- loading and unloading of plant and materials*
- storage of plant and materials*
- maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.*

Condition 5 was previously discharged under application reference DC/22/00808, however due to the updated design and layout of the proposals including the implementation of development phasing, this application seeks to provide a new CMP and therefore re-discharge the condition.

The following documents have been submitted to accompany this submission:

- Construction Phase Surface Water Management Plan ref: 011/2023/CSWMP, prepared by GHBullard & Associates LLP

Ecology

Accompanying this application is an Ecological Walkover Survey (October 2023), prepared by Greenlight Ecology. This ecology survey serves as an addendum to the Ecological Impact Assessment (Greenlight Environmental Consultancy, August 2020) submitted with the original application. The addendum is required to accompany the submission due to the original reports' expiry date.

The assessment finds that no bats or evidence of bats were observed, nor were any common lizards identified and as a result no further surveys or mitigation is required in relation to reptiles. In addition, several barn owl pellets were observed and the site has become suitable foraging for barn owls. Additional barn owl enhancement measures are therefore recommended.

Summary

The requested amendments are required in order for the proposals to progress and for the improvement of the garden centre to be realised. The economic situation since the original consent has frustrated the proposals and a number of amendments have been sought since. The amendment to conditions proposed in this application maintain the original intentions and allow the works to be phased over time. Should officers not consider the amended and additional conditions to be suitable, we would ask that we have the opportunity to discuss any concerns prior to a decision being issued to ensure the delivery of the garden centre is not delayed.

I trust all the necessary information has been provided for the Council to determine this application, however please do not hesitate to contact me should any further details be required. The correct application has been paid directly to the Planning Portal.

In light of the reasons stated above, we request that Babergh District Council approve this application for the variation of conditions.

Yours sincerely,



Andrew Clarke MPlan MRTPI
Senior Planner