

## **BABERGH DISTRICT COUNCIL – PLANNING COMMITTEE 16 MAY 2018**

### **ADDENDUM NOTE TO COMMITTEE: PAPER PL/17/41 – ITEM 4**

**DC/17/05932 Land Adjacent Well House, Round Maple, Edwardstone, due to receipt of Heritage comments.**

#### **Summary of Heritage Comments received following production of report:**

*'The design of the proposed new dwellings is reasonably well balanced, proportioned and detailed - impact upon the setting and character of the listed Hathaway Cottage and the wider area would be acceptable.*

*However; the proposed two bay cart lodges in context with the dwellings are excessively large.*

*Recommendation is that they are reduced in scale. Two options on how to do this are provided.*

*'I am therefore unable to recommend approval at present, but if the applicants/agents are prepared to amend the design of the proposed cart lodges then I would be happy to re-consider.'*

**Revision to Page 38-40 of DC/17/05932 Land Adjacent Well House, Round Maple, Edwardstone, due to receipt of Heritage comments.**

## **PART FOUR – CONCLUSION**

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1. 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.
2. All new development within the district, will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development – as interpreted and applied locally to the Babergh context (through the policies and proposals of this Local Plan), and in particular, and where appropriate to the scale and nature of the proposal, should: i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;
3. 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.

4. The Heritage Team raised objection to the proposal, because, although the 'design of the proposed new dwellings is reasonably well balanced, proportioned and detailed' the proposed two bay cart lodges in context with the dwellings and setting are excessively large. This is contrary to the LP policy CN06; which states that it should be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting; and contrary to policy CS15 of the Core Strategy which states that any new development should respect the heritage assets. Recommendation from Heritage is for refusal. As such the proposal is considered to have unacceptable harm to the setting of the heritage assets, contrary to the Local Plan.
5. 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'.
6. 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.
7. In this instance the proposal is considered to have an adverse impact with regards to designated heritage assets. The adverse impact here are the 'excessively large' detached cartlodges in context to their proposed host dwelling which will have an impact to the setting of the grade II heritage assets to the east and west of the proposed site.

8. Paragraph 14 sets out that proposal should be granted unless specific policies in the NPPF indicate development should be restricted. Paragraph 134 of the NPPF states that harm to heritage assets should be weighed against the public benefits of the proposal, including securing its optimum viable use. Notwithstanding the scale of these detached cart lodges the proposed development does not result in public benefit to outweigh the harm identified so as to comply with paragraph 134. As such the proposal would fail to achieve the presumption in favour of development set out at paragraph 14.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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

That planning permission be refused 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.

Policy CN06 of the Babergh Local Plan (2006) states that new development should be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting. The excessively large cartlodge causes harm to the grade II listed building, contrary to Policy CN06. Furthermore with regards to the NPPF the proposal would fail to comply with the requirements of paragraphs 14 and 134, in that the harm caused is not outweighed by the public benefit.

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.