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PLANNING COMMITTEE	
DATE:	WEDNESDAY, 15 JULY 2020 9.30 AM
VENUE:	VIRTUAL TEAMS VIDEO MEETING

For consideration at the meeting on Wednesday, 15 JULY 2020, the following additional or updated papers that were unavailable when the Agenda was printed.

TABLED PAPERS

		<u>Page(s)</u>
a	DC/19/02877 LAND EAST OF LONGFIELD ROAD AND LITTLE TUFTS, CAPEL ST MARY, IP9 2UD	3 - 4
b	B/15/01196 LAND TO THE REAR OF 1-6, THE STREET, KERSEY	5 - 28

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Robert Carmichael - committees@baberghmidsuffolk.gov.uk - 01449 724930

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Agenda Item 7a

Subject: Capel St Mary - DC/19/02877

Hi Paul – could the following please be added to the late papers in relation to my Committee item:

- **DENSITY OF DEVELOPMENT** - The Net density of the proposed development is now 32.9 dwellings per hectare (dph), not 38 dph as stated at the start of the report. In addition, the density of the Boundary Oaks development is 28 dph (rounded up), not 30 dph as stated in paragraph 6.4 of the report. This is because the outline planning permission allowed 24no. units on the site but 22no. were eventually built.
- Following renotification of the **Parish Council** a further letter of objection has been received which is available to view on the Council's website. The following paragraph is included here by way of summary:

'...The Capel St Mary Parish Council does not agree with this statement made by Persimmon Homes with a poor design, high density cramped condensed layout, out of place 3 storey apartment block, lack of green space, no equipped play area, inadequate parking provision and an inappropriate SUDS. None of which are an effective use of the land and definitely do not improve the environment nor ensure safe and healthy living conditions.'

- **The Highway Authority** has advised that the updated layout has improved the parking provision for 4 bedroom dwellings. The Authority does not wish to restrict the grant of permission and recommends conditions are included as outline in its previous response.
- **The Strategic Housing Team Manager** has forwarded comments that are concluded as follows:

'...The developer has taken account of my previous comments and swapped the 3 bed houses they had included for 2 bed houses.

There are now: -

- 12 x 2 bed roomed homes for sale which equates to 18.5%
- 29 x 3 bed houses for sale which equates to 44.6% of the open market mix.
- There has been a slight increase in the number of 4 bed houses (from 22 to 24) which equates to 36.9% of the open market homes.

We would ideally have wanted more 2 bed units for sale on this site, but it is acknowledged that the applicant has made some changes to make the open market mix more acceptable.

- Further objection representations have been received from local residents, which raise issues similar to those identified in the original report to Committee. The comments made may be viewed in full on the Council's website.
- The original Committee report included a list summarised conditions, that were recommended for inclusion on a grant of planning permission. Members are advised that the list did not need to include a SuDS condition or a Construction Plan condition, as both were imposed as part of the outline planning permission.

Brad Heffer Principal Planning Officer
Sustainable Communities

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From: Patrick Taylor <Patrick.Taylor@baberghmidsuffolk.gov.uk>

To: philip.branton <philip.branton@wkparchitects.co.uk>

Subject: 1-6 The Street, Kersey

Date: 1 July 2015 09:38:01 BST

Text submitted to our system for recent Duty Appointment:

BIE/15/00936: Phil Branton & Andy Harding, 1-6 The Street, Kersey, grade II* listed:

Proposals to build parallel block of small homes for private rental in long back gardens of existing, as previously discussed, probably only needing PP, not LBC: Will not adversely affect setting of existing range on The Street and will not block any existing views from The Street out of the Conservation Area as described in the Appraisal; More recently put to HE, who are not keen on 'pastiche' (although this might best suit the village scene): Second scheme developed with buildings of barn-like nature, in my view less successful; Suggested application for preferred scheme to include drawings of the alternative proposal to show something has been tried; Some local resistance likely, but there is precedent (almost a rear building line), on this and the other side of The Street, for backland development

Patrick Taylor

Heritage Officer

01473 825852

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Listing Text Extracts 1-6 The Street, Kersey

Details

Name: 1 AND 2, THE STREET

List entry Number: 1351485

KERSEY THE STREET 1. 5377 (west side) Nos 1 and 2 TM 0044 58/465 23.1.58 II* GV 2. A C16-C17 timber-framed and plastered building with a tiled roof. Two storeys. The upper storey is jettied at the north end on exposed joists. Two window range of casements with glazing bars. Tall ridge chimney stack at the north end. The doorways are approached by steps from the pavement. Renovated. Nos 1 to 6 (consec) form a continuous range of buildings. Graded for its importance in the street scene.

Listing NGR: TM0000444180

Details

Name: 3 AND 4, THE STREET

List entry Number: 1285468

KERSEY THE STREET 1. 5377 (west side) Nos 3 and 4 TL 9944 57/466 TM 0044 58/466 23.1.58 II* GV 2. A C16 timber-framed and plastered building with a tiled roof (old tiles). Two storeys. There is a cross wing at the south end with a jettied upper storey projecting on the front. Two window range of casements with glazing bars and one double-hung sash with glazing bars. The doorways are approached by steps from the pavement. Renovated. Nos 1 to 6 (consec) form a continuous range of buildings. Graded for its importance in the street scene.

Listing NGR: TL9999944188

Details

Name: 5 AND 6, THE STREET

List entry Number: 1037249

KERSEY THE STREET 1. 5377 (west side) Nos 5 and 6 TL 9944 57/467 TM 0044 58/467 23.1.58 II* GV 2. A C15-C16 timber-framed and plastered building with a tiled roof (old tiles). A lean to addition with a slate roof extends at the north end. Two storeys. The upper storey is jettied on the whole front. Three window range of casements with glazing bars. The ground storey has a small splayed bay at the north end. There is the remains of some old Chevron pargetting on the front. The doorways are approached by steps from the pavement. Renovated. Nos 1 to 6 (consec) form a continuous range of buildings. Graded for its importance in the street scene.

Listing NGR: TL9999844202

All Cottages 1-6 Graded for their importance to the Street Scene

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Patrick Taylor
MA(Conservation Studies) BSc(Hons) AADipl
Conservation Architect

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Mr P Isbell
Head of Development Management
Babergh District Council
Endeavour House
8 Russell Road
Ipswich
Suffolk IP1 2BX

5th October 2018

Dear Philip,

Proposed Development at 1-6 The Street, Kersey: B/15/01196

My name is Patrick Taylor and I studied Architecture at the Architectural Association in London, obtaining their Diploma in 1978. I passed my professional practice in 1982 and then joined the Royal Institute of British Architects (RIBA). I later studied at the University of York, obtaining an MA in Conservation Studies in 1996 before joining the Institute of Historic Building Conservation (IHBC) in 1999.

From 1994 I worked at both Mid Suffolk and Babergh District Councils as a Conservation Architect, working on grant schemes, enhancement works, shopfront studies and historic building repair advice. I also wrote their Conservation Area appraisals, completing all 31 of Mid Suffolk's and some 23 of Babergh's 29 before my retirement in 2015. I am currently working on finishing the last six of these last to complete the set.

During the last two years of my employment I was a Heritage Officer in a more focussed role responding to consultations on the constant flow of Listed Building Consent applications, more specifically in the eastern half of Babergh District. In this context I came to give pre-application advice on the site behind Nos. 1-6 The Street, Kersey. I had appraised the Conservation Area for this village in 2010 and found the village, not unlike many others in the district, to be an important cluster of historic buildings in a setting that should continue to benefit from such protection.

In my view village Conservation Areas are generally concentrated around a public domain from which they are viewed and appreciated. Sometimes this focus is a village green (Naughton, Polstead, Hartest, Cockfield) or more often simply a village street (Chelsworth, Brettenham, Boxford, Bildeston). Kersey is one of the latter but with the unusual bonus of rising topography on either side of an interest adding water feature, the Splash.

In Kersey, The Street is the central feature around which the historic buildings are clustered and the boundary of the Conservation Area is essentially formed by the rear boundaries of the historic buildings' curtilages on either side. Because of the sheer depth of the plots, there are numerous instances of infill development, both modern and historic, so that in my view the proposed development behind Nos. 1-6 The Street would not affect the underlying grain of the settlement, nor would it adversely affect the Conservation Area. This last is generally viewed and appreciated from within The Street itself, rather than from a footpath along the rear boundary of these properties screened by a thick hedge.

The property immediately to the north of the site is a large modern dwelling, which harms the Conservation Area. This is the lower and nearer of two existing large buildings which cause harm to the Conservation Area, most apparent when viewed from the church steps. It is back to front in terms of being a single large modern mass in the centre of its plot, with nothing remaining as a screen fronting The Street itself.

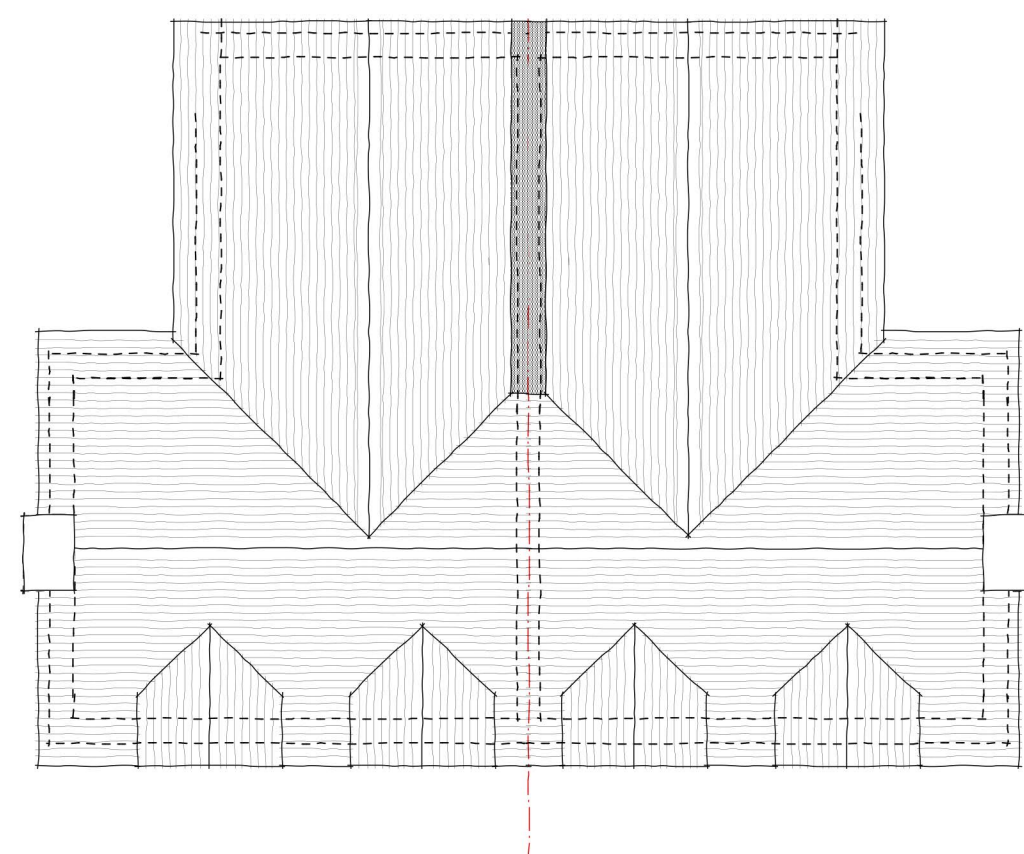
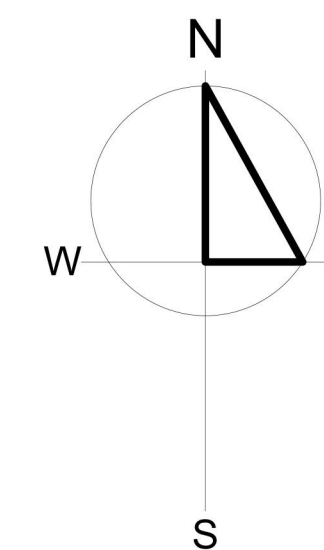
The frontages below this are those of Nos. 1-6 The Street and these have been given quite rightly the higher than usual grade II* listed status on account of their contribution to the street scene. The entire fabric of these buildings is therefore protected beyond the level it might otherwise deserve. Similarly the rear elevation of these properties, which faces onto the proposed development site, is unremarkable with the usual historic accretions of small extensions and a single large Victorian red brick block obscuring much of the rear when viewed from the proposed development site.

In my view this setting at the rear is of considerably less value than that of the frontage and does not deserve the same high level of protection. If anything the proposed development will bring this rear elevation greater public exposure than it now enjoys, which might well lead to a little judicious tidying up to upgrade its current poor appearance.

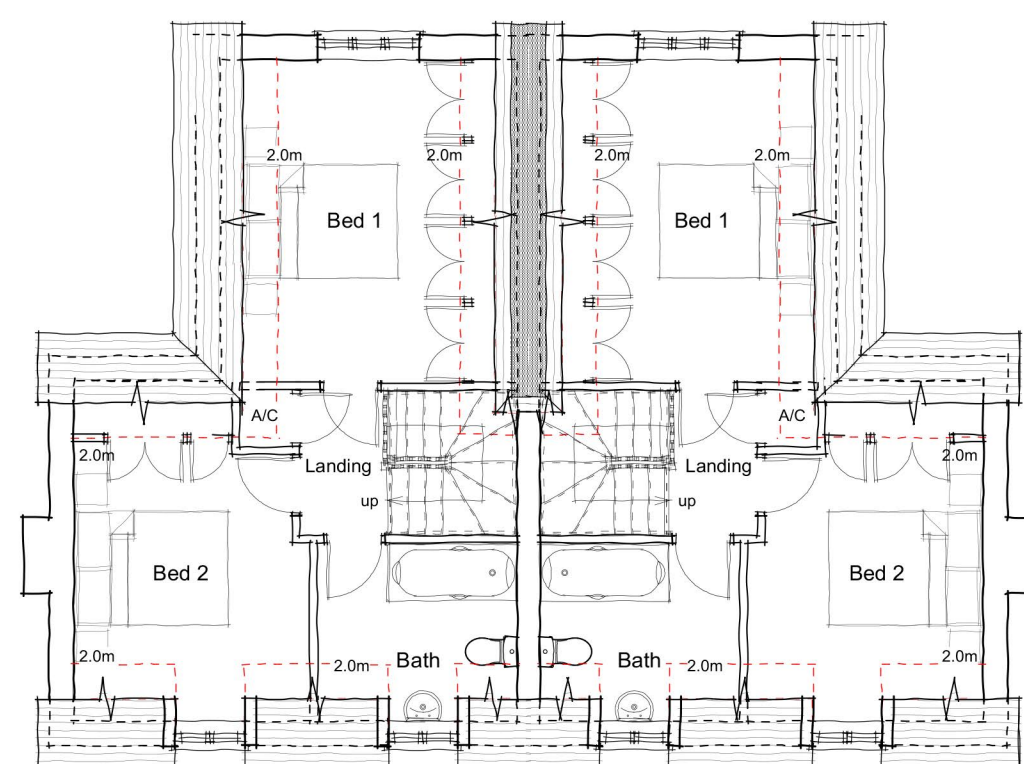
My overall view thus remains as given pre-application, that the proposed development behind Nos. 1-6 The Street, Kersey, at the scale currently proposed, will not adversely affect either the Conservation Area or the setting of the grade II* listed buildings fronting the site. Any harm the development might cause to either of these will be minor and can be regarded as 'less than substantial'.

Yours sincerely,

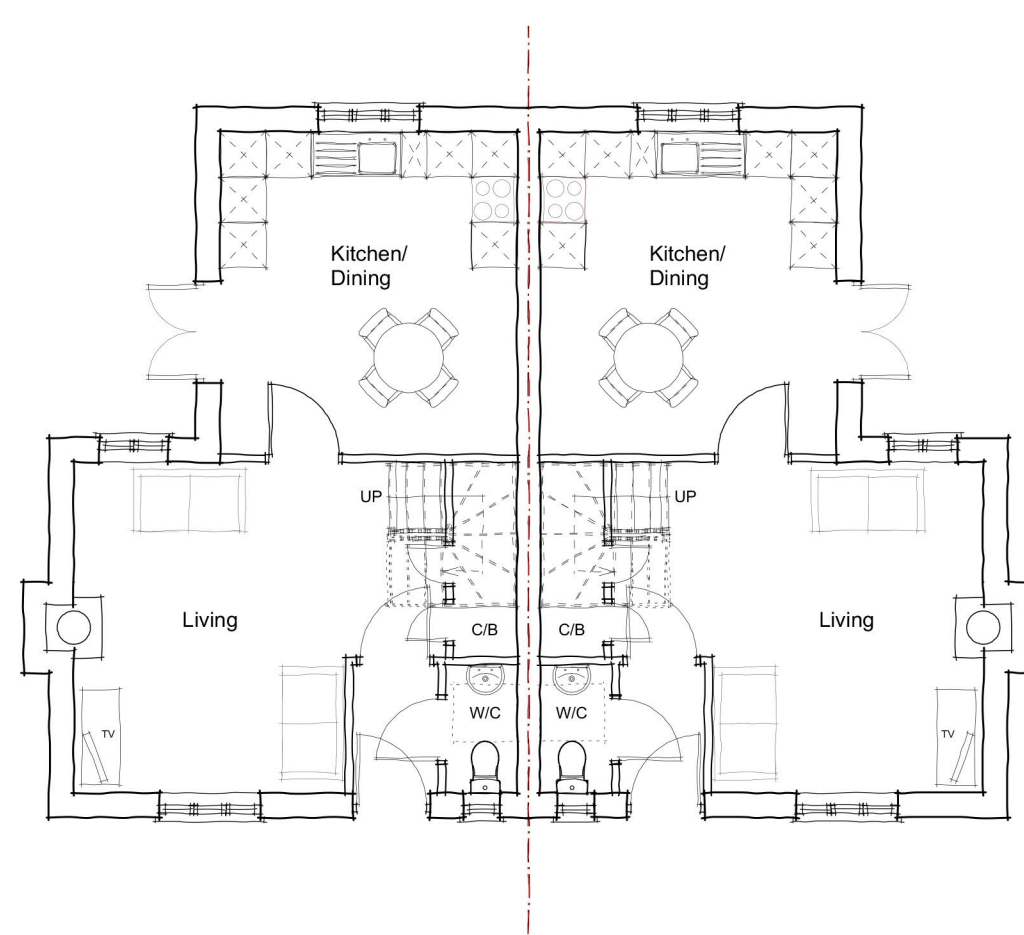
Patrick Taylor



3 ROOF PLAN
Scale: 1:100



2 FIRST FLOOR PLAN
Scale: 1:100



1 GROUND FLOOR PLAN
Scale: 1:100



4 TYPICAL FRONT ELEVATION
Scale: 1:100



5 TYPICAL SIDE ELEVATION
Scale: 1:100



6 TYPICAL REAR ELEVATION
Scale: 1:100

Proposed Ground Floor Area: 43m²
Proposed First Floor Area: 39m²
Total Floor Area: 82m²



REVISION	DESCRIPTION	DATE	DRAWN	CHECK
B	House type amendments	24.05.2017	AG	PB
A	Size amendments	22.05.2017	AG	PB
DRAWING STATUS				
<input type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>	BUILDING REGULATION APPLICATION	<input type="checkbox"/>
<input type="checkbox"/>	FEASIBILITY / SKETCH	<input type="checkbox"/>	TENDER	<input type="checkbox"/>
<input type="checkbox"/>	PLANNING APPLICATION	<input checked="" type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>
TITLE				4869
PROJECT	PROPOSED RESIDENTIAL DEVELOPMENT	PA_01	B	
	UNITS 4-7 TYPICAL PLANS & ELEVATIONS	1:100	@A1	
	1-6 THE STREET, KERSEY	Nov-16		
	IPSWICH, SUGGOLK, IP7 6ED	SC	PB	
CLIENT	Rural Community LTD			
 WINCER KIEVENAAR Chartered Architects MARKET PLACE HADLEIGH IPSWICH SUFFOLK IP7 5DN T:01473 827992 E:enquiries@wincerkievenaar.co.uk		 RIBA Chartered Practice		
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REVISION	DESCRIPTION	DATE	BY	CHECK
E	Proposed Landscaping Indicated	20.02.2016	MC	PB
D	Blue shading added to Plots 1, 2, 3 & 4	11.07.2016	HM	PB
C	Visibility Splay and set back amended	09.10.2017	MC	PB
B	House type amendments	24.05.2017	AG	PB
A	Site amendments	22.05.2017	AG	PB

DRAWING STATUS	PRELIMINARY FEASIBILITY / SKETCH PLANNING APPLICATION	BUILDING REGULATION APPLICATION TENDER CONSTRUCTION	RECORD / "AS BUILT"
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TITLE	PROPOSED SITE PLAN	DRAWING NO.	4869
PROJECT	PROPOSED RESIDENTIAL DEVELOPMENT, THE STREET, KERSEY.	PROJECT NO.	PA_04 E
CLIENT	RURAL COMMUNITY HOUSING LTD.	SCALE @ SEE	1:200@A1
		DATE	Dec 2016
		DRAWN	MC
		CHECK	PB

<p>WINCER KIEVENAAR Chartered Architects MARKET PLACE HADLEIGH IPSWICH SUFFOLK IP7 5DN T:01473 827992 E:enquiries@wkiparchitects.co.uk</p>	<p>RIBA Chartered Practico</p>
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By email only

Dear Councillor,

Land to the rear of 1 – 6 The Street, Kersey – Ref B/15/01196

I am writing to you as the Applicant and a long-standing resident of the local community. I have lived here most of my adult life. We also represent a wide section of the local community who support this application.

In July 2015 we (The Applicant) approached Babergh's expert Heritage Officer for Pre-Application Advice. Your Officer then was Patrick Taylor and he was a senior officer responsible for the Conservation Appraisals for all of Mid Suffolk and Babergh and had, in fact completed the Conservation Appraisal for Kersey specifically.

Please see his Pre-Application advice to us attached (see attachment 1).

Patrick was enthusiastic about, and supportive of our proposals and advised us to expect some resistance from a few local residents and probably from English Heritage but told us he was firmly in support and could see no harm to the Street Scene whatsoever. The importance in the Street Scene was the reason that 1-6 The Street were graded (see attachment 2).

He said that 'harm' to the setting was probably the wrong word, but the 'change' to the setting at the rear of the cottages would, in his view give greater public exposure to the rear of the cottages which could result in an improvement.

In fact, the setting of the listed cottages will be improved. The important street scene would be enhanced because the proposals provide parking for 1-6 The Street to the rear of the cottages, so the residents of 1-6 The Street will be able to park at the rear, rather than on the pavement where they currently park, thus opening the vista and improving the visual impact of the street scene.

Patrick Taylor retired from Babergh in 2015, but in October 2018 wrote to Babergh's Head of Development Management, Mr Phil Isbell to give his specific views on the proposed development (see attachment 3).

You will be aware that the Planning Committee have already voted in favour of approving this Application and following receipt of the PAP letter from the solicitor for the few disgruntled objectors, Patrick offered to come and speak on our behalf if the matter was to be re-presented to Committee. Patrick tragically passed away in October 2019. If he was still here, he would be present at Committee on 15th July to explain that he, as your expert and adviser, supported this Application in spite of English Heritage's objection.

Having read these three attachments, I hope you will see that the perceived 'harm' to the setting of the listed cottages is, at worst "Less than substantial" – which is agreed by even the current Heritage Officer. The perception of 'harm' is entirely subjective.

Our view is that although there will be 'change' and therefore impossible to argue that there is no 'harm', there will actually be a net Heritage Gain from the removal of cars from outside the cottages and therefore improving the important 'Street Scene'. This gain is in addition to allowing Kersey to play it's own small part in the overall growth of the District, most importantly by allowing younger people to move in to a village from which they would normally be excluded because of the high cost of property and hopefully to breathe new life and joy into the village scene and the helping to boost numbers to keep the village school alive.

Please support this Application.

Yours sincerely,

Andy Harding,
Rural Community Housing

Attachments :

1. Pre-App Patrick Taylor 2015pdf
2. Listing Grade II* Extract 1-6 The St.pdf
3. Patrick Taylor – Letter to Phil Isbell

Members of the Babergh Planning Committee
Babergh District Council

URGENT: By Email Only

10 July 2020

Dear Councillor

**Planning Application Reference B/15/01196 (the Application)
Land to the rear of 1-6 The Street, Kersey (the Site)**

I am writing on behalf of a group of Kersey residents. The residents wholly support the officer's recommendation to refuse the above application as set out in the report for your planning committee meeting to be held on 15 July 2020.

However, for the reasons which I hope will become self-evident, the report to committee is wrong to suggest that the Application satisfies the character and setting requirements of Core Strategy Policies CS11 and CS15, both of which carry full force. Equally, the report is wrong to dismiss Policy CR04 as 'tangential'. All these policies are breached by the Application, and given the sensitive nature of the Site, these breaches are serious.

Much of the debate at committee is likely to revolve around heritage. For the sake of clarity, I have summarized the considered views of Historic England (the Government's independent advisor), and from the Council's own heritage officer below. Members are particularly asked to note that these are the only impartial heritage advisors on this Application. Both advise that the harm to the heritage assets is unacceptable. As members will be aware, harm to designated heritage assets must as a matter of law be given significant weight.

The supporting material considerations on offer are additional housing, of which 4 are 'affordable', and an EPC 'B' rating. The Council has a more than adequate 5-year housing land supply, and a 123% delivery record against target for the past 3 years. In these circumstances, the Council quite rightly gave only moderate weight to the provision of additional housing in the recent Vale Lane decision. There is no reason to depart from that assessment here. As regards the affordable housing, the Applicant has not explained why the harms of the other three market units are necessary in order to deliver the affordable housing. In any event, 4 affordable housing units is a modest number. The improved energy efficiency is a benefit to the future private residents of the proposal in terms of reduced bills. Given the number of units proposed, the wider public benefit is very small indeed.

This Application is clearly contrary to adopted policy, and notably, causes material and permanent harm to the setting of the Grade II* listed 1-6 The Street, the Kersey Conservation Area and the Special Landscape Area. The proposed benefits are in reality modest. For these reasons, my clients urge Members to protect Suffolk's heritage, and refuse the Application.

Introduction

The letter starts with a brief summary of key factual points about Kersey, the Application Site and the Application, and then explains the related heritage harm and policy breaches. Thank you for your patience in reading and considering the points raised.

Kersey

Members will be well aware of Kersey's defining characteristics: sited within the Brett Valley Special Landscape Area, within its own conservation area, an unusually well preserved linear form, with a predominantly single row of 15th – 17th century timber framed buildings (many stuccoed and many Grade I and II* listed) either side of The Street, and long rear gardens giving opening on to the surrounding fields.

As the Appeal Inspector noted in her decision to refuse an application to develop land to the rear of Linton House in Kersey (Application reference DC/19/01295, December 2019):

“Properties ... in the village would originally have been set on large plots which would have been used in part for horticulture. As such, the plot contributes to the character of the building as is indicative of the origins of the house. It also contributes to the character of the Kersey Conservation Area and the large gardens to the rear of the properties on The Street protect the open setting to the village and its relationship with the countryside beyond”.

Numbers 1-6 The Street

Numbers 1-6 The Street form a single Grade II*-listed row of timber framed buildings with a jettied upper story. The earliest of these was built in the 15th Century, the latest in the 17th century. At the back of all the buildings is the characteristic long garden opening onto surrounding fields. The Site is also within the setting of the neighbouring Grade II listed Bell Inn, and its equally long garden. Public footpath 12 runs along the boundary between the gardens and the neighbouring field.

The Application

Please see the attached site plan and elevation, this shows that the Application proposes:

- 7 Edwardian/Victorian-style cottages (three pairs of semis and a single detached house), with small gardens.
- two rows of development to the rear of 1-6 The Street. The first straddles Kersey's built-up area boundary (BUAB), the second is in designated countryside;
- roughly half of the Site will be hard surfaced, to accommodate vehicle maneuvering and 18 car parking space.

Key Policy Breaches.

Heritage Harm

Heritage assets “are an irreplaceable resource” (NPPF para 184). “[G]reat weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm ...” (NPPF Para 194), and such harm can only be outweighed by actual and weightier public benefits (Para 196).

Members are especially referred to two important pieces of guidance on the setting of heritage assets from Historic England's guidance note 3¹ (emphasis added):

- “The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting”.
- “Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance”

Please note that the only impartial assessments of heritage are those provided by Historic England (HE) (see Consultation Response 19 July 2019) and the Council's own heritage officer (see Consultation Response 30 July 2019).

HE advises that the garden to 1-6 the Street “is at least as old as the present buildings, if not earlier ... the size of the garden is indicative of the origins of the building in a period when gardens large enough for growing produce and keeping livestock were common to houses in and adjoining the countryside”. Similarly, the Council's heritage officer advises: “the rear garden land ... always appears to have been open and backed onto fields beyond”. **NB.** In light of the above HE guidance on setting, the fact that the garden plot has remained undeveloped since Nos. 1-6 were first built, means that it contributes “particularly strongly to significance”.

HE then describes that significance:

“This relationship between houses on the Street and fields ... remains a key feature of the conservation area, illustrating Kersey's place in the landscape and the relationship of historic properties in it to that hinterland. All these factors combine to make the garden plot an element of the houses' setting that contributes to their historic significance and to that of the conservation area”.

Similarly, the Council's heritage team finds that: “the consistent relationship with the agricultural land beyond the properties contributes at least as much to the setting of the building, and therefore to its significance as does the façade”.

HE then assesses the heritage harm as follows: “[the Application will] separate the historic buildings from their historic curtilage and from the wider landscape beyond”, it is “at odds with” the historic development pattern of Kersey and will “result in harm to the significance of the listed building and the conservation area in terms of the NPPF paragraphs 194 and 196”.

Noting the potential benefit of additional housing, HE's further comments are damning:

“... we would remind the Council that the NPPF requires ‘great weight’ to be given to the conservation of the listed building and a clear and convincing justification should be made for any (their emphasis) harm. ... We remain unconvinced that such a justification has been made and object to the granting of permission” (emphasis added).

The Council's own expert assesses the heritage harm as: “at the very highest end of the spectrum of ‘less than substantial harm’” (emphasis added) and for this reason objects to the development.

¹ <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

The assessments of the HE and the Council's own heritage officer are clearly reasoned and authoritative. Above all, neither the HE nor the Council's heritage officer have any 'skin in the game' – i.e. their advice is completely impartial. For this reason, it should be given particular weight.

Once these buildings are built, the historic significance of 1-6 will be permanently damaged by building over their historic garden plots, severing their historic relationship to the surrounding fields, and further eroding the “essentially linear” character of Kersey.

Furthermore, by replacing the historically green backdrop to the garden to the grade II listed Bell Inn with two rows of built development, the Development will also harm that setting. For the same reasons, the development harms the open aspect of the conservation area, of which the undeveloped gardens (as identified by the Inspector in the Linton House appeal) form such an important part.

There is therefore unacceptable harm to the historic significance of the Grade II* listed 1-6 The Street, to the setting of the Grade II listed Bell Inn, and to the Kersey Conservation area, and for this reason alone, the Application should be refused.

Harm to the character and setting of the Application Site

The Application clearly breaches Policy CS2, and I need say nothing further on that.

Policy CS11 requires development in hinterland villages such as Kersey to be “appropriate in size / scale, layout and character to its setting and to the village”. Policy CS15 requires development to “respect the local context and character” with in particular, respect “landscape features, streetscape / townscape, heritage assets and important spaces”.

By contrast:

- Within a quintessentially “linear village”, the Application adds two additional rows of development to the rear of 1-6 The Street. The second row of development pushes development well beyond Kersey's established building line (the BUAB).
- As recognised by the inspector in the Linton House appeal, the large garden plots are important spaces “contribut[ing] to the character of the building, ... to the character of the Kersey Conservation Area ... [and] protect[ing] the open setting to the village and its relationship with the countryside beyond”. Into this space, the development introduces a jarringly dense urban form, with 7 new buildings, 18 hard surfaced car parking spaces and related hard surfaced car maneuvering space. The hard surfacing alone covers nearly 50% of the former garden (see attached Site Plan).
- Kersey is notable for its 15th – 17th century half-timbered and stuccoed buildings, of which Numbers 1-6 The Street are prime examples, as evidenced by their Grade II* listing. The development proposes to build 7, unremarkable brick, pastiche Victorian/Edwardian-style houses, 6 of which are semi-detached. These are hardly consistent with the predominantly 15th-17th character at the heart of Kersey.
- The proposal is acknowledged by all parties to harm the heritage significance of the listed 1-6 the Street and of the Conservation area.

By what stretch of the imagination can any of the above be described as ‘appropriate in layout and character’ to the historic, linear village (Policy CS11)? Equally, what part of the

above is respectful of the local context, character, listed buildings and conservation area (Policy CS15)?

At the very least, the fact that a development harms the heritage significance of numbers 1-6 and the Conservation Area must mean that the development does not 'respect' the heritage assets and is therefore in breach of Policy CS15.

Policies CS11 and CS15 are consistent with the NPPF and therefore attract full weight (OR para 62). The conflict between the Development and the locational and character requirements of these policies is self-evident. In this very sensitive location, these are significant policy breaches.

Harm to the Brett Valley Special Landscape Area

Policy CR04 requires development to enhance the special landscape qualities of the area as identified in the relevant landscape assessment, and also harmonise with the landscape setting.

The relevant landscape assessment is the Joint Babergh and Mid-Suffolk DC Landscape Guidance 2015 (the Landscape Assessment). Kersey falls within two sub-character areas, the 'Ancient Rolling Farmlands' with 'picturesque villages' "nestled within the valley" (page 41) and 'Rolling Valley Farmlands' where "historic villages blend with the valley landscape, with the buildings complementing a landscape of the highest visual quality" (emphasis added). The repeated aims of the Landscape Character Assessment are that development should "retain, enhance and restore the distinctive landscape and settlement character" (at page 56).

In this assessment, the historic villages are part and parcel of the landscape. The landscape does not somehow stop at the field boundaries. Indeed, the same view is evident in the Linton House inspector's comments that the large gardens "protect the open setting to the village and its relationship with the countryside beyond".

The suggestion in the officer report that Policy CR04 applies only 'tangentially' because the site is an 'enclosed garden' conflicts with the assessment in the Landscape Assessment and is wrong and inconsistent with the Landscape Assessment.

The dense, urban, form of the development with large areas of hard standing is more typical of a town or city. The way that it pushes out beyond the existing building line to the very edge of the plot is unprecedented in Kersey. This is wholly inconsistent with the green character of the large gardens to the rear of the Street which transitions to the fields beyond, thereby protecting "the open setting to the village and its relationship with the countryside beyond". The development therefore clearly conflicts with Policy CR04.

Benefits

As the committee report notes, the Council has a more than adequate 5-year housing land supply (OR para 5) and therefore the 'tilted balance' does not apply. Furthermore, the Government's statistics² show that Babergh has delivered 123% of its annual target for housing over the last three years.

In these circumstances, does the provision of additional housing really justify the harms outlined above? Historic England have stated in clear terms, that they do not think it does

² <https://www.gov.uk/government/publications/housing-delivery-test-2019-measurement>

(see quote above). Similarly, the Council gave only moderate weight to the recently proposed additional housing at Vale lane (DC/19/01834). There is no reason why the present proposal should attract greater weight.

If members are minded to give weight to the offer of affordable units, please note that that benefit comes at the cost of the additional harm from the market units. The benefit of affordable housing would be achieved equally well without the market units. The Applicant has not explained why it needs the additional three market units, which then necessitate this uncharacteristically dense urban form. Moreover 4 affordable units is a modest number.

As for the build quality, does an EPC rating of 'B' on 7 houses really justify the permanent harm to the significance of the listed 1-6 The Street, and to the Conservation Area as well as the other policy breaches? The benefit of that rating will be felt primarily by the private occupants of the buildings in lower bills. The number of units is simply too small for this to be a significant public benefit either to Kersey, or the Babergh area as a whole.

Conclusions

This application proposes a dense Victorian/Edwardian-style urban development which would be more appropriate in a town or city. Instead, the Application is located within the heart of the Kersey Conservation Area, within the setting of a Grade II* listed 15th – 17th century building and pushing built development well outside the existing building line.

Historic England have advised that the proposal will harm the significance of the listed buildings and the Conservation Area. As a matter of law, those two harms must be given significant weight.

The officer's recommendation to refuse on heritage grounds is correct and consistent with the impartial advice of Historic England and the Council's own conservation offer. However, the application also conflicts with adopted policies on design, character and setting (CS11, and CS15) and policy CR04 on development within the Special Landscape Area.

The harm caused by the development will be permanent. The vast majority of the benefits of the proposal are limited just to the occupants of the units. Nor is there any explanation of why the market units are required (which exacerbate the harm), rather than just the affordable units. The number of affordable units is modest.

Given the serial policy breaches, and the significant heritage harm, my clients urge Members to refuse the Application.

Thank you for your patience in reading this letter.

Yours sincerely,



Simon Kelly

Richard Buxton Solicitors

Encl: Applicant's Site Plan
Applicant's Elevations

Officer Report Addendum: Response to Richard Buxton Solicitors Letter

Summary

Officers note the content of the Richard Buxton Solicitors letter of 10th July 2020 (“RBS letter”) addressed to Members in relation to application ref: B/15/01196 to be considered by Planning Committee on 15th July 2020. Among other things, the RBS letter alleges that officers are ‘*wrong*’ in their treatment of landscape/character matters as relating to policies CR04, CS11, and CS15.

In light of those allegations it is important that officers explain their reasoning in order to support the assessment in the officer report – which remains unamended – and to assist Members in their deliberations, notwithstanding that the recommendation for Members remains the same.

The reasoning for reaching a conclusion that in landscape/villagescape terms the application satisfies policy CR04 and the criteria under CS11 and CS15 (in so far as they relate to such considerations) is provided in detail below but in summary the proposed development would accord with those policy requirements and the assessment undertaken is consistent with relevant guidance.

Landscape

1. For the avoidance of doubt, officers have not suggested that policy CR04 is not engaged where stating that it has “tangential” relevance to the determination of the application. It must be taken into account because the site falls within a Special Landscape Area; the policy therefore applies.
2. However, if para. 52 of the officer report is read in its totality, it is clear that term was used because officers simply do not rate it as being “most important” for the determination of the application, noting the parlance of NPPF 11. This is partly because the site is not considered to be, as a matter of planning judgement, representative of the inherent qualities of the SLA that washes over the village and its surrounding landscape. But it is also because the policy is itself, in any event, satisfied. At paragraph 52, following a reproduction of the requirements set out under policy CR04, officers state:

‘The policy is engaged and is tangentially relevant (because the site is within a designated SLA) but it is not a policy most important for the determination of this application. This is because the site is effectively enclosed as garden/communal residential land and it is plainly not representative of the appreciable special landscape qualities of the wider designated area that washes over the village and its landscape setting. The application therefore does not conflict with the policy: it poses no harm to the SLA, nor is it a determining issue in this application.’

3. Members should read the report fairly and as a whole. Even if the policy is part of the “most important” bundle of policies this bears no effect upon the ultimate

assessment of the application proposal in landscape terms; there is no policy tension, let alone any outright conflict. Nevertheless given the criticism raised in the RBS letter – which appears to amount to criticism of professional planning judgement as opposed to any matter of law – it is important that officers provide yet further detailed assessment to justify their position, as now follows.

4. Officers are, as Members will be, well-versed in the landscape assessments and guidelines relevant to the local area and which are material for decision taking. For sake of completeness, however, links to referenced documents will be provided in footnotes so that Members can consider the material at its source.

Landscape Character Context and Guidelines

5. The site sits within National Character Area 86 (“NCA”) – *South Suffolk and North Essex Clayland (NE515)*¹. This is a broad designation which effectively covers the entirety of the District. In general the NCA defines an open landscape of gentle clay ridges and valleys; an undulating plateau dissected by river valleys giving a topography of gentle slopes in the lower wider valleys; the agricultural landscape is predominantly arable with a wooded appearance; a dispersed settlement pattern; winding narrow and sometimes sunken lanes and a strong network of public rights of way. Given the scope/broadness of the NCA many of those characteristics can be found in the vicinity of the application site, which is unsurprising.
6. Moving down a tier of landscape assessment, it is correct of the RBS letter to state that Kersey falls within two sub-character areas, as set out within the *Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015*² (“BMS Guidance”): Ancient Rolling Farmlands, and Rolling Valley Farmlands. Those sub-character areas are based upon and lifted direct from the Landscape Character Types (“LCT”) contained within the *Suffolk Landscape Character Assessment*³ (“Suffolk LCA”).
7. The BMS Guidance was published in order to assist decision-taking in improving the quality of development proposed within the countryside in order to avoid change that could be ‘...damaging to the local character and distinctiveness of the landscape’. The BMS Guidance states that it should be read in conjunction with the Suffolk LCA, among other landscape and design documents.
8. The site itself (and the land immediately surrounding it), however, falls solely within the Rolling Valley Farmlands LCT which acts as a “finger” sandwiched between Ancient Rolling Farmlands as it moves westwards from the east of the village across The Street and Church Hill, across the site, and following the River Brett tributary, terminating between Groton and Lindsey.

¹ Details available at:

<http://publications.naturalengland.org.uk/publication/5095677797335040?category=587130>

² Available here: <https://www.babergh.gov.uk/assets/DM-Planning-Uploads/Joint-Landscape-Guidance-Aug-2015.pdf>

³ Details available here: <http://www.suffolklandscape.org.uk>

9. The landscape surrounding the River Brett is designated as a Special Landscape Area; thus, it is of itself a relatively large area as it follows the river route from Lavenham to Upper Layham/Hadleigh⁴ and washes over the village.

10. The key characteristics of the Rolling Valley Farmlands LCT are defined as follows:

- *Gentle valley sides with some complex and steep slopes*
- *Deep well drained loamy soils*
- *Organic pattern of fields smaller than on the plateaux*
- *Distinct areas of regular field patterns*
- *A scattering of landscape parks*
- *Small ancient woodlands on the valley fringes*
- *Sunken lanes*
- *Towns and villages with distinctive mediaeval cores and late mediaeval churches*
- *Industrial activity and manufacture, continuing in the Gipping valley*
- *Large, often moated, houses.*

11. The Suffolk LCA guidance note for the Rolling Valley Farmlands LCT provides development and land management guidelines which are consistent with those found in the BMS Guidance.

12. The BMS Guidance describes the Rolling Valley Farmlands landscape as making a *'significant contribution to the specific local character of the district because it is the focus of historic settlement and wealth creation'*. The landscape and settlement characteristics are set out in detail on pages 54 and 55. The aims and objectives for the area include: *'To retain, enhance and restore the distinctive landscape and settlement character. In particular strengthening the rolling valley landscape with appropriate planting and safeguarding the dispersed settlement pattern.'*

13. The BMS Guidance also sets out "Key Design Principles" for the area:

- i. Due to the rolling landscape development in this area is considered to have a wide zone visual impact. All development must take into consideration the cultural and historic importance of this area and the potential visual impact on AONB and Conservation Areas.
- ii. Reinforce the parkland and village green features in new developments.
- iii. Woodlands are to be protected and maintained within this landscape character.

14. The BMS Guidance provides the following guidelines for new development within the countryside (though whether apart from a strict interpretation of the settlement boundary the site is within the countryside, is a matter of opinion). In respect of visual effects it is advised that development should be located:

- i. Away from ridge tops, upper valley slopes or prominent locations.

⁴ A District-wide map identifying SLAs is available here: <https://www.midsuffolk.gov.uk/assets/Strategic-Planning/Babergh-Local-Plan-2006/DISTRICTFINAL2.pdf>

- ii. Where existing mature planting can screen, filter or soften/ integrate (depending on what level is necessary to mitigate development) what is proposed.
- iii. Where there is a backdrop of woodlands or valley side so the development does not break the skyline.
- iv. Below the skyline using dark materials to the roof (unless using a natural clay pan or plain tile).
- v. Close to woodlands or groups of buildings which can anchor the building
- vi. Sympathetically with the natural landform – and to avoid hard engineering solutions.

15. In respect of landscape/historic landscape character the following guidelines also apply:

- i. Development located on the edge of a settlement should be consistent with the form or shape of the settlement.
- ii. The layout of new developments should seek to retain historic landscape features such as hedges trees and respect the existing patterns of vegetation and enclosure
- iii. The design of domestic or small-scale buildings should be sympathetic to and reflect the characteristics of existing traditional buildings.
- iv. Development should avoid dominating other buildings or landscape features around it or detract from views of listed buildings or heritage assets.
- v. Measures should be taken to minimise the scale and dominance of large- scale buildings. Large buildings have the potential to dominate their surroundings and are therefore difficult to accommodate within settlements without effective screening.

16. It is further stated that: *'Where development is proposed on the edge of a village the proposal should be consistent with the way other buildings are orientated within the settlement pattern.'*

17. Village edge development – including those relevant to policy CS11 – also has applicable guidelines but which apply to sites on the *'outskirts'* of villages. For completeness, the guidelines state that in such circumstances regard should be paid to:

- i. Whether the proposal would constitute harmful ribbon development on the edge of the village
- ii. The magnitude of change to the countryside e.g. hedges, woodland etc... needs to be cleared having an adverse impact on the character of the settlement and/or countryside
- iii. The scale, density, form, extent of landscaping and character of the proposal in relation to the existing adjoining development
- iv. Whether the proposal constitutes a logical extension of the built-up area of the village and can be both physically and visually contained

- v. Whether the proposal would result in the logical infilling of a gap between two buildings or conversely, whether the proposal would harmfully fill an important gap
- vi. Whether the proposal is visually well related to the settlement it abuts and has logical, natural boundaries e.g. existing hedgerows, woodland and other landscape features i.e. it does not encroach into open countryside.
- vii. Whether the proposal is positioned appropriately within the landscape, in particular having regard to the visual impact of the character of the immediate area e.g. rolling, undulating, plateau, valley or farmland.

Assessment

18. The assessments and guidelines above were taken into account and formed the basis of the judgement set out in the officer report. The key landscape issues (and the engagement of policy CR04 alongside the relevant criteria of policies CS11 and CS15) are considered by officers to relate to matters of: a) visual impact; and b) landscape/settlement character, especially in relation to settlement morphology and grain.
19. In the dismissed Linton House appeal the Inspector⁵ considered matters of broader character and appearance as well as heritage impacts. The judgements exercised in that case are important to take into account but they do not have to be followed, especially where the two sites and developments are not directly comparable.
20. Officers maintain that the site in this case is one that is effectively enclosed and is not in open countryside (despite falling within the countryside in spatial terms, having regard to policy CS2). Likewise, open views/a visual connection from The Street into the countryside beyond is simply not available due to topography and the landscape borders of the site, and certainly not in the way that can be said of Linton House. The development that is proposed would not spill out of the historic settlement boundary framed by the rear gardens on the western side of The Street and would not encroach into the countryside landscape setting beyond; the open setting of the village would remain unchanged despite development within and close to its boundary. The landscaped boundary at the west of the site would itself be reinforced and thus the development would be physically and visually contained consistent with the BMS Guidance.
21. That the BMS Guidance requires the visual relationship of development to the settlement and its landscape context to be assessed is important to note because this highlights that such an assessment is an experiential one: it is the relationship as it would be perceived by someone moving around the landscape which matters. In that respect, as considered within the officer report, the visual impacts would be minimal and would not offend the BMS Guidance criteria listed above in those terms, even if considering experience from the PRoW network and Footpath 12. There are vantage points where some parts of the site are more discernible in a landscape context; from the church steps/gate, for example. However, as set out

⁵ As referred in the officer report, appeal ref: 3231103

in the officer report the extent of visual change would be minimal and would certainly not jar with the very clear and important vista relating to Church Hill/The Street and its wider setting.

22. Impacts relating to settlement character are considered at various points throughout the officer report and this captures the concern relating to “backland” development. The BMS Guidance underlines the importance of settlement form and shape in respect of new development proposals. Officers have embraced that advice but for the reasons already set out in the officer report⁶ the development would not offend the strong linearity of the village grain and would not conflict with the character of the settlement in landscape or broader character terms.
23. It is often the case that landscape and heritage matters overlap; this is only natural. However, in this case the particular impacts relating to the application proposal are discrete and distinguishable between those matters. The harm relates to the heritage value of the site as connected to the host properties (which in turn contributes to the significance of the KCA), as identified in the officer report, not the value it holds in landscape/villagescape terms or as a washed-over part of the Special Landscape Area.
24. While guidance is just that, officers are satisfied that the assessment undertaken is consistent with the BMS Guidance. The application accords with policies CR04, CS11, CS15 (in so far as the criteria of policies CS11 and CS15 are applied to landscape matters⁷) and the policies of the NPPF, in particular noting paragraphs 127 and 170.

⁶ For example: paras. 9, 53, 110, 252-255, 275.

⁷ Those same policies also overlap with heritage matters and it is for that reason that the officer report clearly states that they are breached because of the unacceptable heritage harm: see para. 111.