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COMMITTEE: **PLANNING COMMITTEE**

VENUE: **Elisabeth room - Endeavour House, 8 Russell Road, Ipswich**

DATE: **Wednesday, 18 April 2018
9.30 am**

REVISED AGENDA

Members

Sue Ayres
Peter Beer
David Busby
Michael Creffield
Luke Cresswell
Derek Davis
Siân Dawson

Kathryn Grandon
John Hinton
Adrian Osborne
Lee Parker
Stephen Plumb
David Rose
Ray Smith

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AGENDA

PART 1

ITEM	BUSINESS	Page(s)
1	<u>SUBSTITUTES AND APOLOGIES</u> Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted. To receive apologies for absence.	
2	<u>DECLARATION OF INTERESTS</u> Members to declare any interests as appropriate in respect of items to be considered at this meeting.	
3	<u>PL/17/37 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 21 MARCH 2018</u>	1 - 8
4	<u>PL/17/33 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2018</u>	9 - 14

ITEM	BUSINESS	<u>Page(s)</u>
	<p>At the Planning Committee meeting held on 21 March 2018 (PL/17/37 – Minute No 135 refers) consideration of the Minutes of the meeting held on 7 February for approval was deferred, pending the receipt of further legal advice in respect of Minute No 127a.</p> <p>Members are now asked to consider confirming the Minutes, which are unchanged from those originally circulated as PL/17/33.</p>	
5	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>	
6	<p><u>SITE INSPECTIONS</u></p> <p>In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on any other applications which require site inspections.</p> <p>The provisional date for any site inspections is Wednesday 25 April 2018.</p>	
7	<u>PL/17/38 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u>	15 - 18
	An Addendum to Paper PL/17/38 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.	
a	<u>DC/18/00200 Land off Bantocks Road, Great Waldingfield</u>	19 - 40
b	<u>DC/17/05196 and DC/17/05197 Swan Inn, Lower Street, Stratford St Mary</u>	41 - 54
c	<u>DC/18/00236 Land Adjacent to Woodlands, Main Road, Chelmondiston</u>	55 - 78

Notes:

1. The next meeting is scheduled for Wednesday 2 May 2018 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.

ITEM	BUSINESS
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Page(s)

3. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

<http://baberghmidsuffolk.moderngov.co.uk/documents/s9230/20161130BDCPublicSpeakingArrangementsADOPTED30112016.docx.pdf>

Those persons wishing to speak on an application to be decided by Planning Committee must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Public Speaking Arrangements (adopted 30 November 2016).

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.

Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on 01473 296372 or via e-mail at Committees@baberghmidsuffolk.gov.uk.

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Governance Officer on: 01473 296372 or Email: Committees@baberghmidsuffolk.gov.uk

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

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1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
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Agenda Item 3

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN ELISABETH ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 21 MARCH 2018

PRESENT: Peter Beer - Chairman

Sue Ayres	David Busby
Michael Creffield	Luke Cresswell
Derek Davis	Siân Dawson
Kathryn Grandon	John Hinton
Michael Holt	Jennie Jenkins
Adrian Osborne	Stephen Plumb
David Rose	

Ray Smith was unable to be present:

133 SUBSTITUTES AND APOLOGIES

It was noted that, in accordance with Committee and Sub-Committee Procedure Rule No 20, a substitute was in attendance as follows:-

Jennie Jenkins (substituting for Ray Smith).

134 DECLARATION OF INTERESTS

Peter Beer declared a local non-pecuniary interest in respect of the site inspection request for Gainsborough House in his capacity as a member of Suffolk County Council.

In relation to Application No B/16/00928 –

Kathryn Grandon stated for transparency that her husband had been a member of Stoke by Nayland Golf Club for a period of one year some time ago.

Adrian Osborne stated that he was a former member of Stoke by Nayland Golf Club.

135 PL/17/33 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2018

The Committee was asked to defer approval of the Minutes of the meeting held on 7 February 2018 on the advice of Ian De Prez, Planning Lawyer and Legal Adviser to the Committee.

Members were informed that a legal challenge was expected to the decision to approve Application No DC/17/04049/FUL – The Paddocks, Lawshall Road, Hartest (Minute No 127a refers) and that the officers wished to take the opportunity to listen to the recording of the meeting to ensure that the minute fully reflected the reasons for the Committee's decision.

Members accepted the legal advice and deferral was moved.

RESOLVED

That consideration of the Minutes of the Planning Committee meeting held on 7 February for approval be deferred to a future meeting of the Committee, pending the receipt of further legal advice in respect of Minute No 127a.

136 PL/17/34 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2018

RESOLVED

That the Minutes of the meeting held on 21 February 2018 be confirmed and signed as a correct record.

137 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

The Senior Governance Support Officer reported that a document in the form of a petition objecting to the erection of stables in Long Melford – Application No. DC/17/06230 had been received. The document contained the names and signatures of approximately 54 persons but addresses and other details required under the Council's Petitions Scheme had not been provided. However, the Application had subsequently been withdrawn and an application had been submitted for residential development on the site.

Members noted the position.

138 SITE INSPECTIONS

John Hinton, Ward Member for Dodnash, requested a site inspection in respect of Application No DC/18/00235 – erection of 9 dwellings, Manor Farm, East End Lane, East Bergholt (to view the site in the context of the existing road pattern and the constraints of the site).

Gemma Pannell, Area Planning Manager, suggested that it might be premature to consider the request as further information was needed on the application. On being put to the vote, a motion to approve a site visit at this time was lost.

Members then considered a request from the Corporate Manager – Growth and Sustainable Planning for a site visit to Gainsborough House Sudbury in connection with Application Nos DC/18/00717 and DC/18/00718 – erection of new gallery building (following demolition of the Labour Exchange); re-arrangement and extension of the Weavers Lane cottages and print workshop. Alterations to improve accessibility within Gainsborough House and improved accessibility into the site.

RESOLVED

(1) That a site inspection be held on Wednesday 28 March 2018 in respect of Application Nos DC/18/00717/FUL and DC/18/00718/LBC.

- (2) That a Panel comprising the following Members be appointed to inspect the site:-

Sue Ayres
Peter Beer
David Busby
Michael Creffield
Luke Cresswell
Derek Davis
Sián Dawson
Kathryn Grandon

John Hinton
Michael Holt
Jennie Jenkins
Adrian Osborne
Stephen Plumb
David Rose
Ray Smith

139 PL/17/35 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to items in Paper PL/17/35 and the speakers responded to questions put to them as provided for under those arrangements.

<u>Application No.</u>	<u>Representations from</u>
DC/17/05332	Robin Morley (Parish Council) Gregg Dodds (on behalf of the Applicant) Clive Arthey (Ward Member)
DC/17/06289/FUL	Phil Branton (Agent for the Applicant)
B/16/0098/FUL	Susannah Rendle (Applicant)

RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/17/35 be made as follows:-

a COCKFIELD

Application No. DC/17/05332
Paper PL/17/35 – Item 1

Hybrid planning application – Erection of 42 dwellings (Full Planning Application); Erection of 9 self-build plots (Outline planning Application), including access road, shared surface roads, community open space and footpath connections to existing community meadow, land to the north west of Mackenzie Place.

Gemma Pannell Area Planning Manager in presenting the application, advised Members that there were no updates to report other than the inclusion of an additional condition regarding the phasing of the self-build properties. Members were aware that the outline application would set the overall floor area for the self-build properties but the detailed design would be the subject of a reserved matters application.

RESOLVED

That subject to an acceptable drainage scheme being provided to the satisfaction of the Local Lead Flood Authority, the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms:

- **Affordable Housing**

and that such permission be subject to conditions including:

- **Commencement within 3 years (Full)**
- **Submission of reserved matters (Outline)**
- **Development to be implemented in accordance with submitted details**
- **As recommended by the LHA**
- **As recommended by SCC Flood and Water Management**
- **Sustainability**
- **All external lighting, including any street lighting, to be approved**
- **Fire hydrants to be provided**
- **Hard and soft landscaping to be submitted and agreed**
- **Boundary enclosure details to be submitted and agreed**
- **Levels to be submitted and agreed**
- **Tree and hedgerow protection fencing to be installed with details to be approved**
- **Implementation of mitigation and enhancement measures identified in the Preliminary Ecological Appraisal**
- **Provision and management of public open space including boundary hedge to the east and south**
- **Construction Management Plan**
- **Provision of open space**
- **Maintenance of open space**
- **Details of Materials**
- **Phased approach to self-build delivery**

b RAYDON

**Application No. DC/17/06289/FUL
Paper PL/17/35 – Item 2**

Full application – Erection of 24 dwellings including eight affordable houses, vehicular access, garaging, parking and open space, land east of St Georges Field, The Street.

Gemma Pannell Area Planning Manager, and case officer for this application, in introducing the item referred to the extant outline permission, which was a material consideration, and advised Members that the officer view was that the 3 additional houses proposed could be accommodated on the site.

Steven Stroud, Strategic Projects and Delivery Manager, read out comments in support of the application submitted by the Ward Member John Ward, who was unable to be present.

RESOLVED

(1) That subject to the resolution of the outstanding drainage issue to the satisfaction of the Local Lead Flood Authority, the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission subject to the prior completion of a Section 106 Planning Obligation on appropriate terms to his satisfaction to secure the following heads of terms:-

- **35% Affordable units including mix and tenure**
- **Ecological Mitigation (RAMS)**

and that such permissions be subject to conditions including:

- **Standard time limit**
- **Accord with approved plans**
- **As recommended by Highways**
- **As recommended by SCC Floods**
- **Unexpected contamination**
- **Fire hydrant provision details**
- **Details of provision, future management, and maintenance of public open space**
- **Sustainable efficiency measures**
- **Secure mitigation and ecology enhancement measures**
- **Lighting scheme – biodiversity**
- **Construction Management Plan**
- **Construction hours**
- **Implementation of landscaping scheme**
- **Withdrawal of PD rights**

(2) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Corporate Manager- Growth and Sustainable Planning be authorised to refuse planning permission for reason(s) including:-

Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.

c STOKE BY NAYLAND

**Application No. B/16/00928/FUL
Paper PL/17/35 – Item 3**

Full application – Construction of 18 hole golf course, together with a new nine hole par 3 course, short game area; relocation of 1 halfway hut and construction of 1 new halfway hut, new car park; 3 new tennis courts and a children’s golf activity area, Stoke by Nayland Golf Club, Keepers Lane.

The Strategic Projects and Delivery Manager referred Members to the summary recommendation on page 71 of Paper PL/17/35, which should have referred to delegation to the Corporate Manager to grant planning permission subject to the resolution of various outstanding issues as listed in the recommendation on page 78 of the report.

The Case Officer Elizabeth Flood in introducing this item updated Members as follows:-

- Additional response from Environmental Protection – does not require the imposition of a time limit condition for players.
- Further comments from SCC Flood and Water Officer confirming that surface water management issues are capable of resolution.

Members were advised that the Ward Member, Melanie Barrett supported the application. In response to a question, the Case Officer informed Members that the diversion of any public rights of way impacted by the proposed development was subject to separate legislation and could not therefore be a condition of any planning consent.

RESOLVED

That subject to the resolution of the outstanding issues relating to highways, ecology, surface water management and archaeology to the satisfaction of the Corporate Manager – Growth and Sustainable Planning he be authorised to grant planning permission subject to conditions including:

- **Standard time limit**
- **Approved Plans**
- **Tree protection measures**
- **Details of lighting**
- **Details of soft and hard landscaping**
- **Landscape management plan**
- **Details of phasing of development**
- **Details of construction hours of operation, parking and delivery routes**
- **Warning signage during construction**
- **Surface cleansing during construction**
- **As recommended by the Highway Authority**

- **As recommended by the Archaeological Officer following submission of additional data.**
- **As recommended by the Ecological Officer following submission of additional data.**
- **As recommended by the Flood and Water Officer following submission of additional data.**

Note: The meeting adjourned for refreshments between 11.05 a.m. and 11.15 a.m.

The business of the meeting was concluded at 11.55 a.m.

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Chairman

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Agenda Item 4

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN THE ROSE ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 7 FEBRUARY 2018

PRESENT: Nick Ridley - Chairman

Sue Ayres	Simon Barrett
Peter Beer	David Busby
Luke Cresswell	Derek Davis
Kathryn Grandon	John Hinton
Michael Holt	Adrian Osborne
Stephen Plumb	

Alan Ferguson and Ray Smith were unable to be present.

120 DECLARATION OF INTERESTS

None declared.

121 PL/17/26 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2017

RESOLVED

That the Minutes of the meeting held on 8 November 2017 be confirmed and signed as a correct record.

122 PL/17/27 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2017

RESOLVED

That the Minutes of the meeting held on 22 November 2017 be confirmed and signed as a correct record.

123 PL/17/28 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 DECEMBER 2017

RESOLVED

That the Minutes of the meeting held on 6 December 2017 be confirmed and signed as a correct record, subject to the inclusion of the following sentence in Minute No 113 after the third paragraph:-

“In the course of Members’ deliberations, discussion took place as to the merits of an alternative access over land owned by another party.”

124 PL/17/29 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 20 DECEMBER 2017

RESOLVED

That the Minutes of the meeting held on 20 December 2017 be confirmed and signed as a correct record.

125 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

126 SITE INSPECTIONS

The Corporate Manager recommended a site inspection in respect of Application Nos DC/17/06235/FUL and DC/17/05687/OUT – Former Sugar Beet Factory, Sproughton Road, Sproughton.

Derek Davis, Ward Member for Berners, requested site inspections in respect of Application No DC/18/00236/OUT – erection of 24 dwellings on land adjacent to Woodlands, Main Road, Chelmondiston (to view the proposed access and the context of the site in relation to the AONB) and Application No DC/17/06286/FUL – erection of nine dwellings, land to north of Queens Road, Erwarton (to view the site in relation to its proximity to the AONB).

Following brief presentations, the Committee agreed to hold site inspections.

RESOLVED

(1) That site inspections be held on Wednesday 14 February 2018 in respect of Application Nos DC/17/06235/FUL and DC/17/05687/OUT, and DC/18/00236/OUT and DC/17/06286/FUL.

(2) That a Panel comprising the following Members be appointed to inspect the sites:

**Sue Ayres
Simon Barrett
Peter Beer
David Busby
Michael Creffield
Luke Cresswell
Derek Davis**

**Kathryn Grandon
John Hinton
Michael Holt
Adrian Osborne
Stephen Plumb
Nick Ridley
Ray Smith**

127 PL/17/30 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/30 (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received since the publication of the Agenda, but before noon on the working day before the meeting, together with errata.

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the Items in Paper PL/17/30 and the speakers responded to questions put to them as provided for under those arrangements.

<u>Application No.</u>	<u>Representations from</u>
DC/17/04049/FUL	John Gill (Objector) Dean Pearce (Agent for the Applicant)
DC/17/02111/OUT	Alastair McCraw (Ward Member)

RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/17/30 be made as follows:-

a HARTEST

Application No. DC/17/04049/FUL Paper PL/17/30 – Item 1	Full Application – Erection of 6 single storey dwellings, associated outbuildings, improvements to existing vehicular access and highway improvements. As amended by agent's email dated 17/8/17 and amended drawings numbered 17/60/02A, 03A and 12A showing changes to proposed footpath arrangement. Further amended drawings received 9/11/17 numbered 17/60/02B, 03B, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12B, and 14B showing changes to layout and form of dwellings, The Paddocks, Lawshall Road.
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The Case Officer John Davies in presenting the application, and the Chairman, both referred Members to the letter from Councillor Richard Kemp which was reproduced in full in the Addendum. Councillor Kemp's comments were made in his capacity as the County Councillor for the Melford Division and because the local Ward Member was not able to express a view because of his local connections.

Notwithstanding the officer recommendation of refusal, a motion to grant planning permission was proposed and seconded on the grounds that the proposal represented sustainable development which would support existing services and that there would be benefits to this hinterland village because of the type and scale of housing proposed, particularly for those wishing to downsize. Philip Isbell, Corporate Manager – Growth and Sustainable Planning confirmed that, if Members were minded to approve the application, standard conditions would be attached including any as identified in the report by relevant consultees.

The motion was carried on being put to the vote.

RESOLVED

That planning permission be granted subject to conditions including:

- **Standard Time limit**
- **Approved Plans and Documents**
- **Materials**
- **Hard and Soft Landscaping**
- **Environmental Health**
- **Lighting**
- **Sustainability**
- **Archaeology**
- **Levels**
- **Ecology**
- **As required by Highways Authority**
- **As required by Heritage Team**

b STUTTON

**Application No. DC/17/02111/OUT
Paper PL/17/30 – Item 2**

Outline Application for 14 dwellings, children’s play area and public open space (Access, Layout and Scale to be considered) land adjoining the Village Hall, Manningtree Road.

The Case Officer, Gemma Pannell, in presenting the application, referred Members to the correction in the Addendum to the number of affordable units referred to in paragraph 58 which should read ‘5’ and not ‘11’ as stated.

RESOLVED

That the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms:

- **Affordable Housing**
- **RAMS Contribution**
- **Public Open Space**

and that such permission be subject to conditions including:-

- **Time limit for reserved matters application**
- **Approval of reserved matters**
- **Approved plans and documents**
- **Concurrent with reserved matters: Compliance with recommendations of the ecological report**
- **Prior to occupation: lighting design scheme**
- **Materials**
- **Action required prior to occupation: use of fire hydrants**
- **Construction management plan to be agreed**
- **Lighting scheme**
- **As recommended by Highways**
- **Suds water drainage details**
- **Archaeological works**

128 PL/17/31 REVIEW OF PLANNING CHARTER AND PUBLIC SPEAKING ARRANGEMENTS

Philip Isbell, Corporate Manager – Growth and Sustainable Planning introduced Paper PL/17/31 asking Members to consider adopting a revised Planning Charter (Appendix A to the report) – recommendation 2.1 refers. Under recommendation 2.2, no changes were suggested to the current Public Speaking Arrangements.

The Corporate Manager referred to the background to the proposed changes to paragraphs 7.6 and 7.7 of the Charter and the positive experience which had been reported by a neighbouring authority which has been operating a similar Delegation Panel system for some time. Members raised a number of questions about the detail of the proposed arrangements, particularly in relation to the requirement for an application being ‘of more than local significance.’ Members noted that the Corporate Manager was happy to assist Members with this aspect as well as referral requests generally and overall the Committee agreed to accept the revised Charter, subject to the removal of the underlining in paragraph 7.7.

Members did not accept recommendation 2.2 of Paper PL/17/31 as they considered that the current arrangements should be reviewed, to include consideration being given as to whether questions should be allowed to Ward Members and County Councillors addressing the Committee under the public speaking arrangements.

RESOLVED

- (1) **That the revised Planning Charter (attached as Appendix A to Paper PL/17/31) be adopted, subject to the underlining in paragraph 7.7 being omitted.**

- (2) That the Public Speaking Arrangements at Planning Committee be reviewed by the Corporate Manager – Growth and Sustainable Planning, as requested by the Committee.**

The business of the meeting was concluded at 12.30 p.m.

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Chairman



PL/17/38

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

18 APRIL 2018

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer	Decision
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APPLICATION REQUIRING REFERENCE TO PLANNING COMMITTEE

1.	13-34	DC/18/00200	GREAT WALDINGFIELD - Land off Bantocks Road	SS	
2.	35-48	DC/17/05196 & DC/17/05197	STRATFORD ST MARY - Swan Inn, Lower Street	SS	
3.	49-72	DC/18/00236	CHELMONDISTON – Land adjacent to Woodlands, Main Road	SS	

Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Corporate Manager – Growth and Sustainable Planning, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE CORPORATE MANAGER - GROWTH AND SUSTAINABLE PLANNING

The delegated powers under Minute No 48(a) of the Council (dated 19 October 2004) includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:

The Babergh Local Plan: <http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/babergh-local-plan/>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

**BABERGH DISTRICT COUNCIL
PLANNING COMMITTEE**

18th April 2018

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA BUT BEFORE 12 NOON ON
THE WORKING DAY BEFORE THE MEETING AND ERRATA**

PAPER PL/17/38

<u>ITEM</u>	<u>REF. NO</u>	<u>REPRESENTATION FROM</u>	<u>SUMMARY/COMMENTS</u>	<u>CASE OFFICER</u>
2	DC/17/05196 & DC/17/05197	<p>Roger Kaye (Objector) Dated 6th April 2018</p> <p>Matt Dyson (Objector)</p> <p>SCC Highways (Reply to an Objector)</p>	<p><i>Massively of scale development, use of cheap materials, unsympathetic design in Conservation Area, inadequate parking spaces, highway safety issues caused by on-street parking, loss of neighbour amenity, massively extended operating hours</i></p> <p><i>Development would be detrimental to the character of the area. Development is not fitting for Stratford St Mary, parking issues. Many other points were raised about the content of some additional information sent in by the applicant. However these issues are not considered to be material planning considerations.</i></p> <p><i>SCC has no concern over visibility splays for the site, there are no records of accidents at the location in the last five years, no records of speeding in this location, no highway concerns on existing output for vehicle volume, the existing function of the site is not detrimental to highway safety, the proposed intensification of use would not have a significant impact on highway safety.</i></p>	Samantha Summers

<u>ITEM</u>	<u>REF. NO</u>	<u>REPRESENTATION FROM</u>	<u>SUMMARY/COMMENTS</u>	<u>CASE OFFICER</u>
		<p>Dedham Vale Society</p> <p>Cllr Gordon Jones</p>	<p><i>Strong Objection: opposed to contemporary nature; inappropriate style, size and materials, seriously damaging to the conservation area and the Dedham Vale AONB.</i></p> <p><i>This planning application has only recently been brought to my attention, and unfortunately I am unable to attend the planning meeting due to prior engagements in my role as Cabinet Member for Children's Services, Education & Skills</i></p> <p><i>I do however fully support the comments set out below.</i></p> <p><i>The car parking provision is totally inadequate; SCC's parking standards require 95 on-site parking spaces. Additional on-street parking is not an option due to considerable pressure in this area especially in the period from Spring to Autumn.</i></p> <p><i>Concern regarding flooding in the area opposite the Swan Inn, and further development will only worsen the risk. Flooding further up the street following from the development at The Maltings is reported, this has still not been resolved.</i></p> <p><i>Cllrs Carpendale & Swan have been asked to raise my specific concerns on the highways/parking and flooding issues regarding this application, in the expectation that should the application be approved that the onsite parking provision is addressed and enlarged, and appropriate work is stipulated to reduce the flooding risk.</i></p>	

<u>ITEM</u>	<u>REF. NO</u>	<u>REPRESENTATION FROM</u>	<u>SUMMARY/COMMENTS</u>	<u>CASE OFFICER</u>
		Roger Kaye (Objector) Dated 17th April 2018	<p><i>Concern that SCC Highways have failed to assess the traffic risks and the LPA does not have full information to judge issues caused by overspill parking on Lower Street.</i></p> <p><i>The visibility splays from the revised exits from the proposed car park have not been addressed.</i></p> <p><i>Highways have failed to explain why no visibility splays have been set for the revised accesses for the car park. 150 metres along Lower Street (Old Maltings residential development) has built out into the carriageway for visibility reasons. Why is the Swan development exempt from proper consideration for vehicles exiting the revised car park via two new formal accesses?</i></p> <p><i>(Photographs of the Old Maltings have been submitted that will be available at the meeting if required).</i></p>	
3	DC/18/00236	Place Services - Heritage	<p><i>To the North West of the application site there is Nos 6 and 7 Richardsons Lane, a Gd II listed building. Further to the South is Mill House, again listed Gd II. There is a scattering of other traditional buildings within the vicinity, mostly dating from the 19th Century but heavily altered. The mill building to the North of Mill House might be considered a non-designated heritage asset.</i></p> <p><i>Concerns about the impact of the development upon the AONB and landscape generally are comprehensively addressed by the Landscape Consultant for Place Services. Provided these landscape concerns are taken on board, then the impact upon the setting of the listed buildings (the heritage assets) should be minimal.</i></p>	

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Agenda Item 7a

Committee Report

Item No: 1

Reference: DC/18/00200

Case Officer: Samantha Summers

Ward: Waldingfield

Ward Member: Cllr Frank Lawrenson and Cllr Margaret Maybury

Description of Development

Erection of 32 dwellings (including 11 affordable units) and garages.

Location

Land off Bantocks Road, Great Waldingfield, Sudbury CO10 0RL

Parish: Great Waldingfield

Site Area: 1.67ha

Conservation Area: Not in Conservation Area

Listed Building: Not listed

Received: 13/01/18

Expiry Date: 06/04/18

Application Type: Outline Planning Permission

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr Davies

Agent: Artisan PPS Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan 3450-04R 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 13/01/18

Site Location Plan 3450-04R

3450-04V1 Indicative site layout

3450-100B Site Plan - received 13/01/18

Infiltration results - received 13/01/18

Landscape strategy - received 16/01/18

Contaminated land and geotechnical assessment - received 16/01/18

Ecological survey - received 13/01/18

Flood risk assessment - received 13/01/18

Heritage assessment - received 13/01/18

Planning statement - received 13/01/18

Highway statement - received 13/01/18

Drainage strategy plan: ex17-021-05-011a – received 14/03/18

Topographical survey – received 15/03/18
Arboricultural Assessment

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:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

History

The application site comprises site SS0200 allocated in the Draft SHELAA (August 2017). In respect to development suitability the Draft SHELAA states:

'Site is potentially suitable, but the following considerations would require further investigation: Highways – regarding access, footpaths and infrastructure required'.

The estimated yield recommended in the Draft SHELAA (August 2017) is 40 dwellings.

Planning appeal allowed in 2008 for the use of the existing buildings as B1 Light Industrial (ref: B/08/00588/FUL/GD). Although this permission has been implemented, the development has not been completed.

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

Babergh Core Strategy 2014

- CS1 - Applying the Presumption in favour of sustainable development in Babergh
- CS2 - Settlement Pattern Policy
- CS3 - Strategy for Growth and Development
- CS11 - Strategy for Development for Core and Hinterland Villages
- CS15 - Implementing Sustainable Development in Babergh
- CS18 - Mix and Types of Dwellings

- CS19 - Affordable Homes
- CS21 - Infrastructure Provision

Babergh Local Plan Alteration No.2 (2006)

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

Supplementary Planning Documents

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

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

None.

Pre-Application Advice

Pre-application discussions held between the applicant and Council on three separate occasions. Pre-application presentation to Parish Council (October 2017) and community engagement (leaflet drop and exhibition) held October 2017.

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

Great Waldingfield Parish Council

The councillors do have concerns over how the existing parking arrangements on Bantocks Road, near to the proposed access to the new development, can be eliminated to achieve the visibility splay required by SCC Highways for safe entry and exit of vehicles to / from the site. The councillors are also concerned over the impact that the traffic from the proposed site will have on traffic movements on Bantocks Road. However, they could see the benefits that the proposed scheme would have in terms of providing affordable housing and the councillors resolved by a majority to support the planning application but in doing so, would ask the LPA to include the following should it be minded to grant permission:

- i. That the description of the planning application be changed to Erection of 32 dwellings and garages including 11 affordable dwellings as provided in the applicants Planning Statement. This request was supported by Artisan Planning & Property Services at the meeting.
- ii. That the Section 106 agreement includes a local priority clause that would ensure that priority will be given to Great Waldingfield residents and their families when allocating the affordable dwellings. This request was supported by Artisan Planning and Property Services at the meeting.

SCC Highways

No objection subject to standard conditions.

Place Services – Heritage

The buildings that this proposal affects from a heritage perspective are White Hall Farmhouse (now referred to as White Hall) and a range of late 19th Century outbuildings to the North East of White Hall Farmhouse. The setting of White Hall Farmhouse will be affected and the outbuildings will largely be demolished.

There appears to be some confusion over whether White Hall Farmhouse is listed. The Planning Statement includes a letter from John Davies, Planning Officer Babergh District Council, in its Appendix (ref. DC/17/03685 date 15th August 2017), which states that White Hall Farmhouse is a listed building, and goes on to say that the 19th Century farm buildings form a model farm group and are considered to be non-designated heritage assets or possibly curtilage listed (with White Hall Farmhouse).

However, despite the supposed age of White Hall Farmhouse of 300yrs (ref. E-mail from current owners of 29/01/2018), there is no record of this building being listed under Historic England's website nor on the Council's own interactive mapping service.

The Heritage Assessment produced by Bob Kindred Heritage Consultants states that neither White Hall Farmhouse nor the farm outbuildings have statutory protection and I confirm my agreement with this. The document also claims that the outbuildings have not been identified on any list of buildings of local interest and therefore do not constitute undesignated assets. The assessment goes on to conclude that these outbuildings have been much mutilated and are of little or no architectural or historic interest. The evidence submitted would support this latter point in particular.

Most of the outbuildings to White Hall Farm are situated within the proposal site and will be demolished. However, the two most westerly of these buildings are still within the boundary of the modern day White Hall Farmhouse and these will remain.

In conclusion, the retention of the farm outbuildings would be difficult to justify. However, White Hall Farmhouse should be considered a non-designated heritage asset (NB: if genuinely 300yrs old then this building is potentially of listable quality) and in order to help preserve its setting I recommend that more effort is made to screen the proposed new development with native trees and hedging. The existing landscape strategy appears weak in this regard (from points H to J), and I recommend that this is revisited. The boundary treatment should also include the two outbuildings to be retained within its plan and details should be provided of how the walls and roofs of these buildings will be made good once the remainder buildings to the North East have been demolished.

All of these points may be addressed within the full application. In the meantime I confirm no objection in principle, subject to the above.

SCC - Archaeological Service

No objection subject to standard conditions.

Place Services - Ecology

No objection subject to conditions to secure ecological mitigation and enhancements.

Environmental Health - Land Contamination

No objection.

BMSDC Environmental Health – Noise/Odour/Light/Smoke

No objection subject to amenity conditions.

Natural England

No objection.

SCC - Flood and Water

No objection subject to conditions.

Environment Agency

No objection.

BMSDC – Infrastructure

The proposed development lies within the BDC High Value CIL Charging Zone and therefore development, if granted planning permission, would be liable for CIL at a rate of 115m² (subject to indexation).

If the development is granted permission, and the 11 affordable housing units meet the legislative requirements for the granting of CIL exemptions, the current estimated CIL liability for this development is approximately £352K. Please note that there are many factors which could change this figure, it is provided as an approximate estimate for information only and it is provided without prejudice to any decision that may ultimately be made.

SCC Fire Officer

No objection.

SCC Strategic Development

Contributions will be sought through CIL funding bid for education (£227,485) and libraries (£6,912).

Anglian Water

No objection.

Suffolk Police

No objection.

BMSDC – Sustainability

No objection subject to standard condition.

B: Representations

Objections received based on the following grounds (summary):

- * Highway safety - entrance is on a blind bend and is also close to the T junction leading onto Valley Road.
 - * Impact on environment – Reptiles and amphibians may be present – bats, hedgehogs, barn owls and many other birds. The site is currently flower rich grassland, a habitat in short supply.
 - * Loss of trees
-

- * Flooding and drainage
- * Hazardous waste – grain store and asbestos
- * Impact on listed setting of White Hall
- * Overshadowing
- * Loss of privacy
- * Exacerbate village parking issues
- * Unsustainable location
- * Impact on local infrastructure and utility provision
- * Great Waldingfield School at capacity
- * Local sewerage systems problems in village
- * Heritage assessment takes no account of the historical or archaeological context.

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 application site is located on the southern periphery of the village of Great Waldingfield. Great Waldingfield is designated a Hinterland Village in the Babergh District Local Plan Core Strategy 2014. It is to be noted that in preparation of the evidence base for the new joint Local Plan, a comprehensive ‘Settlement Hierarchy Review’ (August 2017), forming part of the evidence base for the new joint Local Plan, reclassifies the settlement as a Core Village. The Built Up Area Boundary (BUAB) of the village forms part of the site’s northern boundary.
- 1.2. The site is located south of Bantocks Road and consists of an irregular shape block of land for the most part, being part of a former agricultural field. The site is largely untended grassland, and is occupied by brick built, derelict former stock buildings and a substantial more modern farm building of industrial appearance.
- 1.3. To the north of the site are residential properties with frontages to Bantocks Road and White Hall Close. These properties are separated from the subject site by trees, hedges and fences. To the north east is agricultural land. To the south east is a hedge and ditch boundary to the field. On the western side of Valley Road is an expansive arable field.
- 1.4. There is a vehicular access formed into the site from Bantocks Road as well as Valley Road. Immediately to the front of the site is a bus stop (route 700). There are footpaths on both sides of Bantocks Road as well as on the eastern side of Valley Road.
- 1.5. The site is not in, adjoining or within proximity of a Conservation Area, Special Area of Conservation or Special Landscape Area.
- 1.6. The nearest listed building is to the northwest, on the western side of Valley Road (Grade II listed 1-3 Valley Road). The listed building is approximately 60m from the site.

2. The Proposal

- 2.1. Outline planning permission with all matters reserved, except access, is sought for 32 dwellings. Eleven of the dwellings are proposed as affordable.
- 2.2. An indicative layout plan supports the application, demonstrating how the site could develop if outline permission is granted. Key design elements of the indicative layout plan include:
 - Demolition of existing agricultural/industrial buildings (retention of adjoining outbuildings (2) within the site boundaries of White Hall).
 - Single access point from Bantocks Road, utilising the existing access arrangement, provides the principal vehicle and pedestrian access to the majority of the dwellings. The existing Valley Road access will serve car parking spaces for a small number of proposed (affordable) dwellings.
 - A mix of detached, semi-detached and terraced houses.
 - A mix of one and two storey dwellings.
 - Car parking comprises single and double garages along with some uncovered spaces.
 - Retention of the majority of vegetation at the site boundaries.

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF) 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-making purposes.

- 3.2. The following paragraphs of the NPPF are considered applicable:

Para 6: Achieving sustainable development

Para 7: Three dimensions to sustainable development

Para 11 - 15: The presumption in favour of sustainable development

Para 17: Core planning principles

Para 32 and 34: Transport movements

Para 47: Delivering a wide choice of high quality homes (including the need to have a 5-year deliverable supply of housing)

Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.

Para 55: To promote sustainable development in rural areas.

Para 56 & 60: Requiring good design

Para 64: Development of poor design must not be supported.

Para 69: Promoting healthy communities

Para 70: Delivery of social, recreational, and cultural facilities that the community needs.

Para 72: Provision of school places. Para 73: Access to high quality open space. Para 100: Development and flood risk

Para 103: Development and increasing flood risk elsewhere

Para 109: Planning system should contribute to and enhance the natural and local environment.

Para 112 & 117-119: Development affecting protected wildlife

Para 115: Conserving landscape and scenic beauty

Para 123: Planning and noise.

Paras 128 & 129: Describing the significance of a designated heritage asset.

Para 131: Determining planning applications that affect heritage assets.
Para 132: Significance of heritage assets.
Para 134: Development and less than substantial harm
Para 186: Approaching decision taking in a positive way.
Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.
Para 196: Plan led planning system.
Para 197: Assessing and determining application applying the presumption in favour of sustainable development.
Paras 203 -206 - Planning conditions and obligations.
Paras 211 - 212: Using development plans and the NPPF in decision making.
Paras 214 - 215: The weight attached to development plan policies having regards to their consistency with the NPPF.
Para 216 - Weight given to policies in emerging plans

4. Core Strategy

- 4.1. CS1 Applying the Presumption in favour of sustainable development in Babergh
CS2 Settlement Pattern Policy
CS3 Strategy for Growth and Development
CS11 Strategy for Development for Core and Hinterland Villages
CS15 Implementing Sustainable Development in Babergh
CS18 Mix and Types of Dwellings
CS19 Affordable Homes
CS21 Infrastructure Provision

5. Supplementary Planning Documents

- 5.1. Suffolk Adopted Parking Standards (2015)
Rural Development and Policy CS11 (2014)
Affordable Housing (2014)

6. Saved Policies in the Local Plans

- 6.1. CN01 Design Standards
CR07 Landscaping Schemes
TP15 Parking Standards – New Development

7. Housing Land Supply

- 7.1. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.2. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - ii) specific policies in the NPPF indicate development should be restricted.

- 7.3. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However recently the Supreme Court ruled that a 'narrow' interpretation of this expression is correct, i.e. it means policies identifying the numbers and location of housing, rather than the 'wider' definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
- 7.4. In accordance with National Planning Policy Guidance paragraph 030 the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '*...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...*'
- 7.5. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures.
- 7.6. A summary of the [BDC] Council's 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.1 years
- 7.7. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:
 - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing; and
 - an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 7.8. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a five year land supply.

8. Sustainability of the Proposal

- 8.1 Policy CS2 designates Great Waldingfield as a Hinterland Village. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. However, in the absence of a five year housing supply, Policy CS2 is afforded limited weight.
- 8.2 The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in Core and Hinterland Villages. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the BUAB for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.
- 8.3 Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and states:

'Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where the relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

- i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;*
- ii) is adjacent or well related to the existing pattern of development for that settlement;*
- iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;*
- iv) supports local services and/or creates or expands employment opportunities; and*
- v) does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster.*

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

- 8.4 The 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' ("the SPD") was adopted by the Council on 8 August 2014. The SPD provides guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although not part of the statutory development plan, the SPD has been subject to community consultation, has been adopted by Council and is therefore a material planning consideration that is afforded significant weight.
- 8.5 The SPD outlines the matters that should be given regard when assessing proposals in Core and Hinterland Villages. Not surprisingly, these matters closely reflect the six matters detailed in Policy CS11. The matters are as follows:

- Site location and relationship to settlement
- Sequential approach to site selection
- Scale of proposal in relation to existing settlement
- Cumulative impact taken with existing commitments or other proposals
- Local needs
- Availability of services and facilities, their ability to expand and the contribution which development would make to their long-term viability
- Social and economic benefits of development
- Constraints and impacts

8.6 Each of the above Policy CS11 criteria are assessed in turn below, with regard given to the further detailed guidance contained in the SPD.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

- 8.7 The NPPF emphasises as a core principle the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 8.8 Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.
- 8.9 The Planning Practice Guidance advises that *'The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape'*.
- 8.10 Policy CS11 envisages that there will be some development in the countryside; the key question is whether the character impact of the development is reasonably contained.
- 8.11 The site is of low visual amenity, dominated by buildings of agricultural and industrial appearance. The site is very much transitional in character, with conventional suburban development to the north and open fields to the east and south. The site is well contained visually, bordered by residential development and vegetation. The site does not offer expansive views of countryside and is therefore not of high aesthetic appeal. The site is well screened from Valley Road and there is limited views into the site from the public realm other than via existing access points.
- 8.12 Development of the site for residential purposes will have a limited visual impact on the character of the area for the above reasons. The loss of agricultural buildings will not cause harm to visual amenity. The site is large enough to accommodate dwellings located on expansive plots, providing an appropriate sense of openness at this village edge location. The change in character, from one of a transitional nature to conventional residential development, is an acceptable visual outcome.
- 8.13 The development will not appear isolated, but rather a logical extension of the village. The proposed development cannot be said to 'intrude' into open countryside. Utilisation of an existing access arrangement significantly limits the potential for landscape character harm and is a design feature that responds to site context. In a similar vein, proposed public open space areas are a welcome design element.

The same can be said for the retention of much of the existing boundary planting and proposed landscaping response; all positive design elements.

- 8.14 The character impact of the development is well contained, very much localised, responding positively to Policy CS11.

Impact on Heritage Assets

- 8.15 By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Listed Building Act'), *'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
- 8.16 The nearest listed building, 1-3 Valley Road, is located north of the site. The site does not contribute to the significance of the listed building because of the sense of separation between the two buildings. As a consequence, the proposal would not have any effect on the significance of the listed building and so preserves its setting. The buildings to be demolished are not listed, do not have any other form of heritage statutory protection nor are identified on any list of buildings of local interest. The buildings are of limited architectural merit and are not of historic interest. Officers concur with the submitted Heritage Assessment and Council's Heritage Consultant and raise no objection on heritage grounds to the removal of the buildings.
- 8.17 As noted by Council's Heritage Consultant, White Hall to the south, whilst not listed, is of such an age (300 plus years) it should be considered a non-designated heritage asset. The Consultant recommends that more could be done to screen the development to provide a more appropriate interface to White Hall. It is also suggested that details be provided as to how the walls and roofs of the two retained outbuildings within the White Hall boundary will be made good once the adjacent outbuildings have been removed. Officers agree with the Consultant recommendations which can be readily managed through the reserved matters stage of the development process. It is not appropriate to condition these matters at this outline stage.
- 8.18 There are no Conservation Areas in proximity of the application site. The proposal will not cause any harm to any Conservation Area.
- 8.19 The site lies in an area of archaeological potential and the County Archaeologist requests an archaeological investigation condition should outline permission be granted. This is not fatal to the application.

Impact on Environment

- 8.20 A Phase 1 Desktop Contamination Report supports the application. Environmental Health raise no objection to the proposed development from the perspective of land contamination. The proposal complies with criterion vii of policy CS15 insofar as it relates to land contamination.

The locational context of the village and the proposed development

- 8.21 Paragraph 10 of the SPD states proposals should be well related to the existing settlement and that the starting point for assessing this is whether or not the site adjoins the village BUAB. The SPD states a judgement will need to be made and issues to be taken account include:

- Whether the proposal would constitute ribbon development on the edge of the village
- How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
- The scale, character and density of the proposal in relation to the existing adjoining development.
- Whether the proposal constitutes a logical extension of the built-up area of the village. Whether the proposal is self-contained and has logical, natural boundaries.

8.22 The proposal responds favourably to paragraph 10 of the SPD:

- The site adjoins the village BUAB.
- The proposal does not constitute ribbon development by virtue of the site's shape and physical relationship to the village.
- There is a strong sense of visual connection between the site and the body of the village.
- The proposed scale, density and layout is not at odds with the neighbouring development pattern to the north.
- The site exhibits natural visual boundaries both to the north (residential development), west (road) and south (existing screened site boundary).
- The site is visually contained.

8.23 The site is in a sustainable location. With a bus stop at the site's doorstep (route 700) and also on the B1115 (routes 112 and 754) the availability of sustainable transport links is good. The site benefits from good pedestrian connectivity to local village facilities, with footpath networks on Bantocks Road and Valley Road.

Site location and sequential approach to site selection

8.24 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB.

8.25 There are no sites within the Great Waldingfield BUAB which would enable a development of a scale commensurate with that proposed.

8.26 Case law has clarified that in relation to sequential assessment, there is no requirement to consider alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

Locally identified need - housing and employment, and specific local needs such as affordable housing

8.27 'Locally identified need' should be construed as the development to meet the needs of the Core Village and its wider functional cluster.

8.28 Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy contemplates rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "rural growth", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.

- 8.29 In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of an individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area. Policy CS18 states that the mix, type and size of housing development will be expected to reflect established needs in the Babergh District.
- 8.30 Paragraph 14 of the SPD states that proposals should be accompanied by a statement that analyses the local housing needs of the village and how they have been taken into account in the proposal.
- 8.31 The application is not supported by a housing needs assessment. The application proposes 35% affordable housing provision consistent with local policy. The supporting Planning Statement notes the final housing mix is for the reserved matters stage. The absence of this supporting detail is not fatal to the proposal.

Locally Identified Community Needs

- 8.32 The SPD states that proposals should be accompanied by a statement that assesses the community needs of the village and how they have been taken into account in the proposal. The application is not supported by a community needs assessment. However, the development will generate contributions towards community infrastructure, to be spent on local services and infrastructure. The proposal would deliver benefits through CIL that are considered to satisfy this element of Policy CS11.

Cumulative impact of development in the area in respect of social, physical and environmental impacts

- 8.33 There is no evidence before officers to indicate that the cumulative impact of the development would not be readily accommodated within the existing infrastructure of the village, consistent with Policy CS11.

Policy CS15 Sustainable Development

- 8.34 Policy CS15 sets out how the Council will seek to implement sustainable development. A number of criterion set out at CS15 have already been considered in this report, those that have not are considered further below.
- 8.35 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected in highway connectivity terms. As acknowledged above, pedestrian connectivity in the village is good.
- 8.36 Policy CS15 sets out criteria relating to flooding, economic benefits, supporting local services, sustainable design, and creation of green spaces, minimising waste and surface water run-off and promotion of healthy living. The proposal responds favourably to these matters.

Residential Amenity

- 8.37 Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 8.38 Residential amenity will be considered in detail when layout and scale is assessed at the reserved matters stage of the approvals process. The application seeking approval of scale will include detailed elevations and it is most appropriate to assess, in the fullest of terms, amenity impacts at that time. Environmental Health recommend conditions regarding a Construction Management Plan, hours of work, smoke and light. These are more appropriately imposed at the subsequent reserved matters stage if considered necessary and appropriate.
- 8.39 The above said, the submitted layout scheme whilst only illustrative, provides a basis to assess in general terms the likely amenity impacts.
- 8.40 Separation distances to neighbouring dwellings is such that residential amenity for neighbouring residents will be adequately maintained, consistent with Paragraph 17 of the NPPF.
- 8.41 Internal amenity for future occupiers of the development itself is of a sufficient standard, with all dwellings provided reasonable levels of private open space and appropriate aspect/outlook. Solar and daylight access levels are adequate, and whilst there will be a level of intervisibility between properties, appropriate privacy is afforded to each plot. Separation distances between dwellings and carefully sited garages ensures any visual bulk effects will be minimised, safeguarding future occupants' amenity.

Ecology

- 8.42 Saved Policy CS15 of the Core Strategy seeks to protect and enhance biodiversity.
- 8.43 Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 8.44 An Ecology Report supports the application. The report has been reviewed by Council's Ecology Consultant who recommends conditions regarding ecological mitigation and enhancements. These requirements can be addressed by planning condition.

Surface Water Drainage

- 8.45 Criteria xi and xii of saved Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate.
- 8.46 The SCC Flood Officer raises no objection to the application following the submission of further flood information.

Access, Parking and Highway Safety

- 8.47 The application proposes the utilisation of the existing Bantocks Road access arrangement to serve the majority of dwellings. The existing Valley Road access will also be utilised however will serve only a limited number of affordable units.

- 8.48 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)).
- 8.49 The impact of the additional vehicle movements generated by the scheme on the local road network will not be severe. The capacity of the network at this location is at a level that it can readily absorb the anticipated increase in vehicle movements without causing unacceptable congestion. The proposal is not in conflict with Paragraph 32 of the NPPF.
- 8.50 The Local Highway Authority raises no objection to the proposal subject to standard highways conditions. The proposal adequately safeguards highway safety.
- 8.51 Saved Policy TP15 of the Local Plan seeks to ensure parking provision for new development complies with the Parking Standards. The proposed scheme provides on-site car parking provision in accordance with the Parking Standards and therefore accords with saved Policy TP15.

9. Planning Obligations / CIL

- 9.1 The application is liable to CIL which would be managed through the standard independent CIL process.
- 9.2 The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, along with mix and tenure, as well as a management plan for the principal public open space.

10. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- 10.1 Granting this development will result in the following financial benefits:
- New Homes Bonus
 - Council Tax
 - CIL
- 10.2 These are not material to the planning decision.

PART FOUR – CONCLUSION

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

- 11.1 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.
- 11.2 Council worked with the applicant at the pre-application stage, providing advice regarding density, layout and design.

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

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

13. Planning Balance

- 13.1 The Council accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF).
- 13.2 Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 13.3 Officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.
- 13.4 The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.
- 13.5 The site comprises a sustainable location in a sustainable village, served well by local amenities. Nearby bus stops provide public transport connection to nearby centres, offering a viable alternative to the private vehicle.
- 13.6 The development will boost the local housing stock which is currently in undersupply, including much needed affordable housing provision. Exact affordable housing mix, type and tenure are elements for the reserve matters stage. There are some economic benefits that would arise from the construction jobs supported by the proposal and the contribution of new residents to the local economy. Some may consider these minor benefits, they are nevertheless benefits.
- 13.7 The site is of low visual amenity, visually contained and well screened. There will be a noticeable character change, as is to be expected with a 32 dwelling development, however the landscape effect will be localised because of the aforementioned reasons. There will be a limited effect on the wider landscape. The interface to White Hall to the south could be improved with greater landscape screening attention, a mitigation measure that is most appropriately managed through any subsequent reserved matters application. There are no adverse heritage character outcomes.
- 13.8 Amenity interfaces are appropriately designed to ensure the safeguarding of amenity levels for existing neighbouring residents as well as future residents of the proposed development.

- 13.9 The Highways Authority raise no objection to the proposed access arrangement, parking provision or anticipated traffic generation and associated impact on the local highway network. The Authority has not identified a network capacity issue at this location. Highway safety is not unacceptably compromised.
- 13.10 Landscaping, to further assimilate the development with its surroundings, will be considered through the reserved matters application, as will scale and final layout detail.
- 13.11 Development of the site for residential purposes is consistent with the recommendations of the Draft SHELAA (August 2017). The proposed density of 32 dwellings is consistent with the estimated yield (40) contained in the Draft SHELAA (August 2017).
- 13.12 There is no evidence in terms of ecology, archaeology, contamination, or sustainable construction methods to suggest the application warrants refusal.
- 13.13 Environmental harm arising from the development will be limited, such that it does not outweigh the benefits of the development, including the benefit in helping to meet the current housing shortfall in the district. The current proposal represents sustainable development and should be granted in accordance with the presumption in favour of sustainable development.

RECOMMENDATION

- (1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager - Planning for Growth to secure:
- Secure 35% Affordable units including mix and tenure
- (2) That the Corporate Manager- Planning for Growth be authorised to grant Planning Permission subject to conditions including:
- Standard time limit
 - Reserved matters outline
 - Accord with approved plans
 - Access visibility splays
 - Access – estate roads detail
 - Agree and implement construction of carriageways and footways
 - Agree and implement parking, cycling, and manoeuvring areas
 - Deliveries Management Plan
 - Details of surface water drainage scheme
 - Details of implementation, maintenance, and management of surface water drainage scheme
 - Details of sustainable urban drainage system components and piped networks
 - Details of construction surface water management
 - Programme of archaeological work
 - Unexpected contamination
 - Fire hydrant provision details
 - Sustainable efficiency measures
 - Ecological report recommendations
 - Withdrawal PD rights

Notes:

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

Watercourse works consent - Section 23 of the Land Drainage Act 1991

Watercourse/groundwater discharge - Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

Internal Drainage Board catchment - surface water developer contribution

- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured that the Corporate Manager- Planning for Growth be authorised to refuse planning permission for reason(s) including:-

Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.




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Application No: DC/18/00200




Parish: Great Waldingfield



Location: Land Off Bantocks Road

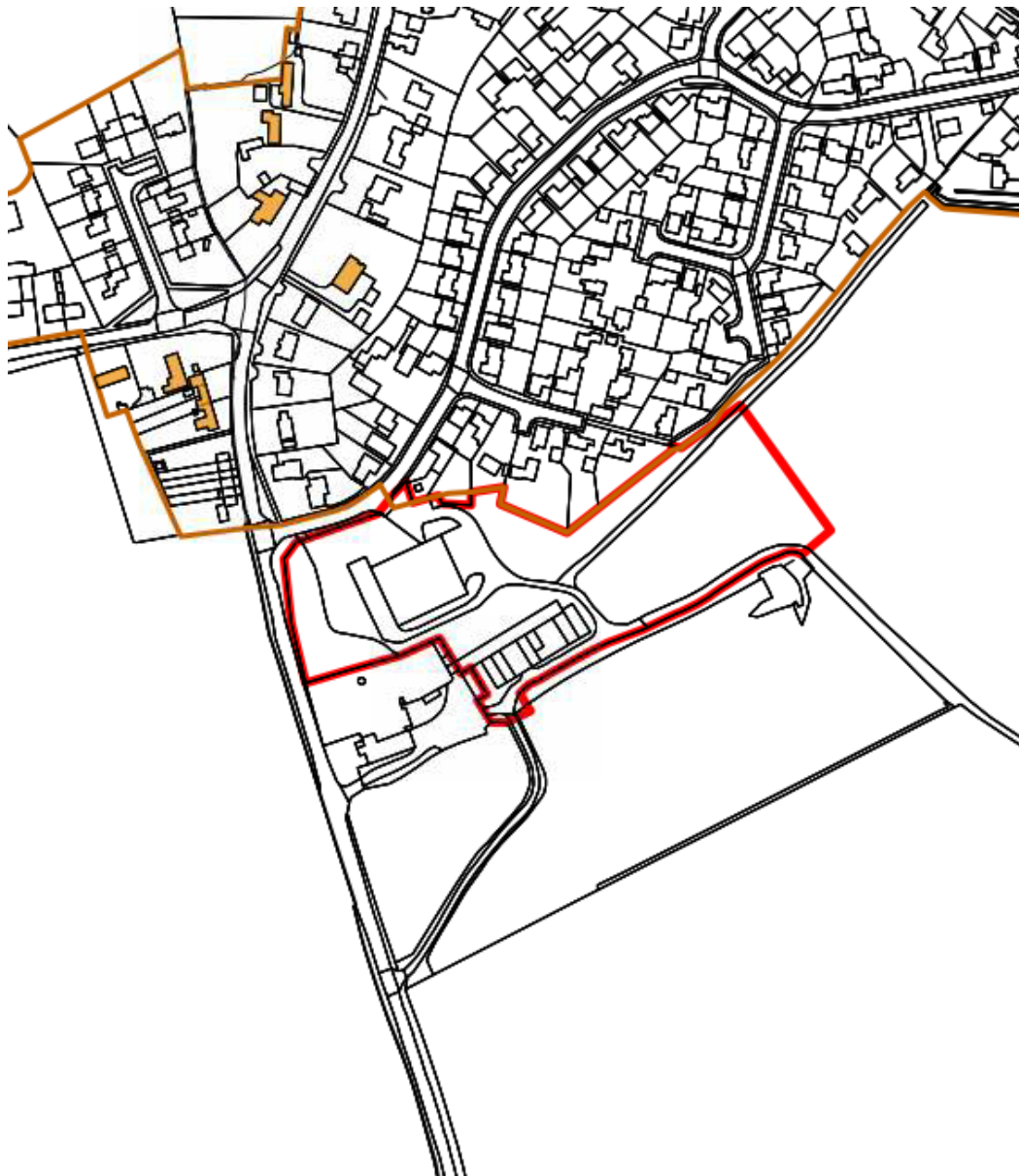
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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Agenda Item 7b

Committee Report

Item No: 2

Reference: DC/17/05196 & DC/17/05197

Case Officer: Samantha Summers

Ward: Mid Samford.

Ward Member/s: Cllr Sue Carpendale. Cllr Fenella Swan.

Description of Development

Planning Application - Erection of two single storey extensions (to provide new kitchen, WC, dining area, bar, brewhouse and ancillary accommodation) following demolition of outbuilding and existing extension; extension of car park and terrace area; insertion of rooflights; creation of 2 no. additional rooms to let.

Listed Building Consent - Erection of two single storey extensions (to provide new kitchen, WC, dining area, bar, brewhouse and ancillary accommodation) following demolition of outbuilding and existing extension; extension of car park and terrace area; insertion of rooflights; creation of 2 no. additional rooms to let

Location

Swan Inn, Lower Street, Stratford St Mary, Colchester, Essex CO7 6JR

Parish: Stratford St Mary

Site Area: 7286 m²

Conservation Area:

Listed Building: Grade II

Received: 13/10/2017

Expiry Date: 16/03/2018

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Environmental Impact Assessment:

Applicant: Boudica Inn Ltd

Agent: KLH Architects Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 3709-A-0102 P03 received 13/10/2017 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:

Application Form - Received 13/10/2017

Existing Site Plan 3709-0101 P03 - Received 13/10/2017

OUTBUILDING FLOOR PLANS AND ELEVATIONS AS EXISTING 3709-0305 P02 - Received 13/10/2017

Floor Plan - Existing 3709-0306 P01 - Received 13/10/2017

Elevations - Existing 3709-0402 P01 - Received 13/10/2017

Defined Red Line Plan 3709-A-0102 P03 - Received 13/10/2017

Bat Survey - Received 13/10/2017

Flood Risk Assessment - Received 30/11/2017

Block Plan - Proposed 3709-0100 P05 - Received 08/02/2018

Elevations - Proposed 3709-0401 P04 - Received 08/02/2018

Elevations - Proposed 3709-0403 P05 - Received 08/02/2018

Floor Plan - Proposed 3709-0300 P05 - Received 08/02/2018

Floor Plan - Proposed 3709-0302 P03 - Received 08/02/2018

Floor Plan - Proposed 3709-0308 P03 - Received 08/02/2018

Design and Access Statement - Received 13/10/2017

Noise Assessment - Received 12/12/2017

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The Corporate Manager – Growth and Sustainable Planning considers the application to be of a controversial nature.

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

Amended drawings have been received during the application process following objections from SCC Highways and the Heritage Team.

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

CN01 - Design Standards

CN06 - Listed Buildings - Alteration/Ext/COU

CN08 - Development in/near conservation areas

CR02 - AONB Landscape

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS03 - Strategy for Growth and Development
CS16 - Town, Village and Local Centres
TP15 - Parking Standards - New Development
NPPF - National Planning Policy Framework

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.

Details of Delegation Panel

These applications were considered by the Delegation Panel following a Ward Member Call-in. The case officer explained the application and summarised the comments received including neighbour letters both for and against the development.

At the meeting of the Panel it was clarified and expanded upon the heritage and tourism considerations. The extent of objections and support from neighbours and third parties was discussed. It was explained the local context and strengths of views around issues including heritage, parking, tourism and local amenity which were of concern within the community.

Consideration was given at the Panel meeting as to whether the heritage issues here were significant in policy terms. There is an argument that the modern design of the development and its location in a popular tourist location are significant in heritage policy terms. This argument is not without weight but is finely balanced. Modern style works of this type are not unusual and are encountered in other village pub locations in the District where those premises are a listed building. In these situations the considerations and issues are usually not of more than local significance. This is not to downplay their significance locally but is relevant to a referral to committee for decision. In the circumstances the Panel did not consider the proposals to be of more than local significance. On this basis the Panel concluded that the application did not warrant determination at Planning Committee. The application was therefore eligible to be determined under delegated powers.

Following this decision, a large number of additional comments were received from the public. The applications are now considered to be controversial. In the interests of the decision making process being transparent, the Corporate Manager – Growth and Sustainable Planning has recommended that the Planning Committee should decide the applications.

Details of any Pre Application Advice

Pre-application advice was sought for this scheme. The scheme was broadly acceptable.

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

The Environment Agency (following re-consultation)

We have inspected the application, as submitted, and are removing our holding objection, providing that you have taken into account the flood risk considerations which are your responsibility.

Environmental Health - Noise/Odour/Light/Smoke (following re-consultation)

I can confirm that I do not have any comments and no objection to the revised plans.

Heritage Team (following re-consultation)

This hierarchy of form and the use of a contemporary architectural language is sensitive and will neither upset the significance of the listed building, nor the character and appearance of this part of the CA. Therefore, the scheme will accord with the requirements of the LBA to preserve the building (and) its setting, the NPPF and the policies within the Local Plan - and it for these reasons the Heritage Team does not object to the proposal.

Stratford St Mary Parish Council (following re-consultation)

The main objections were as follows:-

- Car Parking - The ideal minimum recommendation for car parking spaces is 65 and in the current format there is room for 30 cars at a maximum. The impact that this will have on the level of parking in the street which is already inadequate. The light pollution created by both the cars headlights on the neighbouring properties and any lighting in the carpark itself. The carpark being tarmac and how this may impact on the flooding in the area due to lack of run off for water.
- Design - The materials to be used for the design are not in keeping with the area. Concern of the Velux roof lights and how these will overlook neighbouring properties.
- Environmental impact - Concerns were raised about the level of carbon dioxide that the brewing would create and the noise from the fans used. There was concern of the proposal to fell sycamore trees in the lane behind the pub and query over right of ownership of the lane. (The applicant confirmed that he owns the lane according to his deeds and it is a public right of way)

SCC – Highways (following re-consultation)

Conditions required to secure:

- Parking and turning
- bicycle storage
- refuse bin storage and presentation for collection
- vehicular access

Stratford St Mary Parish Council

Objection. The occupants of neighbouring properties, although confirming that they were not opposed to an expansion of activity at The Swan, detailed the following concerns:

- Parking concerns - this is already a problem & would be exacerbated
- Proximity & noise levels - especially if there should be late night functions, weddings etc
- Pollution - the proposed brewhouse would be more suited to an industrial area. In particular, concern was expressed about possible smells emanating from the brewhouse for long periods
- Design - it does not complement the existing building or suit the village, especially as the property is in a Conservation Area

SCC - Archaeological Service

Standard conditions to secure a Written Scheme of Investigation required.

SCC - Highways

The proposed parking spaces amounts to 19, using Suffolk Guidance for Parking calculations for the gross new internal floorspace for Class A3 (Restaurants and cafes), the maximum number of parking spaces Suffolk County Council could request is 95 spaces.

The proposed falls short of the maximum by 76 spaces, the applicant must either implement more vehicle parking spaces or provide justification as to why the current number of proposed spaces is sufficient.

Heritage Team

The Heritage Team objects to the proposed development as it is too large and would therefore detrimentally upset the significance of the building, contrary to the requirements of the LBA, the NPPF and the policies within the Local Plan.

Economic Development & Tourism

Public houses can provide an economic benefit to an area, offering valuable local employment and increase trade opportunity for local suppliers and businesses. They also have a social role in supporting local community interaction and activities that help maintain sustainable communities.

The growth of the tourism and leisure industry is a priority for Babergh District Council and the increase in tourism accommodation and the improved visitor offer afforded by the microbrewery and improved restaurant would support the need to encourage more overnight stays, and for visitors to come all year round as identified in the Visitor Destination Plan. The VDP and other supporting documents can be found on our website.

Diversifying the business offer to include a greater level of tourism accommodation, a brewery and improved restaurant should support the longer-term sustainability of the business.

The Environment Agency

We have inspected the application, as submitted, and are raising a holding objection to this application on flood risk grounds as a Flood Risk Assessment (FRA) has not been submitted. The application does not therefore comply with the National Planning Policy Framework (NPPF).

SCC - Rights of Way Department

No objection.

Dedham Vale and Stour Valley Project

No comments received.

Environmental Health - Noise/Odour/Light/Smoke

Kitchen extraction systems can be associated with noise and odour if inadequate abatement equipment is installed. Looking at the documents available online, I cannot see that any details of any such system have been submitted. Without this information I am unable to comment fully, but I would anticipate that any extraction system would need to be based on a combination of fine filtration or ESP followed by either carbon filtration (carbon filters rated with a 0.2-0.4 second residence time) or a UV ozone control system to meet an equivalent level of control. I would suggest that, before this application can be determined, the applicant should provide full details of the proposed kitchen ventilation system including odour abatement equipment, and outlet height.

In terms of noise, I would request that the applicant provide a noise assessment based on BS4142:2014 to take into account noise from extraction systems (both kitchen and any other planned extraction such as air conditioning) in order to determine the likelihood of loss of amenity at the nearest residential dwellings (Riverside Chimes and Flower View).

Environmental Health - Land Contamination

I can confirm that I have no objection to the proposal from the perspective of land contamination.

Suffolk Wildlife Trust

No comments received.

Natural England

No objection, standing advice to be followed.

SCC - Highways

Whilst the proposed plan is 64 spaces short of SGP15 guidance, this is a maximum requirement. With the addition of secure cycle storage facilities, SCC's perception is that the reduction in vehicle parking spaces would be mitigated by the inclusion of sustainable travelling alternatives. Furthermore, there are no customer reports of on-street parking issues at this location.

Environmental Health - Noise/Odour/Light/Smoke

Thank you for re-consulting me on the above application and in-particular a Noise Impact Assessment Report.

The assessment is the worst-case scenario because it assumes that all the equipment will be running simultaneously which is unlikely to be the case.

This approach is reasonable and robust I do not, therefore, have any adverse comments to make and no objection to the proposed development provided the acoustic mitigation and the equipment is installed as per paragraphs 6.1 to 6.8 of the report. You may wish to make this conditional to any approval given. A noise limit condition will also be required.

Suffolk Preservation Society

We welcome the economic investment in this historic public house, which plays a key part in the vitality of the high street at a time when so many period pubs are closing. We consider the scheme is bold, contemporary, and ambitious in its scale. The application requires very careful consideration as the site is sensitive involving a listed building in a prominent location within the conservation area. We would therefore raise the following observations and ask that they be given due consideration:

- loss of trees
- landscaping scheme
- position of rooflights should be between rafters
- zinc cladding is unnecessarily industrial in character

B: Representations

A total of 11 households have objected to the proposal (9 in Stratford St Mary). Their concerns relate to:

- Impact on the Listed Building
- Impact on the Conservation Area
- Impact on the AONB
- Parking issues
- Noise from users of the outside seating areas
- Noise from extraction equipment
- Odour from the Brew House

A total of 19 households have sent letters of support of the proposal (9 in Stratford St Mary). One neutral comment was received.

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 Swan Inn is a Grade II Listed building within the Conservation Area of Stratford St Mary and within the Dedham Vale Area of Outstanding Natural Beauty. The building is a timber framed, two storeys building with attics. The building fronts Lower Street with an informal car parking area to the south of the public house. The Swan has a single storey extension to the southern elevation and a Victorian brick outbuilding to the east. The large gardens of the public house sit directly behind the public house to the east. This area of Stratford St Mary is within Flood Zones 2 and 3 with the River Stour to the west of the application site.

2. The Proposal

- 2.1. The proposal is to remove the existing single storey extension to the southern elevation and replace it with a larger extension which would contain a restaurant area, WCs and bar. The removal of the Victorian outbuilding would be replaced with a large extension to the rear of the public house. This would contain a purpose built commercial kitchen and a Brew House. It is also proposed to convert some attic space to provide letting rooms within the historic building.
- 2.2. It is proposed to extend the existing car park to formalise the parking arrangements on the site. There are currently no parking bays marked out. The car park would be extended in the south eastern corner of the site. 30 parking bays would be provided on the site, two of these would be disabled bays.
- 2.3. The proposed extensions would be single storey. The southern restaurant extension would extend 2.7m from the south eastern corner of the building and link with the proposed Brew House and kitchen extension. The kitchen section would extend 19.4m from the eastern elevation of the historic building. The height of the southern extension would be 2.8m high and this section is flat roofed. The eastern extension for the kitchen and Brew House would have a split roof which would be curved with a height of 4.6m.
- 2.4. There are high level windows proposed to the northern elevation of the extension which would not overlook the neighbouring residential properties of Swan Meadow.
- 2.5. The southern extension to contain the restaurant would be glass with a lightweight metal frame. The eastern extension would use brick with a zinc roof for the kitchen section and standing seam zinc to both the walls and roof to the Brew House. Large windows will also form a feature of the Brew House so that visitors to the public house will be able to see inside the building.
- 2.6. The site area is 7,286 square metres.

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF) 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-making purposes.

4. The Principle of Development

- 4.1. The National Planning Policy Framework considers that there are three dimensions to sustainable development – economic, social and environmental. The proposal addresses all of these issues as it will provide jobs, during construction but also employment opportunities will be created by the extension of an existing commercial premises. The proposal will increase the number of covers for the restaurant area and also the provision of six letting rooms which would increase

tourist accommodation for this important tourist area. This will raise the profile of the public house, Stratford St Mary and the Babergh district as a whole. It is anticipated that the public house will benefit the surrounding area by the increase in spending at local shops, restaurants, cafes and public houses from tourists visiting the public house. The proposed contemporary extensions are considered to add interest to the streetscene and replaces an extension that is of poor design. This is all in-line with the NPPF.

- 4.2. The Core Strategy encourages economic growth through tourism and this is consistent with the NPPF. The Dedham Vale is a big tourist draw to the area and the further expansion of an existing public house will help support this important economic revenue stream.
- 4.3. The Local Plan policies specifically look at the design and impact aspects of the proposal. The main issues to be addressed are the impact on the Heritage Assets, both the Listed Buildings but also the larger Conservation Area and an Area of Outstanding Natural Beauty and also the impact on the neighbouring residential properties within close proximity to the public house.

5. Sustainability Assessment of Proposal

- 5.1. Economic role – the proposal is considered to give potential to economic growth through both the protection of existing jobs and those provided at construction phase but then the creation of further employment opportunities 14 people. The proposal will also continue to protect the existing 6 full time and 3-part time employees. The public house will draw visitors to the village and it is anticipated that other establishments in the area will benefit from extra footfall as people explore the area and the association with John Constable and Flatford.
- 5.2. Social role – public houses form an important part of the community as a place to meet, eat and drink. Public houses often host events which can draw the local residents together and therefore build a stronger community.
- 5.3. Environmental role – the proposed extensions will be very different to the existing because of its contemporary design. However, it could be argued that because is so contemporary it does not compete with the Grade II Listed buildings in the area. The extensions are single storey and the historic core the building can be easily read as being the heritage asset. The glass extension is lightweight and replaces an extension that does not have any architectural merit. The curved roofs and materials of the kitchen and Brew House extensions add interest to the streetscene without overwhelming the Heritage Asset.

6. Site Access, Parking and Highway Safety Considerations

- 6.1. The existing car park will be extended, and the parking will be formalised with marked bays. A total of 30 parking spaces will be provided on site, with 2 bays dedicated to disabled visitors. There are no parking restrictions outside of the public house along Lower Street and therefore overspill vehicles are anticipated to park on the road. It is anticipated that some visitors to the public house will arrive by boat as there is a landing stage on the river bank opposite The Swan. Other visitors will arrive by bicycle as Stratford St Mary is on National Cycle Route 1.
- 6.2. SCC Highways raised an objection to the original scheme on the grounds of numbers of parking spaces provided which totalled 19. The layout has been reconfigured and a total of 30 spaces are now provided. The existing parking is an informal space which relies on patrons parking in a sensible manner. There are currently 12 spaces provided on the site. SCC Highways have removed their objection following the amended drawings being submitted.

7. Design and Layout [Impact on Street Scene]

- 7.1. The proposed extensions have a large footprint. However, these are single storey and respect the Listed Building. The Heritage Asset is kept in tact and remains unchanged apart from the addition of four rooflights. The original scheme which was considerably larger has been pared back and now broadly reflects the scheme that was seen at pre-application stage.
- 7.2. The extensions will be seen from public viewpoints. The restaurant extension will be of a glass construction which will have a lightweight appearance with the larger Brew House and kitchen extension set back into the plot further away from the public viewpoint. The separation between the public highway and the larger extensions lessen the impact on the streetscene. The curved roofs also reduce the impact on the area as it keeps the height of the roof lower than a traditional dual pitched roof.
- 7.3. The design is contemporary which is a good foil to the Listed Building and allows for positive distinction between old and new. The kitchen and Brew House elements can be read as outbuildings which are attached to the Listed Building by a glass link. The choice of external materials reflect the contemporary design of the extensions. Glass and zinc are lightweight materials which are considered to enhance the site.
- 7.4. The parking arrangements will be formalised and with a small extension to the parking area will provide 30 parking spaces which is more than double the existing. Two seating areas are shown on the site plan. One is outside of the proposed restaurant and the other to the rear of the Brew House.

8. Landscape Impact

- 8.1. The site is within an Area of Outstanding Natural Beauty and a Conservation Area. The Dedham Vale Society have raised an objection to the proposal on the grounds that the extensions are out of keeping in this sensitive location. However, the extensions are considered to give interest in the streetscene and show that the village is still a thriving place to visit in the 21st century. The use of glass is considered to be inviting as passers-by will be able to see into the building and what it has to offer.
- 8.2. Four sycamore trees are proposed to be removed from the northern boundary and one sycamore to the south of the proposed Brew House. There are many other trees on the site and therefore their loss is not anticipated to have a detrimental effect on the Conservation Area. A full landscaping scheme will be required as part of the development. The existing trees should be protected during the construction phase and this can be conditioned.

9. Environmental Impacts - Trees, Ecology and Land Contamination

- 9.1. A Bat Survey was submitted as part of the application. The report states that further surveying of bats will take place during June 2018 to identify how the building is used by protected species. Natural England do not wish to comment on the application. An ecology mitigation condition can be added to a decision if these applications are approved.
- 9.2. The application site is within a flood zone and therefore requires a Flood Risk Assessment to be produced for planning applications. This application did not contain an FRA and therefore the Environment Agency raised an objection to the proposal. The FRA was submitted during the application process and the objection has now been removed.

10. Heritage Issues [Including the Impact on The Character and Appearance of The Conservation Area and On the Setting of Neighbouring Listed Buildings]

- 10.1. This application for a large extension to the listed building has been amended after initial Heritage Team concerns over the increased massing of the structure, following a pre-application enquiry in which the proposed development was effectively the same scale as the amended drawings. The work to the interior of the listed building is limited and acceptable, in terms of its impact on the fabric and significance of the place - subject to detail.
- 10.2. In terms of the extensions, they have been reduced to the pre-application scale which were considered by the Heritage Team to be the absolute maximum possible without detrimentally affecting significance. Their form is undeniably contemporary, and the proposed use of curved roofs, standing seam zinc cladding to both roofs and walls, plus the extensive use of glazed panels in what is both a link to the brewhouse and a bar and dining area, ensures a visual distinction and, given the limited ridge heights of the extensions, and the apparently linear planform of the new structures, especially when viewed from the north and south, the prominence and significance of the public house is retained. The fact that the kitchen and brewhouse are to be sited to the rear, in what could be seen as subservient rear wings, also references domestic arrangements in many houses during the medieval and early modern eras, when kitchens and brewhouses were at the back of properties, and sometimes in separate annexes.
- 10.3. The plain northern elevation is suitable, inasmuch as it ensures no detracting views across the main part of the listed building. In combination with the brick boundary wall to the service yard, and glazed panel in the southernmost gable, the eastern gables are articulated and attractive, and in oblique views from the garden help showcase the relationship between old and new.
- 10.4. This hierarchy of form and the use of a contemporary architectural language is sensitive and will neither upset the significance of the listed building, nor the character and appearance of this part of the CA. Therefore, the scheme will accord with the requirements of the LBA to preserve the building (and) its setting, the NPPF and the policies within the Local Plan – and it for these reasons the Heritage Team does not object to the proposal.
- 10.5. This site lies in an area of archaeological potential, to the rear of the historic pub building which has its origins in the 16th century, and in the vicinity of the site of a water mill and channel possibly dating back to the 17th century (SWM 023). The site is within the historic settlement area of Stratford St Mary. As a result, there is potential for the discovery of archaeological features in the area relating to early settlement and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- 10.6. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. A condition to secure a Written Scheme of Investigation would be appropriate in this instance.

11. Impact on Residential Amenity

- 11.1. The proposed kitchen and Brew House are close to neighbouring properties in Swan Meadow. Environmental Health raised concerns in terms of noise from the extraction units and requested a noise assessment to be carried out. This has been received during the application process and considered by the Environmental Health Team. They have raised no objection to the proposals in terms of noise or odour.

PART FOUR – CONCLUSION

12. Statement Required by Article 35 Of The Town and Country Planning (Development Management Procedure) Order 2015.

- 12.1. 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.
- 12.2. In this case pre-application was sought. During the course of the application several issues arose. The proposed extensions were considerably larger than those discussed at pre-application stage and raised an objection from the Heritage Team. Revised drawings have been submitted that are acceptable in terms of design, massing, and materials. A Noise Impact Assessment and Flood Risk Assessment were also submitted to address objections from the Environmental Health Team and the Environment Agency. Parking issues were raised by SCC Highways. A revised layout for parking has been produced which Highways are content with. Many of the neighbours have raised concerns over the external seating area outside of the proposed restaurant extension. The original scheme showed a large seating area. This has been reduced and further seating is shown to the rear of the Brew House.

13. Planning Balance

- 13.1. The application is consistent with the Development Plan in terms of design and impact on residential amenity and Heritage Assets and are also consistent with the sustainability values within the Core Strategy.
- 13.2. The application is considered to address all three dimensions of sustainable development, economic role, social role, environmental role, as set out in the NPPF. Although the extension is a large contemporary building within a Conservation Area, it adds interest in the street scene and does not compete or pretend to be a historic building. It is bold but uses lightweight materials and also design features that are sympathetic to this sensitive location without being pastiche.
- 13.3. It should be noted that this is an existing public house that is struggling financially. The proposed extensions give an opportunity for the business to diversify into accommodation and brewing of beer on site in addition to providing a service for local residents that is important in a village such as Stratford St Mary. Further jobs will be provided by the expansion as many more visitors will be able to be served. The Dedham Vale is a tourist hotspot because of its scenic beauty and links with both John Constable and Thomas Gainsborough which attract international interest.
- 13.4. The public house will encourage visitors to Stratford St Mary and the surrounding area, adding further economic benefits to the area because of its very good road links to the A12 and also the National Cycle Route 1.

RECOMMENDATION

RECOMMENDATION A

Grant planning permission subject to the following conditions:

- Standard Time Limit
- Approved Plans and Documents
- Agreement of Materials
- Construction Management Plan
- Standard Archaeological Conditions
- Ecology Mitigation
- Landscaping
- Tree Protection Measures

RECOMMENDATION B

Grant Listed Building Consent subject to the following conditions:




- Standard Time Limit
- Approved Plans and Documents
- Agreement of Materials
- Sample of brick panel
- Detailed sections through doors to be 'nailed shut' in the public house at 1:10
- Details of proposed creation of en suite in suite 5
- Details of proposed creation of en suite in suite 6
- Vertical section through glazed link from finished ground level to roof, at 1:20
- Horizontal section through glazing and different sections of frame, at 1:2
- Detailed sections of all new windows, rooflights and doors at 1:2 or 1:10 as appropriate
- Manufacturers literature on cladding
- Detailed section of junction between glazed roof and wall of public house at 1:10

Application No: DC/17/05196 and DC/17/05197




Parish: Stratford St Mary



Location: Swan Inn, Lower Street

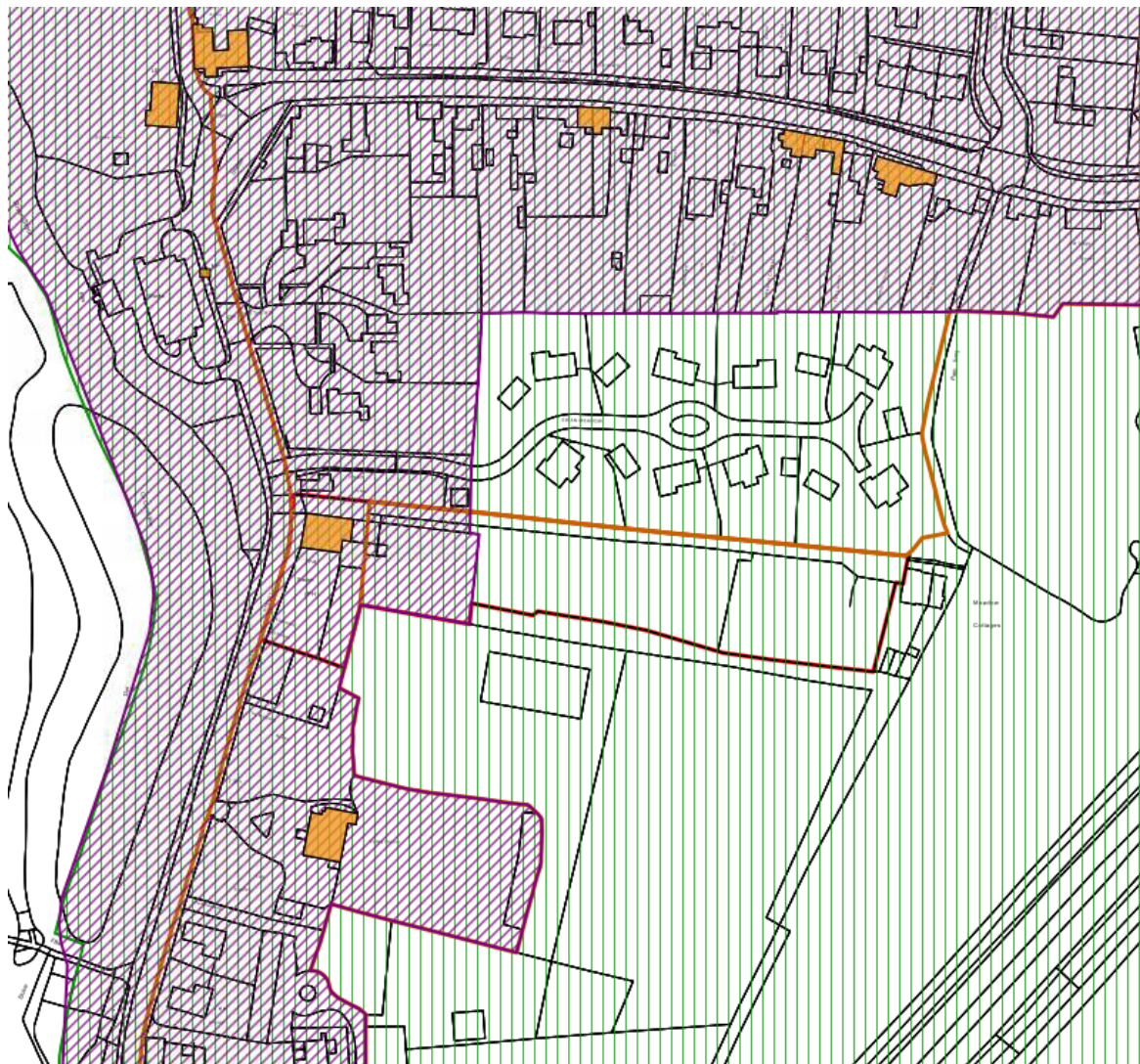
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL
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Agenda Item 7c

Committee Report

Item No: 3

Reference: DC/18/00236

Case Officer: Samantha Summers

Ward: Berners

Ward Members: Cllr Peter Patrick, Cllr Derek Davis

Description of Development

Erection of 24 dwellings (including 8 affordable dwellings) including access

Location

Land Adjacent to Woodlands, Main Road, Chelmondiston IP9 1DW

Parish: Chelmondiston

Site Area: 1.92ha

Conservation Area: Not in Conservation Area

Listed Building: Not listed

Received: 16/01/18

Expiry Date: 07/03/18

Application Type: Outline Planning Permission

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Mrs Spinks

Agent: Artisan PPS Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan 3716-06 (received 16/01/18) 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 16/01/18

Site Location Plan 3716-06 - received 16/01/18

Landscape masterplan - received 16/01/18

Ecology report final - received 16/01/18

118-2017 Highway statement - received 16/01/18

Aboricultural assessment and tree constraints - received 16/01/18

Street scene - received 16/01/18

Scheme on topographical survey - received 16/01/18

Flood risk assessment and drainage strategy - received 17/01/18

Agricultural land and classification report - received 16/01/18

Planning statement - received 16/01/18

Landscape and visual impact appraisal - received 17/01/18
Land contamination assessment - received 17/01/18

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:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

History

The subject site forms part of a broader site (SS0872) allocated in the Draft SHELAA (August 2017). In respect to development suitability the Draft SHELAA states:

'Partial development of the site (linear development along Woodlands - Eastern section of the site) is potentially considered suitable for residential development, taking identified constraints into consideration:

- Highways – regarding access, footpaths and infrastructure required
 - Impact on the sensitive landscapes (including AONB) identified and historic environment
- Total site area as proposed in 'Version 1' site location plan of the 2016 Call For Site submission: 0.227ha, approx. 6 dwellings'.*

There have been no previous planning applications relating to the site.

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

Babergh Core Strategy 2014

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS19 Affordable Homes

- CS21 Infrastructure Provision

Babergh Local Plan Alteration No.2 (2006)

- CS19 - Affordable Homes
- CS18 - Mix and Types of Dwellings
- HS32 - Public Open Space (New dwellings and Amended HS16 Sites up to 1.5ha)
- CN01 - Design Standards
- CR02 - AONB Landscape
- 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
- CS15 - Implementing Sustainable Development

Supplementary Planning Documents and Other documents relevant to this decision.

- Suffolk Guidance for Parking(2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

Previous Committee / Resolutions and Any Member Site Visit

A Committee Site Inspection was carried out on the 14th February 2018 by the Planning Committee Members.

Pre-Application Advice

Informal pre-application written advice provided to the applicant. The advice given was that the main issue would likely to be the impact on the landscape and views from the estuary back towards the site and from the adjacent public footpath. The development of the entire site could be incongruous to the wider pattern of development in Woodlands, at this point and consideration of this adverse impact of this would have to be weighed up against the benefits of housing delivery.

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

Chelmondiston Parish Council

1. There are access issues to the site a narrow winding road through a residential area.
2. The access passes a Primary School where the road is congested twice a day.
3. The proposal is in AONB land and has not demonstrated why it should override the general protection from development. Once the area is developed the ANOB factor is lost.
4. The developers have not made it clear with regard to the affordable housing properties what is the affordable ceiling price.

5. The site is far removed from the centre of the village to encourage walkers so, therefore, cars would be used adding to the congestion.
6. The site is a wildlife habitat. There have been sightings of hunting owls, kestrels and red kites.
7. The grassland is an important area for insects
8. There are other sites within the village that have been and are registered for planning applications which would be more suitable to the area.
9. There are limited amenities in the village.
10. The site is poorly drained and additional housing would endanger the lower land at Pin Mill directly down the valley, where there already have had to have flood defences put in place because of runoff water endangering the houses below whenever tides are high on the River Orwell.
11. National Policy states there is a possibility of making the Shotley Peninsula area an ANOB. The policy would, therefore, appear to be against building in these areas.
12. The Shotley Peninsula is unique with only one road in and out. When the Orwell Bridge is closed the traffic, which is often congested when the bridge is not closed becomes intolerable with journey times increasing. In January 2018 the Orwell Bridge was closed 3 times.
13. The Highways Report that was conducted for the potential development at the Primary School was not a true picture of traffic within the area. For example, the traffic count was taken at the school gates so much of the school traffic was not included. Photo 10 of the Highways Report was taken 09.05am rather than earlier when the school children were arriving at the school. If the photo was taken earlier the traffic from the school gates to the B1456 junction is effectively reduced to a single carriageway. This influx of traffic also happens at the end of the school day.

SCC Highways

No objection subject to standard highways conditions.

SCC Rights of Way

No objection.

Place Services - Landscape

In terms of the likely visual impact, the proposal will have a noticeable impact on the rural secluded setting of the immediate landscape. The main development constraint is the requirement to ensure the landscape character and appearance of the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB) is conserved and enhanced; with any negative visual impact of the development is suitably mitigated. To safeguard this, we would advise the following recommendations:

1. We recommend that a topographic survey is submitted alongside sections to demonstrate how the proposed mitigation measures are used to mitigate any negative impacts on the landscape of the Suffolk Coast and Heaths AONB; these should be directly linked to the findings of the LVIA.

2. The tree planting proposed along the northern boundary of the site will need to be specified to stipulate mature/semi-mature sized plants for immediate impact to mitigate the adverse impact on the landscape within the AONB.
3. To help ensure the local rural character of the site and surroundings is retained and protected any proposed planting should consist of native and local species, and the parkland characteristics of the landscape character type (LCT) should be apparent in the landscape design.
4. It is advised that a comprehensive materials and colour palette (including roof and elevation cladding) is submitted at an earlier stage and agreed by the landscape architect and case officer.
5. If an application is approved, a detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting) will need to be submitted. We recommend a landscape maintenance plan for the minimum of 10 years, due to its location within an AONB. SuDS features such as detention basins and other landscaping elements are also to be included on the landscape management plan and insurance is needed that adoption is in place prior to construction. This is to ensure appropriate management is carried out and to maintain functionality as well as aesthetics.
6. If an application is approved, a detailed boundary treatment plan and specification will need to be submitted as part of a planning condition.

Dedham Vale AONB and Stour Valley Project

24 dwellings represents major development in the AONB. There is a lack of accompanying evidence to demonstrate that there are any exceptional circumstances requiring such development at this site to warrant a departure from national policy.

We note that the submitted LVIA identifies several viewpoints whereby the likely impact of the development will be adverse to some degree. We note that the site is on higher ground and, from Viewpoint Photograph 12 it appears that there is sufficient permeability in the existing hedgerow and tree cover, that new buildings would be visible from the riverside. We consider these views to be particularly sensitive to change, with the higher land and setting around Pin Mill being an important element of the distinctive character of Chelmondiston. In our view it would be inappropriate to change.

Viewpoint 4, taken from the footpath crossing National Trust land to the north west of the site is considered to be particularly sensitive to change. From this viewpoint, as demonstrated by the photograph, there is likely to be a significant impact with a change in view from undeveloped land at the top of the slope and edge of the plateau, to visible rooflines etc. There is insufficient evidence to suggest that this would not be the case.

The proposal does not respect the existing pattern of development for the village and we consider that development of this site would result in unacceptable impacts in relation to landscape character and visual effects, in particular to those locations identified above.

Anglian Water

No objection.

Environmental Health - Land Contamination

No objection.

SCC Fire Officer

No objection.

Place Services - Ecology

No objection subject to conditions to secure:

- A) A proportionate financial contribution towards visitor management measures for the Stour & Orwell Estuaries SPA/Ramsar.
- B) Ecological mitigation and enhancements.

Natural England

This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that new housing development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated site(s), when considered in combination, through increased recreational pressure. As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development to enable you to reach a conclusion of "no likely significant effect" whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded. We therefore advise that you should not grant permission until such time as this mitigation measure has been secured.

Providing appropriate mitigation is secured to avoid impacts upon the European site occurring there should be no additional impacts upon the SSSI interest features of the Orwell Estuary SSSI.

SCC - Archaeological Service

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

SCC - Flood and Water

Holding objection because the pumped surface water system is contrary to national and local policy/guidance as a method for the disposal of surface water. The applicant will need to demonstrate that all other viable methods have been considered prior to a pumped system being accepted.

Also the hydraulic calculations are incorrect with regard to the percentage of climate change applied to the 1:30 (no climate change to be applied) & 1:100 (40% to be applied) year rainfall events

The points below detail the action required in order to overcome our current objection:

1. Resubmit a indicative development layout based on a gravity surface water system
2. Resubmit a surface water drainage strategy that does not utilise a pumped system
3. Resubmit the FRA & drainage strategy with the corrected hydraulic calculation.

BMSDC Strategic Housing

Preferred AH mix – 8 out of 24 (35%)

Rented – 6 homes required:

3 x 1- bed 2-person houses @ 58 sqm

2 x 2-bed 4-person house @ 79 sqm

1 x 3 bed 5-person house @ 93sqm

Shared Ownership – 2 homes required:
2 x 2 bed 4-person house @ 79 sqm

The proposed unit sizes on the site layout for the 2 and 3 bed units do not comply and should be altered accordingly to meet with the Technical housing standards – nationally described spaced standard.

BMSDC Arboricultural Officer

I have no objection to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. An appropriate condition should be used for this purpose.

B: Representations

Numerous objections received. Summary of grounds of objection:

- *Impact on character and appearance of the area
- *Impact on the village setting
- *Impact on AONB, contrary to Policy CR02
- *Contrary to BMSDC Joint SHELAA Report 2017
- *Impact on highway safety, no street lighting, dangerous for nearby school children
- *Unacceptable increase in traffic in Woodlands
- * Water and sewerage provision
- *Outside village development boundary.
- *Plant and heavy vehicles through Woodlands local road not acceptable
- *Noise, diesel and dust effects
- *Temporary construction access should be via Richardsons Lane
- *Impact on amenities - doctors and schools at capacity
- *Loss of meadowland biodiversity
- *Negative impact on the views from Pin Mill
- *Site fringes an integral part of the Suffolk Coastal Path and Bridle Way Scheme
- *Loss of light and privacy for existing residents
- *Development bears little relationship to existing village

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 application site is located at the north-western end of Woodlands, an established residential street, on the northern periphery of the village of Chelmondiston. The site has dual frontage, to both Woodlands in the east and Richardsons Lane to the west. A public right of way known as Church Lane abuts the site's northern boundary. Chelmondiston is defined as a 'Hinterland Village' in the Babergh District Local Plan Core Strategy 2014. The site's eastern boundary forms part of Chelmondiston's north-western Built Up Area Boundary (BUAB).

- 1.2. The site comprises a mix of Grade 2 and 3a agricultural land. The Planning Statement describes the land as 'untended grassland', and would have once comprised part of a much larger agricultural field. Land to the north and south comprises agricultural land. Land to the west and east is residential, fronting Richardsons Lane and Woodlands respectively. There are no protected trees on the site. Hedging and trees line the northern, western and eastern site boundaries. There is an informal vehicle access to the land off Woodlands.
- 1.3. The whole site, along with the majority of the village, is located within the Suffolk Coast and Heaths AONB. The site is not in or adjoin a Conservation Area, Special Area of Conservation or Special Landscape Area. Pinmill Conservation Area is located approximately 520m east of the site. Woolverstone Conservation Area is approximately 170m north of the site. Three listed buildings are located within 150m of the site.
- 1.4. Footpaths are located on both sides of Woodlands and these, together with the public right of way to the north, provide pedestrian connectivity to the village's amenities.

2. The Proposal

- 2.1. Outline planning permission with all matters reserved except access is sought for up to 24 dwellings. Eight of the dwellings are proposed as affordable. Density and scale details are not provided given the outline nature of the application.
- 2.2. An indicative layout has been provided to demonstrate how the site could develop if outline permission is granted. Key elements of the indicative outline are as follows:
 - Mix of single and double storey dwellings, predominantly detached and set in a cul-de-sac type development, with single vehicle access provided via Woodlands.
 - Rear of dwellings address Richardsons Lane.
 - An extensive landscaped public open space corridor to adjoin the site's northern boundary.
 - Two swales, to be managed as wildflower meadow, located within the northern landscaped public open space area.
 - 5m landscaping corridor to the Richardsons Lane frontage.
 - Landscaping and 1.2m high post and rail fence to site's southern boundary.
 - 220sqm play area
 - Landscaped plot frontages.
 - Retention of hedgerow and trees at site boundaries.

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF) 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-making purposes.
- 3.2. The following paragraphs of the NPPF are considered applicable:

Para 6: Achieving sustainable development

Para 7: Three dimensions to sustainable development

Para 11 - 15: The presumption in favour of sustainable development

Para 17: Core planning principles
 Para 32 and 34: Transport movements
 Para 47: Delivering a wide choice of high quality homes (including the need to have a 5-year deliverable supply of housing)
 Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.
 Para 55: To promote sustainable development in rural areas.
 Para 56 & 60: Requiring good design
 Para 64: Development of poor design must not be supported.
 Para 69: Promoting healthy communities
 Para 70: Delivery of social, recreational, and cultural facilities that the community needs.
 Para 72: Provision of school places. Para 73: Access to high quality open space. Para 100: Development and flood risk
 Para 103: Development and increasing flood risk elsewhere
 Para 109: Planning system should contribute to and enhance the natural and local environment.
 Para 112 & 117-119: Development affecting protected wildlife
 Para 115: Conserving landscape and scenic beauty
 Para 116: Refusing major development in AONB unless exceptional circumstance
 Para 123: Planning and noise.
 Paras 128 & 129: Describing the significance of a designated heritage asset.
 Para 131: Determining planning applications that affect heritage assets.
 Para 132: Significance of heritage assets.
 Para 134: Development and less than substantial harm
 Para 186: Approaching decision taking in a positive way.
 Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.
 Para 196: Plan led planning system.
 Para 197: Assessing and determining application applying the presumption in favour of sustainable development.
 Paras 203 -206 - Planning conditions and obligations.
 Paras 211 - 212: Using development plans and the NPPF in decision making.
 Paras 214 - 215: The weight attached to development plan policies having regards to their consistency with the NPPF.
 Para 216 - Weight given to policies in emerging plans

4. Core Strategy

- 4.1. CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS19 Affordable Homes
- CS21 Infrastructure Provision

5. Supplementary Planning Documents

- 5.1. Suffolk Adopted Parking Standards (2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

6. Saved Policies in the Local Plans

- 6.1. HS32 Public Open Space (New Dwellings and Sites up to 1.5ha)
CN01 Design Standards
CR07 Landscaping Schemes
TP15 Parking Standards – New Development

7. Housing Land Supply

- 7.1. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.2. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 7.3. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
- 7.4. In accordance with National Planning Policy Guidance paragraph 030 the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light...Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'
- 7.5. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures.

- 7.6. A summary of the [BDC] Council's 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.1 years
- 7.7. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:
 - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing; and
 - an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 7.8. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a five year land supply.

8. Sustainability of the Proposal

- 8.1. Policy CS2 designates Chelmondiston as a Hinterland Village. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. However, in the absence of a five year housing supply, Policy CS2 is afforded limited weight.
- 8.2. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the BUAB for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.
- 8.3. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and states:

'Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where the relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

- i) *is well designed and appropriate in size / scale, layout and character to its setting and to the village;*
- ii) *is adjacent or well related to the existing pattern of development for that settlement;*
- iii) *meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;*
- iv) *supports local services and/or creates or expands employment opportunities; and*
- v) *does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster.*

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

New retail, leisure and community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.

- 8.4. The 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' ("the SPD") was adopted by the Council on 8 August 2014. The SPD provides guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although not part of the statutory development plan, the SPD has been subject to community consultation, has been adopted by Council and is therefore a material planning consideration that is afforded significant weight.
- 8.5. The SPD outlines the matters that should be given regard when assessing proposals in Core and Hinterland Villages. Not surprisingly, these matters closely reflect the six matters detailed in Policy CS11. The matters are as follows:
- Site location and relationship to settlement
 - Sequential approach to site selection
 - Scale of proposal in relation to existing settlement
 - Cumulative impact taken with existing commitments or other proposals
 - Local needs
 - Availability of services and facilities, their ability to expand and the contribution which development would make to their long-term viability
 - Social and economic benefits of development
 - Constraints and impacts
- 8.6. Each of the above Policy CS11 criteria are assessed in turn below, with regard given to the further detailed guidance contained in the SPD.

The landscape, environmental and heritage characteristics of the village

Suffolk Coast and Heaths AONB

- 8.7. The site is located in the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). The site lies within landscape character type 2, 'Ancient Estate Farmlands' as set out in the Suffolk County Council Landscape Character Assessment 2 (LCA) which was first published in 2008 (updated 2011).

- 8.8. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land in ... Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes'. The statutory purpose of an AONB designation is to conserve and enhance the natural beauty of the area.
- 8.9. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Furthermore paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in areas of outstanding natural beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- 8.10. Paragraph 116 of the NPPF and the PPG states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration must include an assessment of the need for the development, the cost of and scope for development elsewhere outside the designated area and any detrimental effect on the environment and landscape and the extent to which it can be moderated.
- 8.11. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the NPPF applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable. Within this context, what constitutes a 'major' development in the AONB is a matter of planning judgement based on the circumstances of the specific proposal, and not by the statutory definition as set out under the DMPO 2015. See *R (The Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).
- 8.12. Saved Policy CR02 of the Babergh Local Plan adopts a similar policy thrust to the NPPF with regard designated special landscape areas, stating:
- 'The landscape of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty will be safeguarded through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed. Due regard will be given to the provisions contained within the Dedham Vale and Stour Valley, and the Suffolk Coast and Heaths Management Strategies'.*
- 8.13. Local Policies CS11 and CS15 of the Core Strategy also require development proposals to protect the landscape qualities of the district.
- 8.14. Whilst not in productive agricultural use, the greenfield site nonetheless contributes positively to the rural character of the area and to the valued visual qualities of the AONB.

- 8.15. The submitted VIA contends that the character of the landscape at the subject location would be only moderately sensitive to change from further residential development, despite its AONB location, due to (a) its plateau, rather than valley side, location; (b) the site's good level of visual containment and degree of suburbanisation to the east; (c) the site's commonplace physical features, neither rare or difficult to replace; and (d) the site acts as a transitional visual zone, where views of dwellings and domestic curtilages are apparent.
- 8.16. The VIA argues that the development would not significantly detract from the special qualities of the 'Estate Farmlands', those being *'spring cereal crops and their important wildlife, large open views from the uplands down to the Orwell and Stour estuaries, ancient woodlands, distinctive field patterns and designed parkland, landscapes with ancient trees'*. The VIA argues that the site's plateau location is less sensitive than points further north on the valley side itself. Successful mitigation through structural planting, the VIA contends, can be achieved for plateau top or plateau edge locations.
- 8.17. The submitted VIA concludes: *'Given the relatively limited scale of the development at a location, where settlement and human activity are already evident in neighbouring areas, and with the proposed mitigative measures in place, it is considered that the development can be accommodated without long term significant effects to either local character or on the special qualities of the wider AONB landscape.'*
- 8.18. The arguments contained in the VIA are not without merit. The site is certainly less sensitive than the valley side to the north. The site is visually contained to a degree. Extensive landscape planting will soften the built form impact in time, as will any landscaping in any development proposal.
- 8.19. The scale however is not 'relatively limited'. The 'absorbing' capabilities of a landscape, a designated landscape of outstanding natural beauty and one of national significance, must be extraordinarily high to allow a 24 dwelling development, extending well over one hectare, to not have a significant visual effect. Development scale is significant in the local context.
- 8.20. The proposal will result in a continuous developed area, merging the body of the village to the east with the ad hoc development on Richardson Lane to the west. The scale of development will result in a significant extension of the body of the village, projecting noticeably into open countryside. What visual gap exists today between the developments will be significantly eroded, notwithstanding the extensive landscape planting scheme. Whilst the visual effect of the loss of the visual gap may be localised, it will nonetheless detract from the visual qualities of the AONB.
- 8.21. It is acknowledged that there are local views of domestic curtilages and dwellings, this however does not lessen the open character of the site. The presence of telephone poles and overhead cables are detracting elements but again, these do not undermine the openness of the site and the rural character of the village edge.
- 8.22. What will undermine the openness of the site, or more likely remove it almost entirely, is the introduction of 24 dwellings, their associated domestic curtilages, outbuildings, garages, roads and footpaths. These are foreign domestic elements to this site. These elements may form an inherent part of the suburban fabric of Woodlands to the east, but one should not, in the heart of an area valued for its intrinsic scenic beauty in a national context, take its visual cues from 1970s suburban development.

- 8.23. The NPPF and local policy sets the development threshold very high in designated landscape areas. The reasons for 'strict control of development' are obvious. As noted in the preamble to local Policy CR02, the (landscape) designations indicate national recognition of the landscape quality on a par with National Parks and *'Protection of these designated landscapes will be of prime importance'*.
- 8.24. A compelling case has not been made out to depart from the very high policy threshold in this instance. It had not been demonstrated how the development would adequately preserve and enhance the natural beauty of the AONB.
- 8.25. The proposal has done arguably all it can in terms of providing the most extensive of landscaping schemes to offset the visual effect on the character of the AONB. The applicant is to be commended in this respect. However ultimately one can only do so much to mask visual harm. Preservation and enhancement of a nationally recognised landscape asset demands more than extensive planting regimes. It is concluded that the landscape effects are of such magnitude that the development does not respond sufficiently favourably to either local Policy CR02 or paragraphs 109 and 115 of the NPPF. Whilst officers do not conclude that the scheme would be a 'major' development within the context of Paragraph 116 of the NPPF, the adverse impacts would be nevertheless significant and demonstrable, undermining the spirit of those aforementioned local and national planning policies.

Impact on Heritage Assets

- 8.26. By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Listed Building Act'), 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. In practice this means having a special regard for keeping heritage assets from harm.
- 8.27. As noted in the submitted VIA, the site lies between two conservation areas. However the separation distances to these conservation areas are such that impacts on the character and appearance of them will be limited. It is concluded that harm to the conservation areas will not result should the development proceed.
- 8.28. There are three listed buildings within 150m of the site. Despite their proximity, impacts on the setting of these buildings would be no more than negligible given the separation distances involved. Those negligible impacts would not give rise to harm within the meaning provided and understood by Historic England and the NPPF; i.e. that the significance of heritage assets would be preserved.
- 8.29. The site lies in an area of archaeological potential and the County Archaeologist requests an archaeological investigation condition should outline permission be granted. There is no archaeological evidence to suggest the application should not be supported.

Impact on Environment

- 8.30. Environmental Health raise no objection to the proposed development from the perspective of land contamination. The proposal complies with criterion vii of policy CS15 insofar as it relates to land contamination.

The locational context of the village and the proposed development

- 8.31. Paragraph 10 of the SPD states proposals should be well related to the existing settlement and that the starting point for assessing this is whether or not the site adjoins the village BUAB. The SPD states a judgement will need to be made and issues to be taken account include:
- Whether the proposal would constitute ribbon development on the edge of the village
 - How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
 - The scale, character and density of the proposal in relation to the existing adjoining development.
 - Whether the proposal constitutes a logical extension of the built-up area of the village. Whether the proposal is self-contained and has logical, natural boundaries.
- 8.32. The site adjoins the Chelmondiston BAUB. The proposal would not constitute ribbon development given the site configuration. The site is very well connected to the village, within easy walking distance of all local amenities including schools, recreational facilities and shops. The proposal is not in conflict with the first three issues listed at paragraph 10 of the SPD.
- 8.33. The proposal adopts natural boundaries. The site is visually self-contained to a degree, however the character change through the introduction of 24 dwellings will not be insignificant. As noted above, the development will appear as a prominent projection out from the body of the village, with a resultant merging effect with neighbouring western development, an adverse visual outcome. The proposal does not represent a logical extension of the village. A logical extension of the village would comprise around a half dozen dwellings fronting Woodlands, as contemplated by the draft SHELAA.

Site location and sequential approach to site selection

- 8.34. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB.
- 8.35. There are no sites within the Chelmondiston built up area boundary which would enable a development of a scale commensurate with that proposed.
- 8.36. Case law has clarified that in relation to sequential assessment, there is no requirement to consider alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

Locally identified need - housing and employment, and specific local needs such as affordable housing

- 8.37. 'Locally identified need' should be construed as the development to meet the needs of the village and its wider functional cluster.

- 8.38. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy contemplates rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "rural growth", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
- 8.39. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of an individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area. Policy CS18 states that the mix, type and size of housing development will be expected to reflect established needs in the Babergh District.
- 8.40. Paragraph 14 of the SPD states that proposals should be accompanied by a statement that analyses the local housing needs of the village and how they have been taken into account in the proposal.
- 8.41. The application is not supported by a housing needs assessment. The proposal seeks to provide the 35% of affordable housing required by local policy.
- 8.42. The absence of this supporting detail is not fatal to the proposal. The Council's Strategic Housing Officer has detailed the required housing mix and there is nothing before officers to suggest that the required mix could not be achieved, albeit different to that detailed in the application (and which could be secured by a s106 legal agreement, as is the Council's usual practice).

Locally Identified Community Needs

- 8.43. The SPD states that proposals should be accompanied by a statement that assesses the community needs of the Village and how they have been taken into account in the proposal. The application is not supported by a community needs assessment. However, the development will generate contributions towards community infrastructure, to be spent on local services and infrastructure. The proposal would deliver benefits through CIL that are considered to satisfy this element of Policy CS11.

Cumulative impact of development in the area in respect of social, physical and environmental impacts

- 8.44. In light of the relatively small scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village, consistent with this aspect of Policy CS11.

Policy CS15 Sustainable Development

- 8.45. Policy CS15 sets out how the Council will seek to implement sustainable development. A number of criterion set out at CS15 have already been considered in this report, those that have not are considered further below.

- 8.46. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected in highway and pedestrian connectivity terms. A good range of facilities are on offer a short walk from the site, all accessible via an existing footpath network. Amenities include schools, food store, post office, newsagent, church and public house. For these reasons the site represents a sustainable location.
- 8.47. Policy CS15 sets out criteria relating to flooding, economic benefits, supporting local services, sustainable design, and creation of green spaces, minimising waste and surface water run-off and promotion of healthy living. The proposal responds favourably to all of these matters.
- 8.48. Policy CS15 states that with regard to the SPAs, SACs and Ramsar sites, any development that would have an adverse effect on the integrity of a European site including candidate/proposed sites either alone or in combination with other plans or projects will be refused. Natural England recommend a suitable contribution to the emerging Suffolk RAMS should be sought. This could be addressed by planning condition.

Access, Highway Safety and Parking

- 8.49. Access is a matter sought for approval. 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.
- 8.50. The Policy 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.
- 8.51. 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)).
- 8.52. Numerous objections raise concern regarding highway safety, in particular the sole reliance on the use of Woodlands to access the site, including construction traffic. Proximity of increased traffic to the local school is also a major concern for residents. However, SCC Highways raise no objection to the proposed access subject to standard highways conditions. It must therefore be concluded that highway safety concerns are not so significant as to warrant a defensible reason for refusal. The proposal accords with criteria xviii and xix of policy CS15.
- 8.53. There is ample opportunity to provide minimum parking requirements for the future dwellings, compliant with the Parking Standards. The proposal accords with Policy TP15.

Residential Amenity

- 8.54. Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.55. Separation distances to neighbouring dwellings is such that residential amenity for neighbouring residents will be adequately maintained, consistent with Paragraph 17 of the NPPF.

Ecology

- 8.56. Saved Policy CS15 of the Core Strategy seeks to protect and enhance biodiversity.
- 8.57. Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 8.58. Council's Ecology Consultant agrees with the supporting Ecology Report and recommends conditions regarding Ramsar financial contributions and ecological mitigation and enhancements. These requirements can be addressed by planning condition.

Surface Water Drainage

- 8.59. Criteria xi and xii of saved Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate.
- 8.60. The SCC Flood Officer has placed a holding objection subject to submission of infiltration tests. This technical matter could be addressed by planning condition.

9. Planning Obligations / CIL

- 9.1. The application is liable to CIL which would be managed through the standard independent CIL process.
- 9.2. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, along with mix and tenure, as well as a management plan for the principal public open space.

10. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- 10.1. Granting this development will result in the following financial benefits:
- New Homes Bonus
 - Council Tax
 - CIL
- 10.2. These are not held to be material to the planning decision to be taken in this instance.

PART FOUR – CONCLUSION

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

- 11.1. 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.
- 11.2. Council officers worked with the applicant in providing informal advice prior to the lodgement of the application.

12. Planning Balance

- 12.1. The Council cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF).
- 12.2. Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 12.3. Officers conclude that specific policies indicate development should be restricted, in that the first bullet point of Paragraph 109 of the NPPF (that the planning system should protect and enhance valued landscapes) offers a restriction on development in principle and in this instance the proposed development would neither protect nor enhance what is a valued landscape within the AONB. Likewise, Paragraph 115 requires a great weight to be given to conserving landscape and scenic beauty within the AONB and the proposal would not conserve or safeguard the positive characteristics of the land in that respect. Whilst the development would not be 'major' within the context of Paragraph 116 of the NPPF, the adverse impacts would nevertheless be significant and demonstrable.

Therefore, the operation of the presumption in favour of sustainable development does not apply here because the site is a valued landscape of national importance and, also noting the detriment posed, specific policies within the NPPF indicate that development should be restricted.

- 12.4. The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.

- 12.5. The proposal will bring with it economic benefits. The provision of 24 houses will assist in addressing the housing shortfall. Affordable housing provision is a social benefit. The site is in a sustainable location, a short distance from a good range of local services. Car dependency will be low. Traffic generation may be limited owing to the short distance to local amenities including schools. The site is in a sustainable location in an environmental and social sense. These elements support Policy CS11 and CS15.
- 12.6. Impacts on the character of the AONB will not be insignificant. The proposal represents suburban development, albeit a heavily landscaped suburban development, that nonetheless is at odds with the valued natural beauty of the AONB. Despite the commendable attempt at providing a landscaped design response to lessen the landscape effects, the rural village edge at its western periphery will be substantially eroded and the visual gap between the body of the village and the ad hoc development on Richardsons Lane will be lost. The loss of openness and character change will be significant, harmful to the natural beauty for which the area is designated nationally. The proposal does not respond sufficiently favourably to local policies CR02, CS11, CS15 or paragraph 116 of the NPPF.
- 12.7. The adverse landscape character impact would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole and, in any event, specific policies within the NPPF indicate that development should be restricted causing the 'tilted balance' of the presumption in favour of sustainable development to cease to engage. Therefore, the proposal does not constitute sustainable development in principle and, where the benefits that would accrue in allowing development to proceed would not outweigh the clear harm that has been identified, the application is recommended for refusal.

RECOMMENDATION

Refuse planning permission for the following reason(s):

Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will be permitted only in the Countryside in exceptional circumstances subject to proven justifiable need. Policy CS11 requires development to address the locational context of the village, citing in particular the Areas of Outstanding Natural Beauty. Policy CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. Policy CR02 of the Babergh Local Plan Alteration No.2 (2006) states unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed.

The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five year housing land supply, the adverse impact on the special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty demonstrably outweigh the benefits of the development when considered against the Framework as a whole (and also where specific policies within the NPPF nevertheless indicate that development should be restricted).




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Application No: DC/18/00236




Parish: Chelmondiston



Location: Land Adjacent To Woodlands, Main Road

Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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