

# Public Document Pack



COMMITTEE: **PLANNING COMMITTEE**

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

DATE: **Wednesday, 16 May 2018  
at 9.30 am**

## Members

Sue Ayres  
Peter Beer  
David Busby  
Michael Creffield  
Luke Cresswell  
Derek Davis  
John Hinton

Michael Holt  
Jennie Jenkins  
Adrian Osborne  
Lee Parker  
Stephen Plumb  
David Rose  
Ray Smith

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## AGENDA

### PART 1

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ITEM	BUSINESS
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Page(s)

1 SUBSTITUTES AND APOLOGIES

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 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

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

4 SITE INSPECTIONS

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.

The provisional date for any site inspections is Wednesday 23 May 2018.

ITEM	BUSINESS	<u>Page(s)</u>
5	<u>PL/17/41 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u>	1 - 4
	An Addendum to Paper PL/17/41 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/18/00535 &amp; DC/18/00536 The Walled Garden, Nursery Lane, Woolverstone</u>	5 - 14
b	<u>DC/18/00544 The Walled Garden, Nursery Lane, Woolverstone</u>	15 - 22
c	<u>DC/18/00978 The Street, Capel St Mary</u>	23 - 32
d	<u>DC/17/05932 Land Adjacent Well House, Round Maple, Edwardstone</u>	33 - 42

Notes:

1. The next meeting is scheduled for Wednesday 30 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.
1. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

[Public Speaking Arrangements](#) (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.

## **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](mailto:Committees@baberghmidsuffolk.gov.uk)

### **Domestic Arrangements:**

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

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2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
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5. Do not re-enter the building until told it is safe to do so.



## PL/17/41

### **BABERGH DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

**16 MAY 2018**

### **SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

Item	Page No.	Application No.	Location	Officer	Decision
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### **APPLICATIONS REQUIRING REFERENCE TO PLANNING COMMITTEE**

1.	5-14	DC/18/00535 & DC/18/00536	<b>WOOLVERSTONE</b> - The Walled Garden, Nursery Lane	EF
2.	15-22	DC/18/00544	<b>WOOLVERSTONE</b> - The Walled Garden, Nursery Lane	EF
3.	23-32	DC/18/00978	<b>CAPEL ST MARY</b> - The Street	SS
4.	33-42	DC/17/05932	<b>EDWARDSTONE</b> - Land Adjacent Well House, Round Maple	JE

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**

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

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# Agenda Item 5a

## **Committee Report**

**Item No:** 1

**Reference:** DC/18/00535 & DC/18/00536

**Case Officer:** Elizabeth Flood

**Ward:** Berners.

**Ward Member/s:** Cllr Peter Patrick. Cllr Derek Davis.

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## **RECOMMENDATION – DELEGATED AUTHORITY TO GRANT PLANNING PERMISSION AND LISTED BUILDING CONSENT SUBJECT TO RESOLUTION OF LAND CONTAMINATION, A S.106 AGREEMENT AND CONDITIONS**

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### **Description of Development**

Planning Application and Listed Building Consent. Alterations and extension to form single-storey dwelling and construction of associated works.

### **Location**

The Walled Garden, Nursery Lane, Woolverstone, IP9 1AX

**Parish:** Woolverstone

**Expiry Date:** 16/04/2018

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Mr G Braithwaite

**Agent:** Mr Neil Ward

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

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

The site was called into Committee by the Ward Member due to the controversial nature of the proposals.

### **Details of Previous Committee / Resolutions and any member site visit**

The application was subject to a Committee site visit on the 25<sup>th</sup> April 2018.

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

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### **Summary of Policies**

NPPF - National Planning Policy Framework

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

CS02 - Settlement Pattern Policy

CS15 - Implementing Sustainable Development

CN01 - Design Standards

CN06 - Listed Buildings - Alteration/Ext/COU

CN08 - Development in/near conservation areas

CR02 - AONB Landscape

TP15 - Parking Standards - New Development

## **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**

Historic England: Do not wish to comment

Suffolk County Council Highways: Recommend conditions

Environmental Health Land Contamination: Recommend refusal due to insufficient information on land contamination

Woolverstone Parish Council: Object to the development and provide the following comments:

- Historic England views should be sought as the original development was only acceptable as enabling development
- The minimum required development should be undertaken to preserve the historic asset
- Plot 11 was given exceptional permission due to the requirement to preserve the listed wall, however it is now proposed that plot 11 be removed for the responsibilities for the historic structures
- The new dwelling would impact on the integrity of the Walled Garden
- The s.106 agreement in place is intended to safeguard the heritage asset and should not be removed and replaced by planning conditions.
- It has always been Babergh's view that a dwelling within the Walled Garden would be unacceptable.
- There are on-going enforcement issues on the site
- Existing access drive is inappropriate for the proposed development
- There are inaccuracies within the application documents

Heritage Officer:

- The development would ensure the visual legibility of this part of the site, and by tying a dwelling within the garden to the ownership of the wall it would help ensure that the wall would be maintained. It should be noted the S.106 is required in order to ensure the ongoing protection of the listed buildings on this site. The form and scale of the dwelling is crucial to its success, in that regard, whilst the overall scale of the property is not hugely inappropriate, its double transverse gables are.
- If the scheme is amended to address Heritage concerns then, subject to conditions, the Heritage Team would be able to support the proposed development, as it would sustain the narrative of the walled garden, further reveal its significance by amplifying the relationship of simple structures reminiscent of horticultural buildings to the wall, and in so doing meet the requirements of the LBA, the NPPF and the policies within the Local Plan.
- Recommend conditions.

### **B: Representations**

14 letters of objection have been received which provide the following comments:

- The loss of the s.106 agreement would not provide adequate protection to the listed wall and buildings
- The introduction of a dwelling within the walled garden will be detrimental to the listed wall
- A smaller dwelling within the walled garden may have insufficient means to maintain the walled garden in the long term
- Impact on the wall and Nursery Lane from utilities having to be laid underneath it
- Access to the new dwelling will involve a new entrance through the wall
- Planning permission for one dwelling within the walled garden will lead to pressure for additional dwellings within the walled garden

- The LPA has had a consistent approach to not supporting new dwellings within the walled garden
- The bothies are not suitable for residential use
- The access to the new dwelling will be substandard
- The use of the bothies for residential use will be detrimental to neighbouring properties due to noise and disturbance
- Could result in parking along Nursery Lane
- Part of the external wall would need to be removed to allow the access
- Removal of the s.106 agreement will remove the obligation to not sell the additional dwellings before the dwelling connected to the listed building
- There are inaccuracies within the planning applications forms

1 letter of support has been received which provide the following comments:

- Relocating the proposed dwelling from the slip garden to the walled garden would improve the overall layout of the development

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

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### **1. The Site and Surroundings**

1.1. The application site lies to the south of a Grade II listed garden wall and has planning permission for the construction of four dwellings; B/14/00703/FUL refers. Plots 10 and 11 and Plot 13/ Courtyard House have been virtually completed. Plot 12 has been started including foundations having been laid. A driveway to the rear of Plot 11 has been constructed. A garage has been built to the front of Plot 11.

1.2. The Grade II listed walled garden and surrounding land is within the ownership of the applicant.

1.3 To the west of the site are properties on Nursery Lane approved under planning application, these dwellings share an access off Main Road with the site. To the north of the site is the Thatched Cottage which is located north of the site and whose boundary includes access gates into the site. To the east of the site is Dairy Farm.

1.4 The majority of the site is outside the Built up Area Boundary of Woolverstone and is also located within the Woolverstone Conservation Area and the Suffolk Coasts and Heaths AONB. There are no other applicable constraints to the site.

### **2. The Proposal**

2.1. The proposal is for the development of one dwelling within the Walled Garden. The proposal is to replace the proposed dwelling in the east slip garden (plot 12) with a dwelling within the Walled Garden. The dwelling would be located adjacent to the listed wall. The dwelling would comprise of four elements; a new building comprising of a living/kitchen/dining room and three bedrooms would be located adjacent to the south wall of the Walled Garden, this element would be connected to a previously approved greenhouse/conservatory on the east wall which has direct access to the bothies which are located on the other side of the Walled Garden. It is proposed that the bothies are used as home office and guest rooms. It is also proposed that a new access through the wall on the east site to a reinstated glass house within the courtyard area. A garage is also proposed in this courtyard. The existing buildings within the courtyard including the mushroom house and repaired carnation house and potting shed would be retained as outbuildings for the new dwelling.

2.2 The proposed dwelling would be accessed via a shared access off Nursery Lane into the courtyard.

### **3. Relevant History**

3.1 The site has a long planning history, the most relevant application are B/14/00703/FUL- Erection of 4 no. dwellings, garages and associated works granted permission subject to a section 106 agreement 15th January 2016. 11. The section 106 agreement was entered into which involved the owners of Plot 11 also having ownership of the walled garden and historic structures and responsibility for future maintenance as prescribed in 'The Long Term Conservation Plan'. The legal obligation included a condition not to sever the walled garden from the remainder of the planning unit. This would mean that the walled garden was connected to a significant asset. In addition the s.106 agreement only allowed one of the four dwellings to be sold prior to Plot 11. This was to prevent all the other dwellings being sold, potentially leaving the liability for the walled garden and associated structure without any dwelling to own the Walled Garden and structures and be responsible for long term maintenance.

3.2 A further application B/16/01566 - Erection of 3 bay garage to plot 11 and amendments to access and parking for plots 10, 11 and 12, remains undetermined, but was resolved to be approved by Planning Committee. This application provided a new access to the rear of plot 11 to plot 12 in the east slip garden.

### **4. The Principle Of Development**

4.1. The majority of the site (all except the courtyard area) is outside the built up area Woolverstone and is within the Countryside. The site has a long history, the initial development B/08/1067 was for the construction of 11 no. dwellings with associated garaging. Construction of new vehicular access (development to enable the restoration of the Listed Walled Garden and associated structures). This development included the houses on Nursery Lane, Plot 10 (all within the BUAB) and Plot 11, which was proposed to be a large dwelling which would have the responsibility for the Walled Garden and associated structures. A s.106 agreement was associated with this application. Plot 11 was justified as an exception to the development plan and outside the BUAB as an enabling development to provide repairs to the listed wall and associated structures and ensures long term ownership of the structures.

3.2 In 2014 an application was approved for the erection of 4 No. dwellings, garages and associated works. This application was for Plots 10, 11, 12 and 13/Courtyard House. The justification for the additional dwellings was that although Plot 11 had been extensively marketed off plan, it had not been sold. Additional dwellings were required to allow a viable development. Plot 11 was proposed to retain the Walled Garden and the majority of the associated structures. Plot 12 and 13 were proposed to be each located in the Slip Garden.

3.3 The proposed application would replace the existing Plot 12 in the east slip garden with a dwelling in the Walled Garden. There would be no increase in dwellings from the 2014 application. The planning statement accompanying the application justifies the new dwelling as it would provide a better relationship with the Walled Garden and associated structures. The principle of four dwellings on the site has been accepted under planning application B/14/00703.

### **5. Site Access, Parking And Highway Safety Considerations**

5.1. The access to the new dwelling would be via an existing access off Nursery Lane. The previous access has been approved for four dwellings and the proposal would not increase the number of dwellings. As such the access is considered acceptable. An electronic gate has been installed at the entrance of the access, although this gate may require listed building consent it will not prevent access to the dwellings.

5.2 It is proposed to provide garaging and parking for the new dwelling within the courtyard. This will require demolition of part of the outer wall to the courtyard. The demolition is relatively minor and considered to be acceptable to provide adequate access to the site.

## **6. Design And Layout**

6.1. The new dwelling is similar to the dwelling which was previously approved for Plot 12. This would be a long narrow design with a lean to roof, this is considered appropriate for a building coming off the wall and would reflect the previously approved glasshouse within the Walled Garden which is proposed to become part of the new dwelling.

6.2 There were some minor concerns in relation to the design of the dwelling, including the use of apex roof structures off the main roof and the overly domestic fenestration of the north elevation. Revised plans have been received which are considered to overcome these concerns.

## **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 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that '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'. The Walled Garden at the former Paul Double Nurseries was listed as Woolverstone Hall Walled Garden and Associated Structures on 13th September 2006. The heritage issue is the effect of these proposals on the significance of the Walled Garden as a designated heritage asset.

10.2. The original intention of supporting a development of one large dwelling on the outside of the Walled Garden was that this was required in order to pay for the works to repair the Walled Garden and associated structures as well as the on-going liability for the historic buildings. Allowing a smaller dwelling within the Walled Garden is a significant departure from this. However given that the repairs to the buildings and walls have been completed, the liability going forward will be less. The proposed dwelling is not unsubstantial in size, particularly as it is connected to the external greenhouse and bothies and if there is a s.106 agreement in association with the dwelling, it will be clear to any potential purchasers the significant responsibilities which would go with the property ownership.

10.3 A second advantage of the proposed new dwelling is that it would be directly within the Walled Garden, this will create visual legibility. In addition the proposed dwelling will use some of the associated buildings including the bothies as part of the accommodation. The link between the dwelling and the listed structures would be greater which should ensure that the dwellings are maintained.

10.4 7.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '...In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

10.5 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.

10.6. The new dwelling would be located within the Walled Garden so would not be especially visible within the wider conservation area and the scale, design and materials are all considered appropriate. As such the proposal would not detrimental to the character of the Woolverstone Conservation Area and therefore the proposal is in accordance with Policy CN08 of the Local Plan. 34. The landscape character of the AONB will not be affected by the proposals and the provisions of Local Plan Policy CR02 will be satisfied in this regard.

## **11. Impact On Residential Amenity**

11.1. The proposed dwelling would be substantially located within the Walled Garden and be completely private. Comments have been received stating the using the bothies as additional accommodation would be impractical and potentially disturbing to neighbouring properties particularly if they are accessed off Nursery Lane.

11.2 The bothies consist of a long narrow set of rooms which could be accessed either from within the new dwelling or Nursery Lane. Given that there will be direct access to the bothies from the dwelling and parking for the new dwelling in the courtyard it is unlikely that the Nursery Lane access will be used, especially as this is a narrow road without parking.

11.3 The bothies are curtilage listed structures, their historic importance is based on their use, simple layout and fenestration, any alteration to the bothies would require planning permission and listed building consent, any significant change to the internal layout of external appearance is unlikely to be supported. However in their existing configuration they will be able to be used as ancillary dwelling space for guest rooms or home office. Providing a use for the bothies will help to protect them in the long term and anyone buying the dwelling will be aware of the limitations of the bothies as accommodation.

## **12. Planning Obligations**

12.1. The previous planning applications for developments connected with the Walled Garden have included a s.106 agreement to protect the Walled Garden and associated structures in the short and long term. The application for the new dwelling states that a s.106 agreement is unduly onerous and could be replaced with conditions.

12.2 Officer's disagree with this assertion and consider that the proposed new dwelling would only be acceptable if it was subject to a s.106 agreement to include the following items:

- (1) Only 1 dwelling of the three other dwellings which are currently being constructed to be sold before the new plot 12 within the Walled Garden is sold. This is to prevent sale of all the other dwellings, leaving the Walled Garden with no ownership and then future pressure for the subdivision of the walled garden for more dwellings.
- (2) Long Term Conservation Plan. The original application was subject to a short and long term conservation plan. The repairs required for within the short term conservation plan have been undertaken; however the long term conservation plan will ensure that the listed wall and associated structures are maintained in the long term.
- (3) 1 open day per year of the Walled Garden and associated structures. The wider development was supported as an exception to the Local Plan Policies due to it being enabling development. It is therefore appropriate that the Walled Garden is opened one day a year for the public to appreciate the historic structure
- (4) No sale, lease etc of the Walled Garden and associated structures away from new plot 12. The historic importance of the Walled Garden is due to its intact ownership. Any subdivision of the walled garden both physically or through landownership could be very detrimental to the listed walled garden.
- (5) No subdivision of the Walled Garden
- (6) To ensure only one of the two approved plot 12 dwellings is built

12.3 The agent has confirmed that the first clause would be unacceptable and state:  
Acceptance of such a restriction, given that plot 10, plot 11 and the Courtyard buildings are either complete or virtually complete, would place a wholly unacceptable or unreasonable burden on my client. He has made a substantial investment in the development to date and with the proposed restriction in place he would be prevented from recouping that investment by sale of the existing properties on the open market for perhaps a year or more.

12.4 Officer's disagree that this clause is unreasonable. The developer brought the site in 2014 and signed up to the s.106 agreement at the time, the existing s.106 includes a very similar clause, allowing the sale of only one dwelling prior to plot 11 being sold so there can be no surprise that about such a requirement. In addition if this application is granted subject to the s.106 agreement then this would not supercede the original 2014 application, rather it gives the developer a choice over which development proceeds. Plot 11 is virtually complete and could be marketed now with the Walled Garden and associated structures, in accordance with the s.106 agreement, allowing sale of the other plots.

12.5 In addition, the proposed new dwelling is a simple structure and there is no reason why it would take up to a year to build. A revised s.106 agreement would allow plot 11 to be sold now, this is a large dwelling and would recoup a significant amount of the developer's investment. In the meantime the new plot 12 could be built and sold, allowing plot 10 and Courtyard House to be sold.

12.6 The only reason four dwellings were approved on the site was because plot 11 was not sold following extensive marketing and it was argued by the previous developer that the scheme was not viable due to the significant liabilities that the walled garden and associated structures bring with them. An additional two dwellings would increase the profit of the overall scheme, allow for repairs to the listed structures and the sale of plot 11 at a price to reflect the future liabilities that this dwelling would have. If all the dwellings and land are sold, this leaves the Walled Garden and associated structures vulnerable to further arguments regarding viability.

12.7 The only way to force the developer to build plot 12 and protect the walled garden in the long term is to use the fact that the other plots cannot be sold beforehand as collateral. Without a s.106 to ensure this happens then plot 12 may never be built, the Walled Garden and associated structures could be sold without the dwelling being built or further viability arguments could be brought forward to try and persuade the Council to approve further dwellings built within the listed wall. Although these scenarios are unlikely, there has been planning permission to build a dwelling in association with the Walled Garden since 2008 and its long term future and maintenance is still not secure. The agent has argued that listed building regulations could force the developer to maintain the Walled Garden in the future if plot 12 is not built. However the developer will want to move on from the site once the dwellings are built and it will be far more difficult to force an absent developer to maintain the wall than it will be the occupiers the future occupiers of plot 12 who will need to abide by the s.106 and will be living within the Walled Garden. As such it is the Officer's view that the first clause of the s.106 is vital to support the proposed new dwelling.

## 13 Land Contamination

13.1 The Environmental Protection Officer has objected to the proposal as it no land contamination information has been provided. The Walled Garden was used for a long time as a plant nursery and is very unlikely to be contaminated. However additional information regarding land contamination is being sought from the agent.

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## PART FOUR – CONCLUSION

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### **13. Planning Balance and Conclusion**

13.1. A new dwelling within the Walled Garden would be a significant departure from previous advice and decisions in relation to the site, where it was considered that any dwellings within the Walled Garden would be unacceptable. However the circumstances of the site have changed since 2014 when the application for 4 dwellings has been approved. The majority of the repairs required under the short term conservation plan have been completed and therefore the liabilities attached to any building from the Walled Garden and associated structures are much less.

13.2 In addition there is a Committee Resolution to approve planning permission for the access to the rear of plot 11, to provide a new access to plot 12. This has resulted in a physical divide between plot 11 and the Walled Garden. A dwelling within the Walled Garden would have a better relation with the wall and the associated structures which should ensure the long term maintenance of the listed structures.

13.3 This case is finely balanced, but subject to the s.106 agreement to ensure that plot 12 is built and that maintained in the long term it is considered acceptable.

### **RECOMMENDATION A**

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to:

- (1) Subject to resolving the objections of the Environmental Protection Officer in relation to land contamination.
- (2) 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:
  - Only 1 dwelling of the three other dwellings (plots 10, 11 and 13/Courtyard House) which are currently being completed to be sold before the new plot 12 within the Walled Garden is sold.
  - Long Term Conservation Plan.
  - 1 open day per year of the Walled Garden and associated structures
  - No sale, lease etc of the Walled Garden and associated structures away from new plot 12.
  - No subdivision of the Walled Garden
  - To ensure only one plot 12 dwelling is built
  - Any other obligation within the original s.106 agreement
- (3) That the Corporate Manager – Planning for Growth be authorised to grant Planning Permission subject to conditions including:
  - Standard time limit
  - Approved Plans
  - Details of materials
  - As recommended by the Heritage Officer in relation to details of the new building.
  - As recommended by highways
  - Removal of new entrance to the walled garden from plot 11 and closure of access gate to plot 11
- (4) That in the event of the issue of land contamination not being resolved or Planning obligations referred to in Resolution (1) or (2) above not being secured that the Corporate Manager – Planning for Growth be authorised to refuse planning permission on appropriate grounds.

### **RECOMMENDATION B**

Grant Listed Building Consent subject to conditions including:

- Standard time limit
- Approved Plans
- Details of materials
- As recommended by the Heritage Officer in relation to details of the new building.
- Removal of new entrance to the walled garden from plot 11



**Application No: DC/18/00535 and DC/18/00536**

**Parish: Woolverstone**

**Location: The Walled Garden, Nursery Lane**

**Legend**



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

**Listed Buildings**



Grade 1



Grade 2



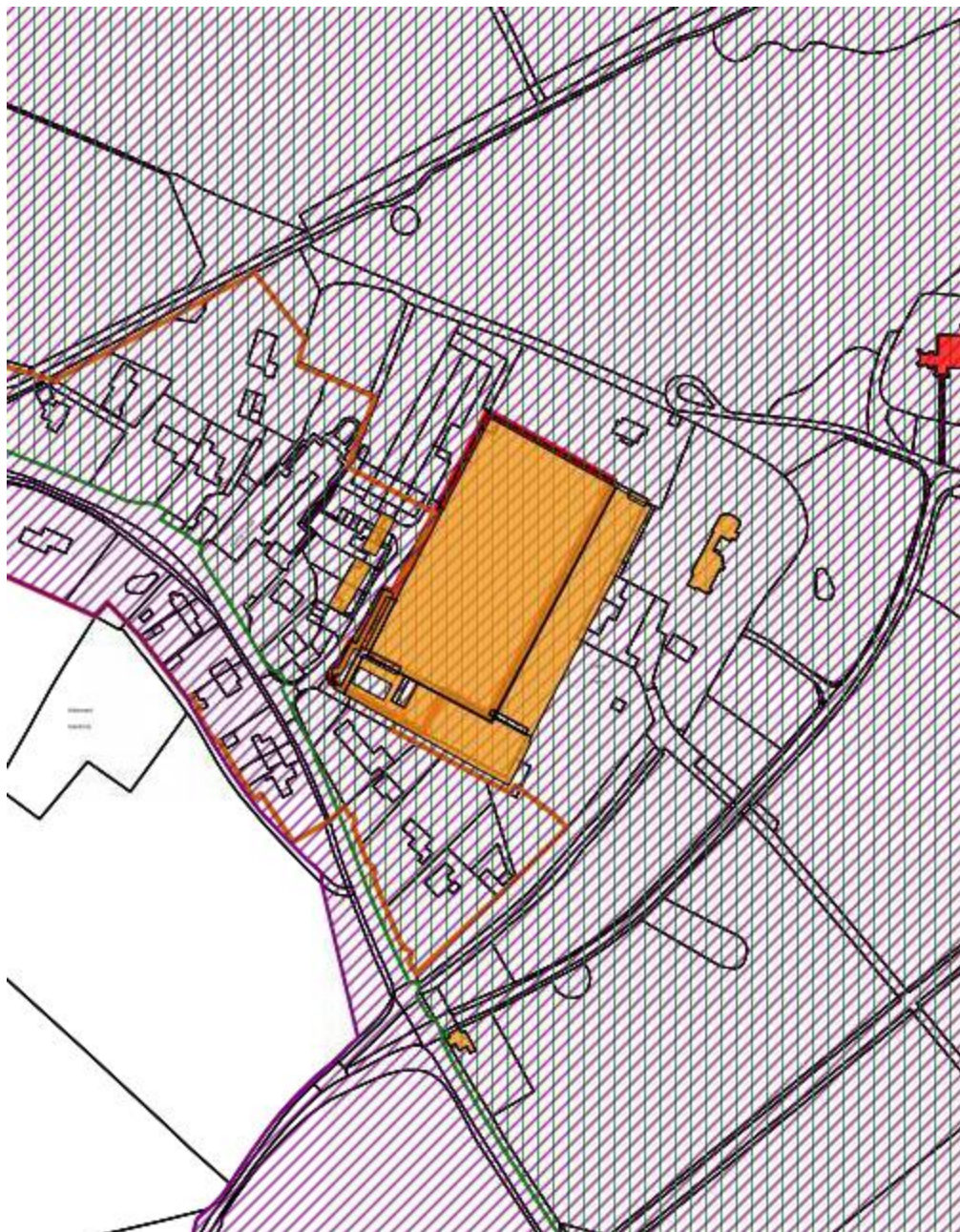
Grade 2 \*



The Site



Built up Area Boundary



**BABERGH DISTRICT COUNCIL**  
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# Agenda Item 5b

## **Committee Report**

**Item No:** 2

**Reference:** DC/18/00544

**Case Officer:** Elizabeth Flood

**Ward:** Berners.

**Ward Member/s:** Cllr Peter Patrick. Cllr Derek Davis.

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## **RECOMMENDATION –GRANT PLANNING PERMISSION**

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### **Description of Development**

Householder Application. Erection of detached double garage and associated works and revised curtilage.

### **Location**

The Walled Garden, Nursery Lane, Woolverstone, IP9 1AX

**Parish:** Woolverstone

**Expiry Date:** 16/04/2018

**Application Type:** HSE – Householder Application

**Development Type:** Householder

**Applicant:** Mr G Braithwaite

**Agent:** Mr Neil Ward

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

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

The site was called into Committee by the Ward Member due to the controversial nature of the proposals.

### **Details of Previous Committee / Resolutions and any member site visit**

The application was subject to a Committee site visit on the 25<sup>th</sup> April 2018.

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

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### **Summary of Policies**

NPPF - National Planning Policy Framework

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

CN01 - Design Standards

CN08 - Development in/near conservation areas

CR02 - AONB Landscape

TP15 - Parking Standards - New Development

## **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**

Historic England: Do not wish to comment

Woolverstone Parish Council: Object to the development and provide the following comments:

- Historic England views should be sought as the original development was only acceptable as enabling development
- The minimum required development should be undertaken to preserve the historic asset
- Plot 11 was given exceptional permission due to the requirement to preserve the listed wall, however it is now proposed that plot 11 be removed for the responsibilities for the historic structures
- The new dwelling would impact on the integrity of the Walled Garden
- The s.106 agreement in place is intended to safeguard the heritage asset and should not be removed and replaced by planning conditions.
- It has always been Babergh's view that a dwelling within the Walled Garden would be unacceptable.
- There are on-going enforcement issues on the site
- Existing access drive is inappropriate for the proposed development
- There are inaccuracies within the application documents

Heritage Officer: The application for the garage is acceptable, but it is noted that this building, which has already been constructed, features an up and over door, as opposed to the double doors initially proposed. Subject to the up and over doors being replaced with those illustrated on the drawings, the Heritage Team would support the scheme.

### **B: Representations**

14 letters of objection have been received which provide the following comments; the majority of comments relate to the associated planning applications DC/18/00536 and DC/18/00535.

- The loss of the s.106 agreement would not provide adequate protection to the listed wall and buildings
- The introduction of a dwelling within the walled garden will be detrimental to the listed wall
- A smaller dwelling within the walled garden may have insufficient means to maintain the walled garden in the long term
- Impact on the wall and Nursery Lane from utilities having to be laid underneath it
- Access to the new dwelling will involve a new entrance through the wall
- Planning permission for one dwelling within the walled garden will lead to pressure for additional dwellings within the walled garden
- The LPA has had a consistent approach to not supporting new dwellings within the walled garden
- The bothies are not suitable for residential use
- The access to the new dwelling will be substandard
- The use of the bothies for residential use will be detrimental to neighbouring properties due to noise and disturbance
- Could result in parking along Nursery Lane
- Part of the external wall would need to be removed to allow the access
- Removal of the s.106 agreement will remove the obligation to not sell the additional dwellings before the dwelling connected to the listed building
- There are inaccuracies within the planning applications forms

1 letter of support has been received which provide the following comments:

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- Relocating the proposed dwelling from the slip garden to the walled garden would improve the overall layout of the development

---

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

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### **1. The Site and Surroundings**

1.1. Plot 11 is a detached dwelling which is substantially completed. To the front of the site is a two bay garage. To the rear of the site is an access driveway which leads to the east slip garden, this access was part of the proposal under planning application B/16/01566 which is undetermined and was proposed to provide an new access to plot 12, a new dwelling within the east slip garden.

### **2. The Proposal**

2.1 The proposal is to retain the detached garage which has recently been constructed but replace the current up and over doors with more sympathetic outward opening doors. In addition it is proposed to enlarge the residential curtilage to include the east slip garden.

2.2 This application is associated with DC/18/00536 and DC/18/00535 for the erection of a new dwelling within the Walled Garden. However it is considered to be a standalone application. The new garage and extended garden curtilage could be approved separately to the new dwelling. If this was the case then the applicant could either implement this application and not build plot 12 in the east slip garden, or go back to the original application for the four dwellings.

### **3. Relevant History**

3.1 The site has a long planning history, the most relevant application are B/14/00703/FUL- Erection of 4 no. dwellings, garages and associated works granted permission subject to a section 106 agreement 15th January 2016. 11. The section 106 agreement was entered into which involved the owners of Plot 11 also having ownership of the walled garden and historic structures and responsibility for future maintenance as prescribed in 'The Long Term Conservation Plan'. The legal obligation included a condition not to sever the walled garden from the remainder of the planning unit. This would mean that the walled garden was connected to a significant asset.

3.2 A further application B/16/01566 - Erection of 3 bay garage to plot 11 and amendments to access and parking for plots 10, 11 and 12, remains undetermined, but was resolved to be approved by Committee. This proposed a garage of a similar design, size and siting as is now proposed.

### **4. The Principle Of Development**

4.1. The principle of a garage in association with a dwelling is acceptable. Plans for plot 11 have always included a garage, in various different locations. Planning application 16/01566 which is non-determined but has a Committee resolution to approve planning permission included a garage of a similar design and size within a similar position. The extension of the garden land to the east slip garden is also acceptable; the 2008 permission included the slip garden within the land ownership of Plot 11.

4.2 The site location plan shows the red line around the existing plot 11 and the proposed garden and a blue line around the remaining walled garden. However if the new dwelling proposed under DC/18/00536 and DC/18/00535 was refused planning permission, the walled garden and associated structures would remain with plot 11, as approved under planning application B/14/00703 and set out in the associated s.106 agreement.

## **5. Site Access, Parking And Highway Safety Considerations**

5.1. The proposed garage would provide additional off street parking. There is a suitable access available to the garage.

## **6. Design**

6.1 The design of the existing garage is acceptable except for the metal up and over doors, the proposed drawings show the doors replaced with traditional opening doors. Subject to a condition to ensure that the existing doors are replaced by the proposed doors the design of the garage would be acceptable.

## **7. Heritage Issues**

7.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that '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'. 29. The walled garden at the former Paul Double Nurseries was listed as Woolverstone Hall Walled Garden and Associated Structures on 13th September 2006. The heritage issue is the effect of these proposals on the significance of the walled garden as a designated heritage asset.

7.2 Given earlier history on the site and the granting of the consent in January 2016 the present application represents a relatively minor revision to the scheme already approved, and as such will cause no further harm to the heritage asset. The proposed new garage is relatively modest in size and scale and will be acceptable.

7.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '...In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

7.4. 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.

7.5. It is considered that the alteration of the garden curtilage and the new garage building would not be detrimental to the character of the Woolverstone Conservation Area and therefore the proposal is in accordance with Policy CN08 of the Local Plan. 34. The landscape character of the AONB will not be affected by the proposals and the provisions of Local Plan Policy CR02 will be satisfied in this regard.

## **8. Impact On Residential Amenity**

8.1. The proposed dwelling and enlarged garage would have no impact on the residential amenity of neighbouring properties. The nearest neighbour Plot 10 would be located sufficiently distant not to be effect by the garage.

## **9. Planning Obligations**

9.1 There is an existing s.106 covering plot 11 under B/14/00703. As this application is a householder application and only covers the garage and larger garden it does not supersede the s.106 covering plot. It is therefore considered that the requirements of the section 106 agreement will not be contravened by these current proposals.

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## **PART FOUR – CONCLUSION**

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### **10. Planning Balance and Conclusion**

10.1. The proposed garage and extended residential curtilage are minor proposals, there is a Committee resolution to approve a similar garage and the original application included the east slip garden. It is considered that this application can be treated as a standalone application and would not have any implications of the wider use of the site.

### **RECOMMENDATION**

Grant Planning Permission subject to conditions including:

- Standard time limit
- Works to the existing garage in accordance with the approved plans to be undertaken within three months
- Approved Plans
- Parking spaces

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**Application No: DC/18/00544**




**Parish: Woolverstone**



**Location: The Walled Garden, Nursery Lane**

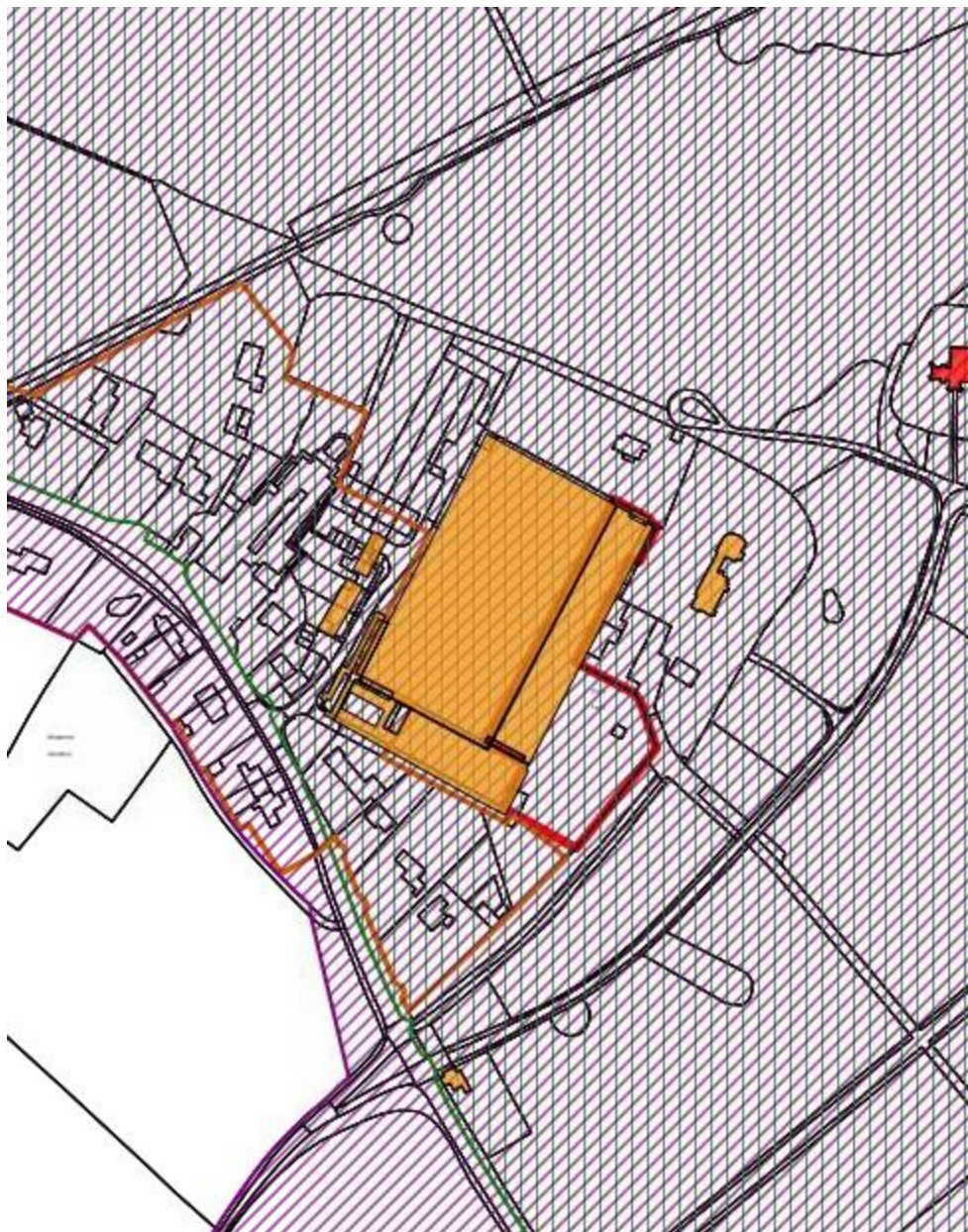
**Legend**

-  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 5c

## **Committee Report**

**Item No:** 3

**Reference:** DC/18/00978

**Case Officer:** Samantha Summers

**Ward:** Mid Samford

**Ward Members:** Sue Carpendale and Fenella Swan

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

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### **Description of Development**

Application for replacement church building with multi-functional use spaces for church groups and the community, a commercial kitchen, office, plant, WC and storage. The first floor will include the main worship space, a secondary kitchen, meeting, WC and storage spaces.

### **Location**

The Street, Capel St Mary Ipswich Suffolk IP9 2EQ

**Parish:** Capel St Mary

**Expiry Date:** 18/04/18

**Application Type:** Full planning application

**Development Type:**

**Applicant:** Revd Andrew Sankey

**Agent:** Archangel Ltd

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

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The application is referred to committee for the following reason:

Ward member call in and was heard at the Delegation Panel. The Panel concluded the issue of parking associated with the redevelopment of an established chapel was an issue and could be repeated elsewhere in the District and raised issues of more than local significance. It was also noted that the volume and nature of objections indicated that the application was controversial.

### **Details of Previous Committee / Resolutions and any member site visit**

None

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

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### **Summary of Policies**

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
- CS12 Sustainable Design and Construction Standards
- CS15 Implementing Sustainable Development in Babergh

Relevant saved policies of the Babergh Local Plan (Alteration No.2) 2006:

- CN01 Design Standards
- EN22 Outdoor Lighting
- TP15 Parking Standards for New Developments

Relevant Supplementary Planning Document:

- Suffolk Adopted Parking Standards (2015)

NPPF - National Planning Policy Framework

### **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**

##### **Capel St Mary Parish Council**

Recommend refusal primarily due to there being no provision for parking. Modern design not in keeping with village. Overdevelopment. Loss of light and overlooking to 48 The Street. Construction traffic dangers.

##### **SCC – Highways**

No objection.

##### **Environmental Health – Land Contamination**

No objection.

##### **Environmental Health – Amenity**

No objection. Recommend a condition limiting the operating hours of the construction phase of the development to 08.00 – 18.00 hours Monday – Friday and 0800 – 13.00 hours Saturdays, with no work to take place on Sundays or Bank Holidays.

##### **BMSDC Economic Development**

No comment because this is a community project.

#### **B: Representations**

Sixteen objections received on the following grounds:

- loss of historically significant building
- car parking.
- loss of privacy, outlook, daylight and sunlight access to neighbouring dwelling
- impact on the structural integrity of the neighbouring dwelling.

Twelve letters of support.

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## PART THREE – ASSESSMENT OF APPLICATION

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### **1. The Site and Surroundings**

- 1.1. The application site is located on the northern side of The Street, Capel St Mary. Immediately to the rear of the site is the Village Hall and library. To the west are residential properties and immediately to the east is a car park serving the village hall, children's play space and open green area. A bus stop and telephone booth are located on The Street adjacent the site. Residential development is directly opposite and the post office is diagonally opposite to the south west.
- 1.2. The site is occupied by the Methodist Church building which is set close to the front boundary. There is no car parking on the site.
- 1.3. The site is not located in, or near to, any Conservation Area. The nearest listed building is approximately 280m to the east (Orchard Cottage, The Street). The church is not a listed building.

### **2. The Proposal**

- 2.1. The proposed development includes the removal of the existing church building (310sqm) and replacement with a purpose built, two storey church/community building (583sqm). The submitted Design and Access Statement details the proposed internal layout:

#### Ground floor:

- two multi-functional spaces that can be used by the church groups and the community;
- office spaces;
- WC (including an accessible WC);
- the main entrance hall with a sitting area, a tea station and the main stairs and platform lift to first floor;
- a commercial kitchen, the plant and storage spaces.

#### First floor:

- the main worship space (current maximum capacity: 222);
- a secondary kitchen;
- a prayer/meeting room;
- an accessible WC; and
- storage spaces.

- 2.2. Proposed finishing materials include brickwork, timber cladding, grey aluminium windows, and combination zinc/green roofs.
- 2.3. Proposed operating hours are 8am – 11pm at all times (including Bank Holidays).
- 2.4. No on-site parking is proposed, as per the existing arrangement. The application does not involve any tree removal.
- 2.5. The site area measures 694sqm.

### **3. The Principle of Development**

- 3.1. The applicant undertook pre-application discussions with officers who advised:
  - Engagement with the public is encouraged.
  - Highways: As there is no existing provision for parking on site, the applicant should include information on the existing agreements with the local food store and medical practice to use their car parks.
- 3.2. Policy CS3 states that Town Centres and Core Villages are the main focus for retail, leisure and community uses in the district. Capel St Mary is a designated Core Village. The proposal merely seeks to replace an existing community use with the same community use albeit accommodated in an updated, purpose built building. The proposal furthers Policy CS3.
- 3.3. A core planning principle of the NPPF, as stated at paragraph 17, is the delivery of sufficient community and cultural facilities and services to meet local needs. Paragraph 28 of the National Planning Policy Framework (NPPF) makes clear that, in order to support a prosperous rural economy, local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. The proposal is supported by paragraph 17 and 28 of the NPPF.
- 3.4. The principle of a replacement community facility at this location is accepted. Key issues warranting close examination are impacts on the existing car parking network, the character and appearance of the area and residential amenity.

### **4. Nearby Services and Connections Assessment of Proposal**

- 4.1. The facility is very well connected to nearby services, sitting adjacent community uses (library and village hall) and diagonally opposite the post office. The site sits amongst the residential part of the village, within walking distance for most village users. The site is in a highly sustainable location.

### **5. Site Access, Parking and Highway Safety Considerations**

- 5.1. Vehicle access is not an issue as no vehicle access is proposed.
- 5.2. Car parking, or lack of it on-site, is the key concern for the Parish Council and objectors to the proposal. The current church operates in the absence of any on-site car parking and therefore in this regard there is no change proposed to existing conditions. The key difference between the existing use and proposed use, in car parking terms, is the increase in floor area. The application proposes a net additional gross internal floor space increase of 273sqm, up from the existing 310sqm.
- 5.3. The Suffolk Guidance for Parking (2015) requires for places of worship (Class D1) a parking rate of one space per 10sqm of public floor area. Applying this rate equates to an increase in parking demand for 28 car spaces.
- 5.4. However, it is not floor area that matters when it comes to car parking demand for a use of the subject nature. It is the number of patrons utilising the space that is the real car parking generator. In this respect there is no change. The current maximum capacity of the existing community facility is 222 patrons. The applicant confirms that the proposed maximum capacity of the new facility is 222 patrons. It can only be concluded that there will be no increase in demand for car parking beyond existing conditions, nor will there be any increase in traffic movements beyond the existing arrangement.

- 5.5. The Highways Authority does not raise an objection regarding traffic or highway safety implications. In the absence of a Highways Authority objection, and the fact there is no change in car parking demand from the existing conditions, there is no justifiable reason to refuse the application on parking or highway grounds. This of course is on the proviso that the maximum patron capacity can be limited to 222 by planning condition, which clearly it can be. Limiting patron number by planning condition is commonplace industry practice.
- 5.6. Proposed cycle provision is adequate.

## **6. Design and Layout**

- 6.1. The proposed design is overtly modern. In a location where there is no nearby Conservation Area or listed buildings, a contemporary design approach is acceptable. Moreover, the character of the immediately locality is a mixed one, with a range of different styles and building forms, including domestic and more utilitarian design approaches. There are pitched roofs, hipped roofs and flat roofs. In an area of such eclectic mix a contemporary design approach is appropriate, if not expected and encouraged, for a functional building of this nature. The proposal responds favourably to saved Policy CN01.

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

- 7.1. The application does not result in the removal of trees, there are no impacts on habitats nor does the site contain any ecological value of note. None of these matters require close attention and certainly do not constitute reasons for concern. The nature of the application and the site context is such that referral comments are not warranted from the likes of Council's ecology consultant or arboricultural officer.

## **8. Land Contamination**

- 8.1. Environmental Health raise no objection and the standard unexpected contamination condition is recommended.

## **9. Heritage Issues**

- 9.1. The proposal will in no way impact the setting or significance of any Conservation Area or listed buildings.

## **10. Impact on Residential Amenity**

- 10.1. 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.
- 10.2. The residential interface to the immediate western neighbour is a very sensitive one and warrants careful consideration. Quite understandably, the resident of this property, 48 The Street, raises amenity concerns. The Parish Council also raises concerns regarding residential amenity outcomes.
- 10.3. The rear private open space of no.48 is highly constrained, of very limited proportions, and so any change in neighbouring bulk and scale will have an appreciable effect on the amenity enjoyed by the residents of no.48.

- 10.4. Like the existing building, the proposed building is set back from the shared western boundary which mitigates the visual impact on the residents of no.48. It is however noted that the existing building, owing to the different roof forms toward the rear of the site, offers less visual bulk than what the proposed building will present to no.48. Part of the existing building presents a gable end to no.48, rather than an expanse of flank elevation. This arrangement of different roof styles, in particular the gap between the main roof and the rear pitched roof with gable, offers a good degree of visual relief to no.48. The proposed development offers one continuous expanse of two storey flank wall for what is essentially the length of the shared boundary, a significantly poorer visual outcome for no.48.
- 10.5. Moreover, the new building will be brought closer to the shared boundary than the main part of the existing church building. Reducing the (approximate) gap to 1.6m between building and boundary at first floor level increases the sense of enclosure on no.48. However, the main entrance to the church is located to the side on the boundary with No. 48. The proposed new entrance will be to the front of the building, and therefore reducing noise impact on no. 48 from people entering and leaving the church.
- 10.6. The ridge height of the new building is higher than the ridge height of the existing building, again presenting a greater bulk to no.48. The first floor of the western flank wall, unlike the proposed eastern flank wall, lacks articulation (large expanse of face brickwork aside from two slit windows). The lack of articulation accentuates visual prominence and offers limited visual relief for no.48. To break this up and give relief to the neighbour a green roof is proposed on this roof slope.
- 10.7. In respect to overlooking, the proposed west facing ground floor windows are not objectionable owing to the extent of shared boundary screening. There are two narrow windows at first floor level facing no. 48. Notwithstanding the current window arrangement in the existing building, it is not appropriate for these windows to be sited in the manner proposed without obscure glazing or some other window treatment, such as stained glass being provided to a minimum 1700mm above finished floor level. This is because of the proximity of the habitable room windows at no. 48, where direct views are promoted between windows as a result of the proposed first floor openings. This matter could be adequately dealt with via planning condition and is not a reason in its own right to withhold permission.
- 10.8. Losses of daylight and sunlight access will not be unacceptable in light of the existing conditions. There may be some loss, however any increase in loss will not be to a level that causes serious detriment to the amenity of the residents of no.48 that it would be deemed unacceptable.
- 10.9. The Design and Access Statement contends that *'the close proximity of the adjacent residential property at 48 The Street calls for a considerate design that is respectful to overlooking, acoustic separation and visual impact'*. Officers agree. Officers can see how the design approach is respectful and site responsive.

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## **PART FOUR – CONCLUSION**

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### **11. Planning Balance and Conclusion**

- 11.1. The principle of replacing and updating an existing community facility with a new purpose built facility is, quite naturally, accepted.
- 11.2. A contemporary design approach is supported given the range in building forms found locally. There is not a uniform streetscape appearance and this offers flexibility in any design approach.



- 11.3. The current maximum patron capacity is 222. The applicant confirms that there will be no increase in patron number beyond the existing capacity. The proposal therefore does not generate an increase in parking demand, even though there is an increase in floor area. There are no grounds to refuse the application for traffic or parking reasons.
- 11.4. The proposal will impact the neighbour at no. 48. Some parts of the new building would be closer to the boundary than the existing, however, the change in location of the entrance will reduce noise nuisance from people entering and leaving the site. The large expanse of building and roof on the boundary will be broken up by the introduction of a green roof on the roof slope facing the neighbour which will soften the appearance of the building. Overlooking issues from first floor windows can be mitigated by condition.
- 11.5. No one can deny that an updated, modern purpose built community building will bring significant social benefits to the local resident population. Therefore, this is considered to be sustainable development which will encourage community use in a purpose-built building to cater for all age groups which is reinforced by two lifts being provided for wheelchair users.
- 11.6. There are constraints facing the site, most notably the proximity of the neighbouring dwelling and its associated private open space. The existing building, although mainly single storey, does have two storey elements and also has the height of a two-storey building in the main chapel. The use is existing and the proposal will enable the space to be used in a more flexible manor which will benefit the wider community who may feel intimidated to use a religious space for community activities.

## **RECOMMENDATION**

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to grant planning permission subject to the following conditions:

- Standard Time Limit
- Approved Plans and Documents
- Agreement of Materials
- Agreement of Brickwork Bond
- Agreement of Window Treatment to First Floor Windows to Western Elevation
- Construction Management Plan

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**Application No: DC/18/00978**

**Parish: Capel St Mary**

**Location: Methodist Church, The 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



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# Agenda Item 5d

## **Committee Report**

**Item No:** 4

**Reference:** DC/17/05932

**Case Officer:** Jamie Edwards

**Ward:** Boxford.

**Ward Member/s:** Cllr Bryn Hurren.

---

## **Description of Development**

Planning Application - Erection of 2no. 2 bed dwellings

## **Location**

Land Adjacent Well House, Round Maple, Edwardstone, CO10 5PR

**Parish:** Edwardstone

**Site Area:** 1500 m<sup>2</sup>

**Conservation Area:** Not applicable

**Listed Building:** Affects Setting of Grade II listed buildings - 'Hathaway Cottage Little Thatch', a Grade II listed building to the north-east and 'Seasons' to the south-west.

**Received:** 28/11/2017

**Expiry Date:** 24/01/2018

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**Application Type:** FUL - Full Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Mr & Mrs P Milsom

**Agent:** Mr Peter Le Grys

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## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This report refers to drawing entitled PROMAP 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:

Plans - Proposed 1163\_02 1 - Received 28/11/2017

Plans - Proposed 1163\_03 1 - Received 28/11/2017

Elevations - Proposed 1163\_04 1 - Received 28/11/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk). Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

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## PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

This item has been referred at discretion of delegation panel, following request of Cllr Hurren. Reasons include classification of development in the countryside and wider benefits to surrounding villages.

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## PART TWO – APPLICATION BACKGROUND

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### **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:

DC/17/04552 Erection of 2no. 2 bed dwellings. Application withdrawn due to lack of information.

### **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	-		
CS15	-		
CS01	-		
CS02	-		
HS28	-		

### **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**

**Edwardstone Parish Council**  
Supports the application.

### **SCC - Highways**

Originally recommended refusal on the grounds that a new safe access is unachievable. New design utilising the existing access for Well House for both plots along with an upgrade to the entrance has been submitted and highways have confirmed that it is acceptable

### **Environmental Health - Land Contamination**

Refuse on the grounds of insufficient information. The applicant subsequently submitted additional information, which officers consider to have addressed this objection

### **The Environment Agency**

No comment.

### **Arboricultural Officer**

Trees are of an insufficient amenity value to warrant being a constraint.

### **B: Representations**

Four objections - unsustainable development and poor highway safety

Seven in support – sustainable development, design in keeping and lack of accidents in the area.

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

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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.

### **DETAILS OF AMENDED PLANS AND NEGOTIATIONS**

1. The application was subject to receipt of an amended plan: 1163\_01A was replaced with 1163\_01C. This is a result of the local highway authority recommending refusal based on the provision of an independent access for Plot 2. The new plan shows a shared access for both plots with Well House.

### **SITE AND SURROUNDINGS**

2. The application site is located in the countryside on an unnamed road within Round Maple.
3. Round Maple consists of seven houses and cottages, of which three are listed due to their special architectural and/or historic merit. The site would occupy an undeveloped site between two residential properties, 'Hathaway Cottage Little Thatch', a Grade II listed building to the north-east, and 'Well House' to the south-west. Adjacent to Well House on the opposite side to the proposed plots is another grade II listed dwelling known as 'Seasons'.
4. The site is part of the garden belonging to the Well House. The rest of the site is bordered by open agricultural fields.
5. The core of Edwardstone is approximately 1.5km to the south. Boxford is approximately 4km to the south. Sudbury is approximately 8km to the west and Hadleigh is approximately 10km to the east.

### **THE PROPOSAL**

6. The application seeks full planning permission for the erection of 2no. detached dwellings with cart lodges. The two dwellings will infill the land between Well House and Hathaway Cottage Little Thatch.

7. Both dwellings will be 2 bedroom 1.5 storey dwellings which will face the highway, with dormer windows in the front and rear.
8. Both dwellings and cart lodges will be identical in design layout. It is proposed that the external facing materials will be render for one and brick for the other. Exact specifics of the external materials are to be confirmed along with the tiles for the roof and could be agreed by condition if the development were to be approved.

## **PRINCIPLE OF DEVELOPMENT**

9. The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".
10. 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.
11. The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.
12. Policy CS15 of the Core Strategy 2014 states that development should seek to ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development and should seek to minimise the need to travel by car.
13. Policy CS2 of the Core Strategy 2014 states that in the countryside, outside the towns / urban areas, Core and Hinterland Villages (as defined in the policy), development will only be permitted in exceptional circumstances subject to a proven justifiable need.
14. It is deemed that the location of the site is unsustainable, given that the closest settlement, whereby residents could use the necessary services and facilities for everyday life, would be in Boxford a core village, which is 4.5 km to the south and Sudbury, which is over 8km to the east of the site.
15. Boxford has a primary school, a shop, a church, a small doctors general practice and a post office. From Boxford, buses run every 90 minutes to both Sudbury and Hadleigh. There is also a pub in Edwardstone 1.5km south of the site.
16. It is approximately a 45 minute walk or a 15 minute cycle ride to Boxford. There is no bus service to Boxford. The roads are mostly 60mph speed limits and have no pathways for pedestrians or lighting. The roads are mostly surrounded by agricultural fields with managing dykes and ditches which run parallel with the roads but are separated by small grass verges, in some places there is no verge at all. The roads to Boxford also have mature hedgerows which limit visibility, causing blind bends.
17. The lack of pathway and lightening, along with poor visibility makes this journey particularly treacherous for walking, more so in a national speed limit zone, as well as being a lengthy journey. Inclement weather conditions combined with the lack of infrastructure to access the closest services, makes walking to Boxford to carry out such as walking children to the primary school,



going to the shop/post office and attending a doctor's appointment dangerous and off putting. The route would only be suitable for experienced cyclists as there are a lack of dismount locations or for passing cars within this speed limit.

18. Therefore, there would be a heavy reliance on a motor vehicle as there would be limited attraction to making use of more sustainable modes of travel.
19. The principle of the development is not acceptable, given that the site is located in the countryside, which is contrary to policy CS2 of the Core Strategy 2014. This location is not justified due to the reliance of future occupiers on the motor vehicle which would be contrary to Policy CS15 of the Core Strategy.
20. The reliance on a car would also have a negative impact on the environment increasing emissions.
21. Planning considerations and other material considerations are detailed where relevant below.

## **DESIGN AND LAYOUT**

22. The proposal consists of two identical detached 1.5 storey dwellings with separate car lodges which will face the highway.
23. The dwellings would infill the plot of land between Well House and Little Thatch. If developed, this would provide a row of five dwellings.
24. It is proposed that the external facing materials will be render for one and brick for the other, Exact specifics of the external materials are to be confirmed along with the tiles for the roof and could be agreed by condition if the development were to be approved.
25. Both dwellings would utilise the existing access associated with Well House.
26. Both dwellings would be of an 'L' shape with a rear gable. It is proposed that the front and rear of both dwellings would have dormer windows.
27. Both designs would be in-keeping of the character of the surrounding area. These are small dwellings that fit in to their proposed plots comfortably providing rear gardens with views across the open fields to the rear.

## **HIGHWAY SAFETY**

28. The Highways Officer had objected to the original plans on the grounds that the necessary visibility splays for the accesses to both dwellings cannot be achieved. In the original plans, plot 1 shares an existing access with Well House and plot 2 was proposed to have its own access. Both the existing and new access do not have the sufficient splays for a 60mph road.
29. A second design has incorporated both plots to share the existing access with Well House. This proposal includes improvements to the existing access providing a visibility splay of 110m to the south-west and 79m to the north-east and a hard-bound surface as per DM01.
30. The required splay standard for highway safety in a 60mph zone is 215m. This revised shared existing access is still insufficient according to the SCC Highways standard; however, the highways officer has determined that on balance SCC would be willing to allow the extra vehicle movements expected on the existing access on the basis that the access would be improved to include a hard-bound access as per DM01.

## **RESIDENTIAL AMENITY**

31. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties, or the future occupiers of the proposed development. It is considered that this proposal would not impact upon the residential amenity of neighbouring properties, given the significant distances to these sites.
32. This proposal would not have a negative impact on any neighbour amenity, as the proposal would not have an impact on neighbouring private amenity space. The proposal will not have an impact on levels of light or overlooking received by neighbours as the proposal is of a minimal scale with no overlooking windows. As a result, the proposal is considered acceptable.

## **CONTAMINATION**

33. The Environmental Protection Officer stated that the application did not include a land contamination questionnaire, which is required for sites of this size in the countryside. They stated that, without this document, they would recommend refusal on the grounds of insufficient information. This was subsequently submitted by the applicant and the Environmental Protection Officer was re-consulted. No further response was received. However, given that there was no indication of contamination from the provided answers in the questionnaire, and that the environmental report had already stated this. It is the Case Officer's opinion that existing ground conditions are unlikely to pose an unacceptable risk.

## **HERITAGE**

34. The site is located between two listed buildings. The Grade II listed 'Hathaway Cottage Little Thatch' is located immediately to the north of the site and the Grade II listed 'Seasons' is located to the south of the host dwelling. No response has been received from the Heritage team. However, embracing the statutory duties imposed by the Listed Buildings Act, it is the Case Officer's opinion that the two dwellings, given their scale, form, design, proposed materials and the degree of separation between those dwellings and the heritage assets, would have a neutral effect on the historical value of the heritage assets. Consequently, officers are satisfied that the significance of those buildings, including having taken their setting into account, would be preserved and that no 'harm' would be posed.

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## **PART FOUR – CONCLUSION**

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35. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
36. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
37. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5-year supply of specific deliverable housing sites. 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'.

38. Paragraph 14 of the NPPF states;

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted”.

As such, the effect of paragraphs 47, 49 and 14 are that;

- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
  - that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
  - where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date
39. As set out above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five-year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.
40. It is considered that policy CS3, is a policy for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.
41. Whilst there would be economic benefits of the scheme both while the houses were being constructed and resulting from future residents using local facilities contributing to the wider local economy, the economic benefits from construction would be temporary and the residents would be largely reliant on the car to access services outside of the village, it is likely that many economic benefits would be received outside of Edwardstone and therefore these are given limited weight.
42. Whilst the provision of 2 dwellings would contribute to the identified significant undersupply of housing, the site would not be in an accessible location to accommodate the proposed number of houses.
43. Furthermore, the route to the main built up areas beyond Edwardstone do not benefit from a public footpath for the majority of the way and there are no significant services or facilities in the immediate group of buildings that the proposed dwelling would form part of.

44. Therefore for convenience reasons, at night and in poor weather future occupants would be dependent on and would choose to use a private car for the majority of their journeys which is the least sustainable mode of transport. Thus, the proposed development would be in conflict with Policy CS15 of the CS and contrary to the aims of the Framework which seeks to promote sustainable forms of transport and reduce greenhouse gas emissions.

## **RECOMMENDATION**

Refuse planning permission for the following reasons;

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. CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. The site is not well related to the existing settlement, and no supporting evidence has been provided that justifies the need for the proposal, and that the site is a sustainable location. As a result, the proposal does not accord with policies CS2, and CS15.




Whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. 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, it is considered that the unsustainable location significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.

**Application No: DC/17/05932**




**Parish: Edwardstone**



**Location: Land Adjacent to Well House, Round Maple**

**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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