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COMMITTEE: **PLANNING COMMITTEE**

VENUE: **King Edmund Chamber -
Endeavour House, 8 Russell
Road, Ipswich**

DATE: **Wednesday, 17 October 2018
9.30 am**

Conservative Group	Independent Group	Independent Conservative Group	Liberal Democrat Group	Labour Group	Babergh Unionists Group
Peter Beer - C Michael Creffield Michael Holt - VC Jennie Jenkins Adrian Osborne Lee Parker Ray Smith	Clive Arthey Stephen Plumb David Rose	John Hinton	David Busby	Luke Cresswell	Sue Burgoyne

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AGENDA

PART 1

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 PL/18/12 TO CONFIRM THE MINUTES OF THE MEETING HELD
ON 19 SEPTEMBER 2018**

1 - 4

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

5 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 24 October 2018.

6	PL/18/13 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE	5 - 8
	An Addendum to Paper PL/18/13 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	DC/18/02513 Crown Building, Newton Road, Sudbury	9 - 24
b	DC/18/00873 Land adjacent to Frogs Alley, Frogs Alley, Shotley	25 - 44
c	B/17/01069 11 Market Place, Lavenham	45 - 52
7	PL/18/14 ACTION OUT OF MEETING	53 - 54

Paper PL/18/14 details urgent action taken by the Assistant Director – Planning and Communities in consultation with the Chair of the Committee under delegated powers.

Members are asked to note the action taken.

Notes:

1. The next meeting is scheduled for Wednesday 28 November 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.
3. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

<https://baberghmidsuffolk.moderngov.co.uk/documents/s11535/20161130BDCPublicSpeakingArrangementsADOPTED30112016.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

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.
4. Use the stairs, not the lifts.
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Agenda Item 3

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN KING EDMUND CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 19 SEPTEMBER 2018

PRESENT: Peter Beer - Chairman

Clive Arthey
Michael Creffield
Michael Holt
Adrian Osborne
Stephen Plumb

David Busby
John Hinton
Jennie Jenkins
Lee Parker
David Rose

The following Members were unable to be present:

Sue Burgoyne, Luke Cresswell and Ray Smith.

34 SUBSTITUTES

There were no substitutes present.

35 DECLARATION OF INTERESTS

Councillor Jennie Jenkins declared a local non-pecuniary interest in her capacity as a Babergh District Council representative on the South Suffolk Leisure Trust Board.

36 PL/18/10 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 22 AUGUST 2018

It was RESOLVED

That the Minutes of the meeting held on 22 August 2018 be confirmed and signed as a correct record.

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

None received.

38 SITE INSPECTIONS

Gemma Pannell, Area Planning Manager, referred to the Committee decision to grant permission for 6 houses at The Paddocks, Lawshall Road, Hartest. The application was then subject to legal challenge and the decision was subsequently quashed. The application will therefore be returned to Committee for determination.

The Corporate Manager – Growth and Sustainable Planning recommended that Members should undertake a site visit to enable them to fully appreciate the site's relationship to the village, together with the nature of Lawshall Road and its suitability for pedestrians.

It was RESOLVED

- (1) That a site inspection be held on Wednesday 26 September 2018 in respect of Application No DC/17/04049 – Full application – erection of 6 single storey dwellings, associated outbuildings, improvements to existing vehicular access and highway improvements. As amended by agent's email dated 17/8/18 and amended drawings numbered 17/60/02A, 03A and 012A showing changes to proposed footpath arrangement. Further amended drawings received 9/11/17 numbered 17/60/02B, 03B, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 12B and 14B showing changes to layout and form of dwellings The Paddocks, Lawshall Road, Hartest.
- (2) That a Panel comprising the following Members be appointed to inspect the site:

Clive Arthey
Peter Beer
Sue Burgoyne
David Busby
Michael Creffield
Luke Cresswell

John Hinton
Jennie Jenkins
Lee Parker
Stephen Plumb
David Rose
Ray Smith

39 PL/18/11 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the items in Paper PL/18/11 and the speakers responded to questions put to them as provided for under those arrangements.

Application No.

Representations from

DC/18/03314
DC/18/02573

Kathryn Grandon (Ward Member)
Brian Letham (Agent for the Applicant)

It was RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/18/11 be made as follows:-

a HADLEIGH

Application No DC/18/03314/FUL Paper PL/18/11 – Item 1	Full application – Erection of extension to swimming pool, erection of connecting corridor and demolition of existing pool hall, Hadleigh Pool and Leisure, Stonehouse Road.
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There were no updates to the report. Following the presentation by Gemma Pannell, Area Planning Manager, Members asked questions about various matters including the timescale for the demolition and new build. Margaret Maybury, Cabinet Member for Communities was in attendance at the meeting and responded, at the request of the Chairman and with the consent of the meeting, regarding the anticipated timings for the work. Philip Isbell, Corporate Manager – Growth and Sustainable Planning, confirmed that the current development within the East House site had not raised any issues affecting the application.

The proposed improvements were generally welcomed, but during the course of the ensuing debate, the need for the demolition of the current pool hall was queried, with a suggestion put forward that the building be retained for some sort of youth provision or activity. The Area Planning Manager referred to the benefit which would be obtained from the re-instatement, as parkland, of the area currently occupied by the pool hall. Notwithstanding concerns about the condition of the building, a motion to approve the officer recommendation, with the addition of an informative note asking for further consideration to be given to a youth-related use of the pool hall as an alternative to its demolition, was moved but was lost on being put to the vote.

The officer recommendation was then moved and carried on being put to the vote.

It was RESOLVED

That the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission subject to conditions including:-

- **Standard time limit**
- **Accord with approved plans**
- **Prior to commencement of development written scheme of investigation for archaeological works to be agreed and implemented**
- **Prior to occupation the site investigation and post investigation assessment has been agreed**
- **Implement soft and hard landscaping as agreed**
- **Construction and demolition working hours to be between 08:00 to 18:00 Monday to Friday and 08.00 to 13.00 Saturdays, no works on Sundays or bank holidays.**

b LEAVENHEATH

Application No DC/18/02573/FHA Paper PL/18/11 – Item 2	Householder Planning Application – Erection of outbuilding following removal of existing aviary and shed, 94 High Road.
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Philip Isbell, Corporate Manager – Growth and Sustainable Planning, summarised a letter from the objector at no 92 High Road.

The Case Officer, Mark Brands, introduced this item. There were no further updates to report.

It was RESOLVED

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

- **Time limit of 3 years**
- **Accord with the approved plans**
- **Occupation restriction; permission shall only authorise the use and occupation of the accommodation for purposes incidental and ancillary to the principal dwelling [i.e. no commercial use]**
- **Controls over external lighting**

The business of the meeting was concluded at 10.50 a.m.

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Chairman



PL/18/13

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

17 OCTOBER 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.	9-24	DC/18/02513	SUDBURY – Crown Building, Newton Road	JD	
2.	25-44	DC/18/00873	SHOTLEY – land adjacent to Frogs Alley, Frogs Alley	JD	
3.	45-52	B/17/01069	LAVENHAM – 11 Market Place	SS	

Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

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

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

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

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

DELEGATION TO THE CORPORATE MANAGER - GROWTH AND SUSTAINABLE PLANNING

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

PLANNING POLICIES

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

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

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

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Agenda Item 6a

Committee Report

Item No: 1

Reference: DC/18/02513

Case Officer: John Davies

Ward: Sudbury East.

Ward Member/s: Cllr Adrian Osborne. Cllr Jan Osborne.

Description of Development

Application under Section 73 of the Town and Country Planning Act - Erection of up to 19 apartments with associated parking, garaging, communal area and vehicular access - without compliance with Condition 3 (Approved Plans and Documents) to allow amendments to the approved plans

Location

Crown Building, Newton Road, Sudbury, CO10 2RL

Parish: Sudbury

Site Area: 0.17 ha

Conservation Area: No

Listed Building: No

Received: 2/06/2018

Expiry Date: 03/09/2018

Application Type: Section 73

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: N/A

Applicant: APC UK Ltd

Agent: Mr Bryan Staff

DOCUMENTS SUBMITTED FOR CONSIDERATION

The plans and documents recorded below are those upon which this decision has been reached:

A20/E01- Proposed Elevations- Received 17/8/18

A20/P00- Ground Floor Plan- Received 17/8/18

A20/P01- First Floor Plan- Received 17/8/18

A20/P02- Second Floor Plan- Received 17/8/18

A20/P03- Third Floor Plan- Received 17/8/18

A20/P04 Rev G- Site and Roof Plans- Received 3/10/18

A21-22-006- Site Line Sections- Received 17/8/18

18-6311-301- Drainage Layout- Received 17/8/18

Design and Access Statement- Received 17/8/18

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

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

B/17/01023	Outline- Erection of up to 19 apartments along with associated parking, communal areas, and construction of new vehicular access.	Approved
B/16/01360	Outline planning application (with some Matters reserved) for Residential Development of 20 1 & 2 Bed Apartments and 3 Cart Lodge Apartments (23 in total) together with parking and external amenity area.	Refused
B/14/01158	Outline - Erection of up to 33 apartments along with associated parking, garaging, communal areas and access.	Withdrawn 11/02/2015
B/11/01512	Change of use from business use (Class B1) to retail use on ground floor (Class A1 use) and business use (Class B1) on the first floor, alterations to ground floor windows on front and eastern side (facing Belle Vue road) of building and alterations to rear access to Belle Vue road.	Granted 07/02/2012

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

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

CN01 - Design Standards
CN08 - Development in/near conservation areas
TP15 - Parking Standards - New Development
EM24 - Retention of Existing Employment Sites
SD02- Mixed Use Areas-Business and Service
SD03- Mixed Use Areas-Shopping and Commerce
SD04- Mixed Use Areas-Residential Development

BABERGH CORE STRATEGY 2014

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03- Strategy for Growth and Development
CS15 - Implementing Sustainable Development
CS18- Mix and Types of Dwellings
CS19- Affordable homes

SUPPLEMENTARY PLANNING DOCUMENTS

Suffolk Guidance for Parking 2014

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

Officers gave advice regarding the proposed changes and recommended the submission of the s73 application.

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

Sudbury Town Council

Comments received from Sudbury Town Council:

REFUSE - Concern over the inclusion of a study and an en-suite within a one bedroom flat. In the original plan the third floor flat was removed due to concern of the loss of amenity and intrusive overlooking of neighbouring gardens. The inclusion of the proposed roof garden will again create intrusive overlooking including that of a property that houses vulnerable people. The council were also concerned over the noise that a communal garden could create. We have also been advised that the measurements of the distance between the proposed development and the houses on Belle Vue Road is incorrect.

Comments on Revised Plans:-

REFUSE - Concern over the inclusion of a study and an en-suite within a one bedroom flat. In the original plan the third floor flat was removed due to concern of the loss of amenity and intrusive overlooking of neighbouring gardens. The inclusion of the proposed roof garden - even with the amended location, will still create intrusive overlooking including that of 'Park Hall', a property that houses vulnerable people. The 'sight vision' into this property has not been included on any plans even though the roof garden will look directly down. The council were also concerned over the noise that a communal garden could create.

Environmental Health - Land Contamination - No objections.

Environmental Health - Noise/Odour/Light/Smoke

Confirm with respect to noise and other environmental health issues that they do not have any further comments to make and no objection to the proposal. Note comments made at outline stage below:

- potential for loss of amenity due to traffic noise and recommend condition to require appropriate acoustic glazing provided for flats facing Newton Road to meet internal noise values given in BS:8233
- sound insulation between flats is required but noted that this would be covered by Building Regulations.
- requested Construction and Environmental Management Plan given proximity of existing dwellings
- request noise condition for construction works and limitations on delivery times to 8-6 pm Mon-Fri and 9-1pm on Saturdays only.
- no burning to take place on site
- request conditions for submission of external lighting scheme.

SCC – Highways

- The Highway Authority note that the application drawings for the individual dwellings show a number of the apartments have a study which could be used as an extra bedroom and comment that the parking provision required to comply with Suffolk Guidance for Parking 2015 (SGP) requires 27 spaces with 5 visitor bays. Therefore additional parking spaces are required.

They state that if the proposal has insufficient parking spaces, this will likely to cause inconsiderate and unsafe obstructions to the surrounding road or footpath network and add pressure onto an already densely utilised on-street parking network.

- A reduction to the parking standard may be considered where a proposal has been designed to be an exceptional sustainable development. The application has to promote a car-club or encourage an overall need to reduce the use of high emission vehicles. Main urban areas are defined as those having frequent and extensive opportunities for public transport, high employment within the area and very good cycling and walking links. SGP notes that planning policy in recent years tries to promote less reliance on the motor vehicle and move to more sustainable methods of travel. However, this approach is only successful in city centres.

Advise that should the LPA be minded to approve permission the following conditions should be included:

- Access to be designed in accordance with Suffolk County Council Drawing No. DM10; with an entrance width of 6m
- Areas shown on plans for parking and refuse storage to be provided
- Gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres

SCC - Fire & Rescue -Advise on fire fighting requirements and water supplies.

Anglian Water -No response.

Suffolk Constabulary- Design out Crime Officer

"I strongly advise that the applicant applies for ADQ and Secured by Design accreditation and I would be pleased to work with the agent and/or the developer to ensure the proposed development incorporates the required elements. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75% and achieve ADQ. Express concerns over access/egress onto Belle Vue Road, which is narrow and heavily congested by parked vehicles."

SCC Development Contributions Manager: No comments.

Heritage Team: The Heritage Team was not consulted on the initial application, ref.no. B/17/01023. However, the proposed changes are cosmetic and whilst they obviously alter the appearance of the elevations, changing window openings and amending the form of balconies, etc. they do not do so in a manner that enhances the local distinctiveness of the place, which was one of the initial concerns of the SPS. Their amended form neither preserves nor enhances what has already been given permission, so in terms of their impact on the character and appearance of the place, the impact of the alterations is neutral.

B: Representations

Original Plans:

Occupier of Kimberley, Belle Vue Road - object

- addition of roof level terrace adds to height of building and its use is likely to cause noise and disturbance
- adverse impact of terrace to side of building
- position of Kimberley not accurately shown on the plans

- internal flat layouts have been altered to create additional 'study' rooms which could be occupied as additional bedrooms thus increasing capacity of units
- building too close to Newton Road and could prejudice visibility at access

Sudbury Society- Object

"This latest submission is if anything a clumsier building than its predecessors with poor internal circulation to the flats. It is unworthy of its key site at the entrance to the town centre and once again makes no attempt to show a concern for pedestrian access to the centre or for its context. Maybe a willingness to reduce its size, possibly not extending up Belle Vue Road, might be the key to a better building."

Revised Plans:

Kimberly- objection on following grounds:

- Roof terrace adds to height of building facing Belle Vue Road
- Terrace to Flat 9 is of no real benefit to occupier
- Removal of existing footway in front of footpath on Belle Vue Road
- Addition of studies has increased number of two bed flats to 15 thus increasing parking pressure on Belle Vue Road.
- Private garden areas face onto Newton Road

Parkhall- objection on following grounds:

- Will suffer loss of amenities from roof garden including overlooking, noise and misuse
- Addition of studies to flats which could be used as bedrooms and add to parking problems
- Traffic problems likely to arise when bins collected

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1 The site is a vacant and cleared plot on the corner of Newton Road (the A134) and Belle Vue Road. Newton Road is the main radial route leading into Sudbury town from the south-east and Belle Vue Road is a residential street. The site is 0.17 hectares in area.
- 1.2 The site was formerly occupied by a two-storey building used as a tax office by the Inland Revenue, which was demolished in 2014. It has remained vacant and un-used ever since and its run down and neglected appearance severely detracts from the surrounding area and the approach to the town centre.

- 1.3 The site is surrounded by residential uses on Belle Vue Road comprising mainly two storey terraced houses and predominantly detached houses on Newton Road. Opposite the site is the site of Belle Vue House and the public park. To the west of the site is a telephone exchange building. Ground levels gently rise along Newton Road away from the town centre and they rise more steeply up Belle Vue Road from Newton Road.
- 1.4 The site is close to the town centre and there are no listed buildings nearby nor is the site within the Sudbury Conservation Area, the boundary of which is located to west of junction of Girling Road/Newton Road approximately 60 metres to the west of the site.
- 1.5 There were formerly two existing vehicle accesses into the site from Belle Vue Road and a public footpath runs along the rear boundary between Belle Vue Road and the side elevation /garden of Kimberley leading via Minden Road to East Street.

2. The Proposal

- 2.1 The approved outline consent was for a part 3 and part 4 storey block providing up to 19 no. 1- and 2 bedroom flats together with 26 on-site parking spaces and use of the existing vehicular access. All details except landscaping were approved at that stage so the application was virtually a full application.
- 2.2 The outline consent included a number of conditions of which the following required further details to be submitted to the LPA:

Conditions 4 (Facing materials); 5 (Tree Protection);6- (Landscape scheme); 8- Construction Management; 9-Levels; 10- Surface Water Drainage; 11- Screen walls and fences; 13-Parking details; 16- Architectural design details; 17- External illumination; 18-Fire hydrants.
- 2.3 This application under S.73 is to vary the approved plans as listed under Condition 3 of the outline consent. The changes to the approved plans are listed as follows:
 - Addition of lift shaft and provision of lift access within the building
 - Revisions to elevations including windows and balconies
 - Addition of rooftop amenity area
 - Addition of small enclosed terrace to north side of building for Flat 9
 - Alterations to layout of external areas including changes to parking configuration in order to provide improved entrance area to rear of main building- parking numbers remain the same.
 - Alterations to internal flat layouts with inclusion of studies/home offices and utility cupboards to flats
 - introduction of small private terraces to the ground floor units.
- 2.4 The Proposal does not include any new units and the dwelling mix of 16 x 1-bed and 3 x 2-bed units remain the same.
- 2.5 In August 2018 revised plans were received which amended the proposals as follows:
 - roof terrace set back on Belle Vue Road by 2.4 metres
 - elevational design of top floor changed to horizontal banding
 - position of 'Kimberly' on plans adjusted
 - clarification of building height in relation to outline scheme

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF), as revised in 2018, contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

4. Babergh Core Strategy

- 4.1. Policy CS1 states that the Council will support sustainable development unless material considerations indicate otherwise.
- 4.2. Policy CS2 sets out the settlement policy for the district and states that development will be guided sequentially to the towns, core and hinterland villages.
- 4.3. Policy CS03 states that employment and housing growth over the plan period will be accommodated within Babergh's existing settlement pattern and within new urban extensions. Most new housing proposed would be within the Sudbury and Great Cornard Areas.
- 4.4. Policy CS15 sets out a long list of criteria that need to be considered to demonstrate that proposals are sustainable.
- 4.5. Policy CS18 states that residential development will be supported where it provides for the needs of the District's population especially the elderly and at a scale appropriate to the size of development.
- 4.6. Policy CS19 requires all residential development to provide 35% of units as affordable housing.

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

- 5.1. Suffolk Guidance for Parking 2014 sets out parking standards for new development.

6. Saved Policies in the Babergh Local Plan

- 6.1. Saved Policy EM24 seeks to protect employment land and buildings and requires developers to demonstrate that proposals for non-employment uses such as residential are justified based on either:
1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
 2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.
- 6.2. Saved Policy CN01 requires all development to be of appropriate scale, form, detailed design and construction materials for the location.
- 6.3. Saved policy TP15 states that new development will be required to provide parking in accordance with adopted parking standards.

7. Assessment of Proposed Changes

Alterations to Building Elevations

- 7.1 The approved building would be part 4 storeys and part 3 storeys with the four storey element predominantly facing Newton Road and comprising a 'T' shaped form with the head of the T running along the boundary with the telephone exchange building. The main frontage to Newton Road would be set back 6 metres from Newton Road but there would be a projecting section at the western end which would provide a visual 'stop' or 'bookend' to the building. The building at this end of the site would rise to 12 metres.
- 7.2 The part of the building facing Belle Vue Road would be three storeys but given the rising ground levels along Belle Vue Road only the two upper storeys would be visible. The building here would be set back 5.5 metres from the footway.
- 7.3 The changes to the external design can be summarised as follows:
- Size and design of windows altered from a square format design proposed for all floors to different sized window units arranged as a hierarchy reflecting traditional building proportions with larger windows at lower level reducing in size up the building.
 - More windows added to increase daylight to internal spaces
 - Glass balustrades replaced by metal railings and 'Juliet' balconies added
 - Brick string courses added at 1st and 2nd floors to define the floor levels and 'break-up' the brickwork elevations
 - Brickwork features added to windows comprising headers and cills and additional detailing added at parapet level and 2nd floor
 - Top floor set back on all sides and roof design varied to reduce its prominence
 - Raised brick parapet at roof level to reduce mass of top storey and provide guarding
 - Columns reduced in size to be consistent with railing design
- 7.4 These changes reflect a shift in the overall design character of the building from a highly contemporary appearance to one with more traditional references in terms of the design of windows and their surrounds, brickwork detailing and the design of the balconies. The design changes have the effect of assimilating the building more into the character of the surrounding area and are considered acceptable. Conditions are recommended regarding detailed approval of architectural detailing and facing materials.

Internal Changes

- 7.5 The Applicant in the submitted DAS points out that the approved units are spacious but do not maximise this space efficiently. Given the present-day focus on home working and requirements for storage space, many of the units have been re-designed to incorporate studies/home offices. In addition, the introduction of a lift is proposed to improve accessibility and would allow those with impaired movement to access the upper floors, particularly where the units in question offer an opportunity for those seeking to downgrade and be in close proximity to the town centre.
- 7.6 It has been pointed out by consultees that the effects of these changes potentially increase the size of most of the one bedroom flats to two bedroom size and that parking provision on site has not been increased to meet this potential additional demand. The proposed layouts show that 12 no. one bedroom flats have a study room which varies in area from around 8 sqm to 16 sqm and whilst these flats are still referred to as one bedroom size and the additional spaces are named on the plans in each case as a 'study' they could equally be used as additional bedrooms subject to the preferences of the residents. Accordingly, the use of the studies as bedrooms could be associated with increased permanent occupation of the units and therefore potentially generate increased demand for car use. The site does not have additional parking capacity and therefore additional car use would be likely to lead to increased parking demand on surrounding streets.

Road side parking spaces in Belle Vue Road would be likely to bear the brunt of this additional parking demand.

7.7 This issue has been raised with the Applicant who has responded making the following further submissions:

- The site is located in a city centre location where parking standards clearly state that for the city centre location the minimum parking requirements can be reduced.
- The proximity of the site to local public car parks can also be considered. They point out the following public car parks are within walking distance of the site :
 - Sudbury station - 140 spaces - 1 minute walk,
 - Kingfisher leisure centre 297 spaces- 4 minutes walk ,
 - Roys -268 spaces – 5 minutes walk,
 - Girling street - 78 spaces- 10 minutes walk,
 - North street 199 spaces- 10 minutes walk.
- The addition of studies to the units is important to the viability of the project in attracting young professional families or elderly residents wishing to downscale their accommodation without compromising on valuable space and being close to local amenities.
- The units may also be viewed by professional couples as being advantageous in providing a home office and study space with more of the population working from home.
- A letter from an estate agents (WH Brown) active in Sudbury in the apartment sales market has been submitted in which it is stated that whilst two bedroom apartments remain popular, in reality the second bedroom is predominantly used for alternative purposes reflected in young professionals commuting just two or three days a week and so requiring a dedicated office or study room at home and for down sizers studies are flexible spaces and useful to store/display their possessions collected over the years.
- Suffolk Guidance for Parking Technical Guidance (Second Edition November 2015) and the proximity of the site to Sudbury Town Centre and various transport links.
- Electric Vehicle recharging points are to be provided to support the use of low emission vehicles.
- Paragraph 109 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” The impacts are alleged not to fall into either category.

7.8 The adopted Suffolk Parking standards with respect to Main Urban Areas states that a reduction in parking provision may be considered where a proposal has been designed to be an exceptional sustainable development which avoids the provision of parking adjacent to houses in the main layout. Main urban areas are defined as those having frequent and extensive opportunities for public transport and cycling and walking links; close proximity to local services (including accessing education, healthcare, food shopping and employment); and on street parking controls at all times e.g. double yellow lines. The site does not meet all the above criteria as on-site parking controls are not in place on surrounding streets and therefore there is no mechanism for controlling displaced parking demand from the site.

The Guidance also states that the presumption that occupiers are required to use off road public car parks for parking of their vehicles is not generally supported.

- 7.9 The implicit change to the overall dwelling mix of the development where a large number of one bedroom units can potentially become two bedroom size is significant and whilst some of these rooms may be used as an office, study, or as a storage space it is more likely that most will be used as second bedrooms and the occupancy levels of the development are therefore likely to rise. The Highway Authority has pointed out that additional parking should be provided on site in accordance with the increase in two bedroom units. No increase has been made and the site is not large enough to provide additional parking. Officers consider that it is inevitable that an additional demand for parking will have consequences for increased parking pressure on parking spaces on adjoining roads most notably Belle Vue Road and the concerns raised about this by the Town Council are acknowledged. In addition, the Highway Authority has commented that this will be likely to cause inconsiderate and unsafe obstructions to the surrounding road or footpath network and add pressure onto an already densely utilised on-street parking network.
- 7.10 For these reasons it is considered that the internal alterations and associated external window changes are unacceptable and contrary to saved policy TP15 (parking standards) and the associated Suffolk Guidance for Parking SPD.

Roof Level Amenity Areas

- 7.11 In order to improve the amenities for the residents of the block the Applicant proposes to add a communal roof terrace above the three storey part of the building facing Belle Vue Road.
- 7.12 The proposed roof terrace would have an area of approximately 111 sqm and accessed from the main corridor on the third floor. To mitigate overlooking, particularly towards the properties of Park Hall and Kimberley, on Belle Vue Road, the extent of the terrace is pulled back from the edge of the roof and surrounded by an opaque screen and vegetation at a height of at least 1.8m. The screen would be set back 2.4m on the Belle Vue Road frontage and 4.25m from the roof edge facing Kimberley.
- 7.13 Details of the screen and planting (species, growth rate, maintenance etc) can be secured by condition and it is envisaged that the screen would either comprise obscure glazing or a timber screen with acoustic attenuation and the vegetation would be in appropriately designed planters with incorporated irrigation.
- 7.13 It is acknowledged that the use of the roof terrace may give rise to noise and disturbance, however, this is not likely to be any more disruptive than the use of ground floor communal spaces. The Applicant has suggested that a management company or on-site governing body could be responsible for ensuring that the use of the terrace is restricted between reasonable daytime hours with no excessive floodlighting and that activities restricted so there is no amplified music, late night parties, bbqs etc. The Applicant is willing to enter into dialogue with the Council regarding the wording of an appropriate condition to control its use.
- 7.14 The terrace to unit 9 on the second floor would be sunken and surrounded by a screen to mitigate any overlooking to neighbours.

8 Site Access, Parking and Highway Safety Considerations

- 8.1 The proposed access is located on Belle Vue Road located at the northern end of Belle Vue Road as far as possible from the junction with Newton Road. The width of the access is 6 metres. The Highway Authority at outline stage raised no objection but required conditions to be imposed regarding its detailed design.

- 8.2 The proposals would provide a mix of 16 no. 1 bedroom flats and 3 no. 2 bedroom flats, which is un-changed from the approved outline scheme. This is notwithstanding the changes to the internal layouts and incorporation of 'study' rooms which as discussed earlier in the report could have the effect of increasing the number of two bedroom units from 3 no. up to 15 no. flats.
- 8.3 The minimum on-site parking requirement based on adopted Parking standards would be 16 spaces for the one bed units (1 space per dwelling) and 5 spaces for the two bed units (based on 1.5 spaces per unit with 1 space designated per unit and two shared). This makes a total of 21 spaces. In addition, on- site visitor parking is required at a ratio of 0.25 spaces per dwelling. This equates to a requirement for a further 5 spaces. In total, the parking requirement to meet resident and visitor parking needs is 26 spaces which was met with the outline consent scheme.
- 8.4 The proposed development with the inclusion of studies to 12 of the one bedroom flats has the effect of potentially increasing the number of two bedroom flats to 15 with 4 remaining one bedroom units. The on-site parking requirement for this mix would be a total of 32 spaces which is an additional 6 spaces.

9. Heritage Issues

- 9.1 The site is not adjacent to any listed buildings and is neither within nor adjacent to the Sudbury Conservation Area and therefore it is not considered that there is harm to heritage assets.

10. Planning Obligations / CIL

- 10.1 The application is liable for CIL and Suffolk County Council have previously confirmed that they would be making a bid for CIL money to mitigate the impact of the development on education, pre-school, libraries and waste.
- 10.2 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

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

- 11.1 Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

12. Statement Required by Article 35 of the Town And Country Planning (Development Management Procedure) Order 2015.

- 12.1. When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

- 12.2 In this case Officers have worked with the applicant to try to overcome concerns raised about the proposals particularly with regard to issues associated with internal changes to the layout, neighbour amenity concerns raised by roof terraces, elevational changes and parking. Notwithstanding these changes Officers consider the proposals to be unacceptable with respect changes to the mix of the redevelopment and lack of sufficient on- site parking likely to cause inconsiderate and unsafe obstructions to the surrounding road or footpath network and add pressure onto an already densely utilised on-street parking network.

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

- 13.1. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development:
- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

14. Planning Balance

- 14.1 The site has outline consent for up to 19 flats. The site has been vacant, un-used and an 'eye-sore' for 4 years and is much in need of regeneration.
- 14.2 The changes to the design of the scheme with the introduction of some traditional design features have the effect of assimilating it more into the character of the surrounding area and are considered acceptable. The roof terrace would represent an additional amenity for the residents but has the potential to cause loss of amenity (overlooking, noise, disturbance) to neighbours. However, subject to appropriate screening and control of its use it is considered that adverse impacts would be limited. The internal flat layout changes and associated changes to window arrangements would create additional rooms for 12 no. one bed flats. Whilst this makes more efficient use of the units it is also likely to result in increased occupancy levels and be likely to increase parking demand.
In the absence of the provision of increased on- site parking this is likely to result in extra parking pressure on adjoining streets which would be likely to cause inconsiderate and unsafe obstructions to the surrounding road or footpath network and add pressure onto an already densely utilised on-street parking network.
- 14.3 For the above reason refusal is recommended.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Refuse Permission for the following reasons:




Increase in number of two bedroom flats and a reduction in on-site parking resulting in development not in compliance with Policy TP15 of Babergh Local Plan and adopted minimum parking standards as set out in Suffolk Guidance for Parking 2014 resulting in harm to surrounding road network as a result of additional parking pressure on surrounding streets likely to cause inconsiderate and unsafe obstructions.

Application No: DC/18/02513




Parish: Sudbury



Location: Crown Building, Newton Road

Legend

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

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL
Corks Lane, Hadleigh, Ipswich. IP7 6SJ
Telephone : 01473 822801
minicom : 01473 825878
www.babergh.gov.uk

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Agenda Item 6b

Committee Report

Item No: 2

Reference: DC/18/00873

Case Officer: John Davies

Ward: Berners.

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

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Partial change of use to provide glamping and to facilitate event hosting. Erection of an outbuilding to provide toilet/shower facilities and storage capacity in connection with existing vineyards operated by the applicant. As amplified by the submission of an Addendum to the Design and Access Statement and a Glamping Management Plan received 18/4/18. As further amended by email dated 8/5/18 reducing maximum number of tents to 4 and only located at eastern end of site. As further amended by receipt of revised plans (3 Rev 3, 4 Rev 3 and 5 Rev 1) on 6.8.18 reducing size of building and additional information of proposed visitor events received 30.7.18.

Location

Land Adjacent to Frogs Alley, Frogs Alley, Shotley, IP9 1ER

Parish: Shotley

Expiry Date: 18/05/2018

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Mr Craig Mills

Agent: Mr James Cann

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following consideration by the Delegation Panel, following a call-in request from Cllr. Davis:

“Consideration was given to the site being with the AONB and whether this and the heritage comments particularly raised significant policy, consistency or material considerations.

On balance the Panel concluded that the application was controversial in nature. There was a level of public interest that could not be discounted albeit that the application had been changed from the time of its submission and further publicity had been undertaken with less public interest than that first experienced.

On this basis the Corporate Manager for Growth and Sustainable Planning concurred that the application is controversial and should be determined at Committee.”

Details of Previous Committee / Resolutions and any member site visit

A Panel of Members visited the site on the 10 October 2018.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Planning History

The following decisions are relevant to the current application:

Refusal of prior approval of barn for wine production under B/01/01842 in March 2002- Appeal lodged and dismissed by decision dated 17 October 2002.

Permission granted for a barn on site for purposes of wine production under B/02/01837 in January 2003 (Not Implemented).

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

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

CR02 - AONB Landscape
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
EN22- Outdoor Lighting
EM01- General Employment
TP15- Parking Standards

BABERGH CORE STRATEGY 2014

CS01- Presumption in Favour of Sustainable Development
CS15 - Implementing Sustainable Development
CS17 - The Rural Economy

SUPPLEMENTARY PLANNING DOCUMENTS

Suffolk Guidance for Parking 2014

List of other relevant legislation

- Human Rights Act 1998

- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

A Panel of Members visited the site on the 10 October 2018.

Details of any Pre Application Advice

Advice given that principle of proposals were acceptable subject to provision of supporting information to address potential impacts on landscape, ecology, heritage, highways and AONB.

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

Original Application Submission

SCC Flood and Water-

No comments as Minor application

Highways Authority

No objection subject to conditions regarding improvements to access and provision of parking and turning areas.

Natural England

Holding objection on following grounds:

Based on the information provided in support of the application, Natural England's view is that there is currently insufficient information to allow likely significant effects to the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site to be ruled out. We also consider that there is insufficient information to rule out adverse effects to the Orwell Estuary Site of Special Scientific Interest (SSSI).

Economic Development

"We would generally support this application, welcoming additional tourism accommodation in the Shotley Peninsular. The growth of the tourism and leisure industry is a priority for Babergh District Council, the council's current Visitor Destination Plan (amongst many recommendations) emphasises the need to encourage more overnight stays, and for visitors to come all year round. The VDP and other supporting documents can be found on our website.

However, we recognise that this is a sensitive location and restrictions on the noise & lighting levels, number of events and traffic generation may be appropriate."

Dedham Vale AONB and Stour Valley Project

Objection – “We note that the western boundary is adjacent to the Shotley Royal Naval Cemetery and within close proximity of the church. Advice should be sought from the Commonwealth War Graves Commission in terms of the potential impact on the setting, tranquillity and views associated with the cemetery. It is our view that the granting of permission would result in an intrusion to the setting of the church, the war graves and the associated views over the harbour. The potential impacts on these significant historic and culturally important features do not appear to have been fully considered in the application documents.

We wish to raise concerns regarding the narrow access associated with Frogs Alley - this being a single-track lane with no passing places and unsuitable for event use. There is limited information regarding the frequency or type of events or the proposed management of visitors to the site. Without further information we cannot offer full and considered advice on the likely impacts of the proposal. “

Environmental Health - Noise/Odour/Light/Smoke

Request more information on proposed event hosting.

Commonwealth War Graves Commission

Express concern that impact on war graves not considered in submission. Cemetery and Cross of Sacrifice enjoys a vista of the estuary to allow quiet contemplation and commemorate casualties of 2 world wars. Concern about visual detriment to the landscape where cemeteries lie. Concern about noise during construction and when visitors to cemetery are present. Access to proposed development not addresses during or after construction. If approved should be screening of development from the cemetery to mitigate visual, audial and wind-blown rubbish. Request that events not take place during remembrance services.

Heritage Team

Consider the proposals would cause moderate level, less than substantial harm to designated heritage assets, due to inappropriate development within the setting of the GII* church.

Does not support the location of glamping pods or other structures to the west of the site. This would be in close proximity to the War Graves Cemetery and would have a considerable impact on the character and appreciation of this space.

Scale of the proposed outbuilding to the east of the site is considered very large and disproportionate to its rural and undeveloped location. Whilst there would unlikely be any obvious inter-visibility between this area and the church itself, the scale of the outbuilding would be atypical of the location and would be incoherent to the expected outbuilding type of a rural and historic location.

Any access and parking areas proposed must limit the use of black top and suburban road surfaces.

Revised Proposals: April 2018

Environmental Health - Noise/Odour/Light/Smoke

No objection, in principle, to the "Glamping" or erection of an out building but recommend the conditions below. Note provision of more information regarding the types and scale of the events to be hosted and have concerns regarding events to be held outside the proposed outbuilding and have recommended condition 3.

- All persons using the facility should be made aware of the need to respect neighbouring properties in relation to noise; especially late at night and early morning. This is particularly important if several of the Glamping tents are occupied by one group.
- Any external lighting associated with the development shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation.
- Given the likely low background noise levels in the area, especially at night, a noise assessment should be provided. It should detail any noise attenuation scheme to protect the amenity of nearby residents.

Place Services-Ecology

No objection subject to securing: a) a financial contribution towards visitor management measures for the Stour and Orwell SPA/Ramsar site b) biodiversity mitigation and enhancement measures.

War Graves Commission

Advise that concerns have not been met and remind that if approval should be granted request conditions to secure appropriate screening to boundary with cemetery and restriction on any activities at the site when remembrance services are taking place.

Heritage Team

Comment that the additional information provided has not addressed previous Heritage concerns and as such, the initial response is still pertinent and the assessment that the proposed development would cause moderate level, less than substantial harm to a designated heritage asset is maintained.

Dedham Vale and Stour Valley Project

Objection: The AONB team maintain concerns about the introduction of the 2 built structures, particularly the larger outbuilding at this location. The proposal would result in the introduction of a large permanent structure away from Church End hamlet where most of the buildings are concentrated, into a landscape which is free of built structures. As such it would not help preserve the natural beauty or landscape or scenic beauty of this part of the AONB.

AONB team also have concerns about impacts of the proposal on the tranquillity of this part of the AONB, including on the adjacent war graves and on the existing community, from increased noise and traffic associated with the glamping and planned events at the site. The proposal, if approved, has the potential to increase traffic levels on Frogs Alley which is a single use road, thereby increasing disturbance levels locally.

Also have reservations about the suitability of Frog's Alley as the highway access to the site and the proposed level of parking to serve the glamping, weddings and wine-tasting events. The proposed level of parking seems insufficient. The LPA should be satisfied that there is adequate parking to serve the proposals if it is mindful to approve this application.

(Officer comment- These comments appear to be under the impression that the proposals are for two built structures on the site, which is incorrect as the application submission proposed only one building).

Natural England

No objection with regards to the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site or the Orwell Estuary Site of Special Scientific Interest (SSSI). Subject to the inclusion of conditions to secure each of the mitigation measures outlined in the further information provided (Addendum to planning statement, dated 6th April 2018 and Glamping Management Plan) and summarised on page 2 of their letter.

Highways Authority

No objection- previous comments apply

Place Services-Ecology

No objection- previous comments apply

Commonwealth War Graves

No objection subject to following conditions:

- That a semi-mature Beech hedge is planted in the autumn of 2018 on the boundary edge of the proposed site, immediately to the rear of the Commission Cross of Sacrifice. This is to further screen the site and limit noise pollution to any visitors to our graves. The design and layout of this should be agreed in advance with the commission.
- That the applicant limits the events to 6 per annum, and that these events do not take place on key commemorative or remembrance dates.
- That entertainment in the form of music that could be during any event is limited to acoustic.

Economic Development

Support - consider that the revisions and additional information provided, show that this will be a small-scale development to support the existing vineyard and provide a small number of glamping pods for tourists to stay in this rural area. We suggest that conditions are imposed that limit the number and timing of events, noise levels and hours of operation to minimise the impact on the surrounding area.

Environmental Health

Confirm with regard to noise and other environmental health issues that previous comments still apply.

Noted that the applicant intends to have up to 6 wedding events per year in a marquee. Advise that such events usually attract loud amplified music as part of evening celebration and would effectively be in the "open air" if held in a marquee and that the fabric of this type of structure offers nil or marginal resistance to the passage of sound and if entertainment noise is not properly controlled, may cause a statutory nuisance. Without any noise impact report on this aspect no further advice can be provided and there is no support for this aspect of the application. Note that the applicant advises that having 6 wedding events per year does not require planning permission but suggests an informative should permission be granted to the effect that should this Council be satisfied that a statutory nuisance exists or is likely to occur/recur the Council will be under a legal compulsion to serve an abatement notice.

Heritage Team - Considers the previous comments made are still relevant as the issues of heritage concern have not been sufficiently addressed. Therefore, the amended proposal would cause a low to moderate level of less than substantial harm to the designated heritage asset; the grade II* listed Church of St Mary.

The isolated, rural setting of the church and the sweeping landscape beyond contributes to the significance of the listed building and the way in which the asset is experienced. The Heritage Team recommends that by providing an amended scheme which addresses the massing of the proposed barn – which perhaps could be provided in the form of two smaller, but differing scales of building – could break up the mass but allow an equivalent floor area to that currently proposed in one building. This would give some variation and interest to the structures and enable the use of traditional proportions to complement the existing small scale buildings in the rural environment and setting of the church which positively contributes to the significance of the listed building.

Natural England - No objection

Dedham Vale and Stour Valley Project:

Further Comments:

- Due to the reduced scale and the location of the proposed building on lower lying land, we no longer consider that this building will impact on the local character of this part of the Shotley Peninsula or on the wider Suffolk Coast & Heaths AONB.
- Consider that information is still limited about the wedding events proposed at the site. No additional information has been provided about the intended maximum number of visitors per wedding, wedding entertainment that would be considered acceptable or time restrictions
- More information should also be requested about acceptable wedding entertainment and times to ensure that the potential impacts on the special qualities of the AONB and residents have been fully considered
- Section 3 of the Management Plan specifies Arrival and departure times proposing Arrivals on Monday, Friday or Saturday after 3pm with departures on Thursday or Sunday by 10am Departures. It also states that visitors may come and go by car, bike or on foot with no car movement after 10.30pm or before 7.30am. Given the lack of facilities locally, visitors will inevitably leave the site to explore the area and to access local facilities. The AONB team have some unresolved concerns about how enforceable the time restrictions in the Glamping Management Plan will be.

B: Representations

Original Proposals

Shotley PC strongly recommend the refusal on the following grounds:

- 1- Contrary to the NPPF and Babergh's policies, as well as the principles that safeguard the integrity of this Suffolk Coasts and Heaths AONB, SSSI and Ramsar sites.
- 2- Extreme proximity to the Grade II listed St. Mary's Church, the parish cemetery and the Commonwealth War Graves Cemetery.
- 3- The point of access is a Class C single track country lane, exposed to the harsh weather of a coastal village and not maintained. It is partly privately owned and is not only unsuitable for such an undertaking, it is also discouraged from use due to its proximity to the adjoining SSSI and Ramsar site.
- 4- No provision for organised waste disposal/refusal collection or sewerage disposal.

- 5- Planning is being sought for events 365 days a year with little or no clarification on number of visitors/patrons, pet arrangements, numbers per tent or per event, parking arrangements in excess of suggested 10, types of events proposed, management/supervisory arrangements for the events, measures to mitigate incidents of public nuisance/order, risk assessments or emergency plans due to location.
- 6- Health and Safety principles do not seem to have been taken into account in this mix of agricultural and tourism activities on the same site (spraying of crops, agricultural traffic, flammable materials, social gatherings of unknown quantity, possible lighting of fires, etc).
- 7- mix of materials and size/type of structures proposed, as well as some of the potential activities on the site are not in keeping with the surrounding area and will have an adverse impact on local amenities and heritage.
- 8- settlement area around the Church, War Graves and existing vineyards is extremely peaceful, tranquil and unspoiled with beautiful views over the river Orwell. The proposal to open the area to overnight camping with associated facilities and organised events all year round will be in serious detriment to the area. Landscaping scheme will detract significantly from the existing views.
- 9- Although the applicant does not provide traffic generation or management data, the proposed development would greatly increase highways safety concerns, as currently the access from the B1456 is only used by the small number of residents that live there and the usual service providers. Parking provision (10 spaces) is inadequate and additional traffic movements and congestion which would result from the various activities would exacerbate safety concerns for vehicles and pedestrians alike, as well as dangerously limit accessibility to emergency vehicles.
- 10- There appear to be some discrepancies in some of the evidence provided, such as the Ecological Appraisal and the proposals considered at a previous site visit. There is no noise impact assessment included nor restrictions to the size and nature of events.

28 responses from surrounding area objecting to the proposals on the following grounds:

- Increased traffic on Church lane and narrow lane leading to site
- Lane serving the site is narrow, un-made, potholed, steep sided with few passing places
- Harm from service vehicles accessing the site
- Noise from events and functions
- Harm to peace and tranquillity of the AONB
- Light pollution from activities on the site
- How are waste and sewerage to be treated?
- Harm to setting of Commonwealth War Graves
- Proposed building too large for the area
- Harm likely to Orwell Estuary SSSI and Ramsar site
- Not enough parking proposed
- What is meant by 'event hosting'?
- Concern about fire risk in hot weather
- Concern about trespassers on fields
- No details of management of campsite
- Conflicts and health and safety concerns between campers and farm vehicles/activities on site
- Impacts of structures on top field
- No public transport to the site and all visitors will come by cars
- Noise and light emissions detract from residential amenity of 9 residences who share use of Frogs Alley
- No sewerage proposals

- Proposed landscape scheme would detract from character of the area
- Unspecified events on any day of the year will affect users of the Church
- Marquee and pods adjacent to cemetery are inappropriate
- Adverse impact on breeding birds in the estuary
- Impact of café and wine tasting on surrounding area

Stour and Orwell Society: Object on grounds of impact on AONB, employment generation not justified, harm to ecology, impact on listed Church, inappropriate access, increase in traffic, lack of parking and residential amenity.

Responses to April 2018 amendments:

3 responses objecting on following grounds:

- Harm to AONB from noise, lighting, traffic
- Access track inappropriate to serve development as narrow with no passing places
- Lack of adequate information on proposed events
- Increase in traffic
- Harm to Church and War graves

Parish Council - No objection and comment as follows:

“Following the recent submission of a management plan by the applicant which appears to address the concerns previously raised, the Parish Council would like to now recommend the approval of this planning application.”

Responses received to July 2018 amendments:

Parish Council- Comments received from 5 parish councillors expressing views with 4 against the proposal and 1 in support.

7 responses from neighbours objecting on the following grounds:

- Impacts from events
- Traffic on narrow lanes and access is poor
- Adverse impact on AONB from visitors and activities
- Adverse impacts on visitors to the Church and graveyards
- Potential danger from campers mixing with agricultural machinery on the site
- Lack of information on refuse disposal
- Insufficient car parking
- No limit on outdoor events
- Use of lane by large construction lorries
- Adverse impact on Commonwealth War Graves

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The overall plot is a rectangular shaped parcel of land which is divided into three sections. Currently the middle part of site is used for grapevines with western and eastern parts used as pasture and these are the subject of the application.

- 1.2 Frogs Alley is a single width private track running along northern boundary of the site. It is also a PROW and forms part of an extensive footpath network in the area.
- 1.3 Each plot has its own access from Frogs Alley.
- 1.4 There is a significant fall in ground levels from west to east. The eastern site is partly within Flood Zones 2 and 3.
- 1.5 The Site is close to the grade II* listed Church of St Mary and two areas of Commonwealth War graves forming part of the curtilage of the Church. One and the larger of the two is located on the north-west side of Frogs Alley to the rear of the Church and the other is on the south-east side of Frogs Alley and adjoins the western application site.

There are two locations close to the land adjacent to Frogs Alley, Shotley, IP9 1ER where there are war graves. At Shotley Royal Naval Cemetery there are 133 war graves, and at Shotley (St. Mary) Churchyard there are 353 war graves.

- 1.6 The sites fall within the Coasts and Heaths AONB and adjacent to a Special Protection Area (SPA) /RAMSAR site of ecological importance.

2. The Proposal

- 2.1. The application proposals as originally submitted can be summarised as follows:

- Continued use of central part of site for wine growing
- Use of west and east parts of site for camping (maximum of 6 canvas bell tents)
- Camping on site from April to October (inclusive) only
- Western section of site available for siting of marquees for occasional event hosting (area of 15m x15m earmarked for this purpose)
- Outbuilding proposed to be used in connection with wine growing and glamping. To include space for showers and wcs; wine tasting room; café; office; storage for maintenance equipment. Size of building proposed to be 25m long by 10m wide and 5 m high
- Car parking area at east end of site with spaces for 10 cars
- Campsite to provide employment for 2 full time employees

- 2.2 Revised plans received in April 2018 showed the following changes to the scheme and additional information was provided comprising a Glamping Management Plan and an Addendum to the Planning Statement:

- Number of tents reduced from 6 to 4 and located only at eastern end of the site
- Inclusion of hedgerow screening along boundary with War Graves cemetery
- Submission of Glamping Management Plan for campsite covering the following matters:
 - 1. Quiet site
 - 2. Communication with visitors before, during and after their stay, including restrictions & noise control
 - 3. Movement of visitors around the site, including arrival and departure times
 - 4. Recreational awareness and surrounding area impact mitigation
 - 5. Facilities for visitors onsite
 - 6. Maintenance of the site

2.3 Revised plans and additional information received in July 2018 covered the following points:

- Size of outbuilding reduced by 20% from 250sqm (25m x 10m) to 160sqm (20m x 8m) and removal of café element.
- Use of events on western site area for weddings only and maximum of 6 per year.
- All other events linked to wine production/local produce comprising wine tours, wine tasting sessions, supper clubs and food/drink workshops.
- Use of barn for events limited to Thursday, Friday, Saturday and Sunday.
 - Proposed Hours- 11.00- 22.00 during Spring and Summer and between 11.00- 20.00 during Winter and Autumn
- All events pre-booked and arrivals and departures time controlled
- Wine tours and tastings:
 - 2 x per day in Spring/Summer (Max 20 per tour)
 - 1 x per day on Sat/Sun in Winter/Autumn.
 -
- Food and drink workshop- 1 x per month and maximum of 30 guests.
- Camping between April-October only and maximum of 4 tents at any one time
- Tents located at eastern end of site only
- External lighting would consist of two down lights on sensors located near the car park and the proposed building
- All music on site to be acoustic only

3. The Principle of Development

- 3.1 Paragraph 83 of the NPPF is supportive of sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- 3.2 Policies CS15 (Implementing Sustainable Development in Babergh) and CS17 (The Rural Economy) are also relevant. Policy CS17 recognises Shotley as an important location for tourism within the Babergh District and the policy is supportive of sustainable tourism and leisure-based businesses (including those offering a diverse range of visitor accommodation, activities or experiences).
- 3.3 Policy CS15 requires all new development to demonstrate the principles of sustainable development and i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views and ii) make a positive contribution to the local character, shape and scale of the area in which the development is being proposed. Proposals for development must ensure that adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation, such as AONBs. and also, local features and habitats that fall outside these identified areas.

In particular, it notes that proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest. Adaptation or mitigation will be required if evidence indicates there will be damaging impacts if a proposal is otherwise acceptable and granted planning permission.

- 3.4 As the site falls within the Suffolk Coast & Heaths AONB the proposal also needs to be considered against paragraph 172 of the National Planning Policy Framework (NPPF) and saved Policy CR02, which requires the landscape of the AONB to be safeguarded through the strict control of development.
- 3.5 Local Plan Policy RE06 supports proposals for small and medium scale recreational facilities in the countryside subject to no adverse impact on the character of the locality, road safety, Best and Most Versatile Agricultural Land, forestry, landscape character, particularly in Areas of Outstanding Natural Beauty and Special Landscape Areas; heritage assets, biodiversity or sites of geological/geomorphological interest and residential amenity. It highlights that proposals will not be permitted where they introduce new buildings which detract from the area or give rise to noise, light or other intrusive characteristics that detract from residential amenity or the general enjoyment of the countryside.
- 3.6 Whilst small scale tourism facilities are in principle appropriate in rural areas and especially areas identified as tourist locations such as Shotley, it is necessary to assess the likely impacts on various matters including the environment, highways, residential amenity and heritage and reach a conclusion as to whether the proposal represents sustainable development. The following assessments consider these and other impacts further.

4. Site Access, Parking and Highway Safety Considerations

- 4.1 The Highway Authority comments indicate no objection to the proposals subject to specified conditions relating to the design of the access, although it is not made clear whether it applies to either or both and to ensure the provision of on-site parking and turning space. It is assumed that it applies to the access at the eastern site where the glamping tents are proposed, and the parking is provided.
- 4.2 The two parts of the site each have a vehicular access and the proposed plans show alterations to the access to the eastern site comprising a new set back gate leading to a driveway and nearby to which 10 no. parking spaces are indicated. It is clear that there is space on site for additional parking if required, which could be either in the form of additional bays or informally parked on the site.
- 4.3 Frogs Alley is a narrow private single-track lane with no passing places and enclosed by steep banks. It predominantly serves residences in Frogs Alley and farm traffic. The lane is not well maintained as is rutted and potholed. It is less than ideal as a suitable access for the additional traffic likely to be generated by the proposed uses on the site namely, the glamping, wine tasting, weddings and other events. However, it is not considered that additional use would be harmful to highway safety given the limited existing use of the lane nor is it considered that additional traffic would be significantly detrimental to residential amenity. The proposed glamping would be limited to 4 tents and is therefore a modest level of camping activity. In addition, it is not considered that additional trips by service vehicles would be significant.
- 4.4 The Highway Authority has not raised objection to the proposals. This must reflect that Frogs Alley is a private road and not public, but it is clear that insofar as the proposals affect the public highway network they do not see the proposals as giving rise to harm to safety.

- 4.5 The site is not accessible by public transport and therefore visitors will predominantly use cars to access the site although the Applicants do offer options for collection of visitors without cars from nearest rail and bus stations and offer use of bicycles for use by visitors to explore the countryside which along with walking are sustainable alternatives to touring by car. Bus services linking Shotley and Ipswich are accessible on the B1456 about a mile walk from the site.

5. Design and Layout

- 5.1 The NPPF advises (Paragraph 124) that good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is proper to seek to promote or reinforce local distinctiveness. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.2 Saved Policy CN01 requires all new development to be of appropriate scale, form, detailed design and construction materials with particular regard to surrounding development, external materials, local features, landscaping and open spaces.
- 5.3 The main design issue in this case is the proposed out building which is multi-functional providing storage for equipment associated with the existing wine growing activity, washing/ WC and other services for the camping activity, and a wine tasting event venue. The building has been reduced in size from that originally proposed and no longer contains a proposed café. It is located on the south side of the eastern site backing onto an existing established hedgerow. It would be faced in black weatherboarding, a red tile roof and aluminium windows and doors with a black graphite finish.
- 5.4 Permission was previously granted for a building to be used in connection with the wine growing activity in B/02/01837 in January 2003, but it was not implemented.
- 5.5 The proposed building, as reduced in footprint, is considered not to give rise to harm to landscape character within the AONB nor to affect the setting of the Church given its location at the eastern end of the site, hedgerow screening and traditional design. It is acknowledged that the Heritage Team maintain an objection to the building and would prefer to see two smaller buildings as an alternative in order to 'break up' the massing of the single building. The Applicant is unwilling to alter the scheme in this way and your Officers are not convinced that two buildings with the same floorspace area would necessarily be less intrusive.

6. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 6.1 There are no TPO trees on or adjacent to the site and the site is not within a Conservation Area. The application is supported by a Landscape and Visual Assessment Study, which concludes overall that the area is able to accommodate the proposed development. The area is judged as having High sensitivity to change due to its positive landscape condition, but the proposals are at a scale that causes a low magnitude of change having regard to the existing screening of the site and is low level. Overall the report concludes that the development would give rise to a low magnitude of change and cause a moderate/slight effect on landscape change in the long term.
- 6.2 Additional landscape planting mitigation is recommended comprising tree and hedge planting along the NE boundary and tree planting along the west boundary. This could form the basis of a landscape scheme to be required by condition.
- 6.3 The application is supported by a Preliminary Ecological Appraisal by Greenlight Environmental Consultancy Ltd, November 2017 that assesses likely impacts of development on Protected & Priority habitats and species.

The Ecological Survey identifies habitats on the site as being of low ecological value and no significant ecological constraints. It sets out mitigation and enhancement measures for badgers, bats and birds.

- 6.4 Place Services (Ecology) raise no objection subject to securing:
- a) a financial contribution towards visitor management measures for the Stour and Orwell SPA/Ramsar site
 - b) biodiversity mitigation and enhancement measures
- 6.5 Place Services confirm there is sufficient ecological information available for determination and it provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. The reasonable biodiversity enhancements that should also be secured by a condition.
- 6.6 The site lies within the 13km Zone of Influence (ZOI) for the Orwell & Stour Estuaries SPA/Ramsar site so Natural England's advice to ensure new residential development and associated recreational disturbance mitigation for designated site impacts is compliant with the Habitats Regulations 2017 applies. The LPA is therefore advised that a contribution should be sought from each residential development within the 13 km ZOI specified. The LPA will also need to prepare a HRA record to secure the development contribution for this application.
- 6.7 A Habitats Regulations Assessment Screening Record has been issued which means that This project can be screened out from any requirement for further HRA assessment.

7. Impact on the AONB

- 7.1 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs and which have the highest status of protection in relation to these areas together with the conservation and enhancement of wildlife and cultural heritage. It goes on to say that the scale and extent of development should be limited and that major development, as defined by the decision maker, should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. The NPPF sets out three tests that should be considered in assessing major proposals in an AONB which are summarised as follows:
- Need for the development and impact on the local economy?
 - Whether development could take place outside the AONB?
 - Any detrimental effects on the environment, landscape and recreational opportunities and potential mitigation?
- 7.2 The application is not a Major application as defined by the Planning Regulations nevertheless given the discretion in the NPPF for the decision maker to decide what is a 'major application' it is relevant to apply these questions to the current proposals. The proposal is a commercial enterprise forming part of a diversification of the existing vineyard business on the site and therefore can be viewed as supporting the expansion and widening of the business with the expectation of local employment growth. The use as a glamping site and visitor attraction also supports the tourist offer and expands the Range of accommodation available in the area which is a high priority in the Council's economic strategy. The development is proposed here because the vine growing areas are located here and the visitor attraction is linked to wine production and associated local produce. The glamping activity is specifically located in the AONB to take advantage of the landscape quality and tranquillity of the area. This report seeks to identify and address all relevant impacts of the proposals on the environment, landscape and recreational opportunities and its findings are set out at the end of the report.

8. Heritage Issues

- 8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 8.2 Case law has indicated that decision makers should give 'considerable importance and weight' to the desirability of preserving the setting of a listed building when carrying out the balancing exercise as set out at Paragraph 196 of the NPPF between a proposal considered to give rise to less than substantial harm as against the public benefits of the proposal.
- 8.3 Paragraph 190 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.4 The Heritage Team commented in response to the original proposal stating that the proposals would cause moderate level, less than substantial harm to designated heritage assets, due to inappropriate development within the setting of the Grade II* church. Their objection to the size of the outbuilding remains notwithstanding the reduction in its size and removal of the café element.
- 8.5 The location of the proposed outbuilding is approximately 260m from the Church and at a much lower level with significant intervening tree and hedgerow screening. Therefore, views of the structure from the Church would be very limited and whilst it is acknowledged that the setting of a listed building comprises more than just visual impact, it is not considered in this case that less than substantial harm identified by the Heritage Team is outweighed by public benefits. It is necessary to weigh the harm against any public benefits and in so doing to give considerable importance and weight to the preservation of the listed building. This will be carried out at the end of the report.

9. Impact on Residential Amenity

- 9.1 The proposals have been assessed having regard to impacts on the living conditions or residential amenity of immediate neighbours with regard, in particular, to noise and disturbance impacts from camping activities on the site and proposed wine tasting and other events including wedding functions.
- 9.2 It is evident that the location is at present a quiet and tranquil location which nearby residents presently enjoy, and the above policies seek to protect in the interests of residential amenity. The proposed camping, wine-tasting events, and other unspecified events including weddings have great potential to cause noise and disturbance especially at night time. The large number of comments from neighbours expressing these concerns is evidence of this. The Dedham Vale and Stour Valley Project have raised similar concerns about the frequency, number, hours, times and nature of events and how agreed details of these can be properly controlled and enforced. It is clear that the Applicant is mindful of these concerns and has proposed mitigation measures as set out in the submitted Glamping Management Plan and other submissions. These express limits on the number, days, times of events are set out earlier at Para. 2.3 of the report and are reflective of the care and consideration of the Applicants to safeguard the amenity of neighbours and promote the use of the site as a low key, 'quiet' glamping and visitor centre linked to the wine growing business. It is considered that these details of the types, dates, duration and numbers of events should be incorporated into a Vineyard Events Management Plan, or similar entitled document which should be prepared by the Applicant and submitted to and agreed as a condition of planning permission and Officers will expect the development to be operated fully in accordance with the approved details and other relevant conditions.

- 9.3 Under Class B (temporary use of land) of Part 4 of the General Permitted Development Order land can be used for any purpose for not more than 28 days in total in any calendar year. The applicants confirm that they have the intention of holding wedding functions on the western site utilising a temporary marquee with the benefit of this provision. The LPA has no control over this as it would be permitted development but the Applicant has agreed to limit the number of weddings to a maximum of 6, which can be controlled by condition thus limiting those permitted development rights.
- 9.4 The views of Environmental Health set out earlier confirm they have no objections to the glamping use or the visitor events and that their main concern is wedding events and the potential for late night noise and amplified music. They recommend conditions regarding a noise survey and controls on external lighting and advise that they have powers to control noise where it is deemed a statutory nuisance by serving an abatement notice. These powers are a further safeguard for nearby residents in addition to planning controls.
- 9.5 With regard to waste disposal the applicants will facilitate weekly bin runs to ensure that all bins are taken to the nearest collection point on Frogs Alley. A septic tank on site will be used for sewerage disposal.

10. Flood Risk

- 10.1 Part of the eastern site falls within Flood Zones 2 and 3 and are at a medium/high risk of flooding. The positions of the 4 proposed tents are not precisely positioned on the site and are therefore capable of being positioned on the site in positions of low flood risk and with a dry 'escape' to safety in the event of a flood event. It is recommended that a condition be imposed requiring the submission of a flood evacuation strategy and plan.

11. Land Contamination

- 11.1 The Councils Environmental Protection Team have reviewed the information and raises no objection to the proposal with respect to risks associated with potentially contaminated land. Officer consider the proposal is thereby acceptable in this regard.

12. Planning Obligations / CIL

- 12.1 The site is located within the Stour and Orwell SPA/Ramsar site wherein proposals for new residential development must provide for mitigation in accordance with the emerging joint (Draft) Habitats Regulations Assessment Recreational Disturbance Avoidance and Mitigation Strategy. This mitigation is expected to be provided by funding the Council's suite of mitigation projects and secure such provision prior to occupation through a legal agreement between the Council and Developer/Applicant and site owners.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1 The principle of development for tourist related business development comprising small scale camping and an events venue limited to a fixed number of wedding events and visitor events linked to wine growing and food produce of the area is acceptable and accords with employment and tourist policies in the NPPF and local plans.

The site is, however, highly sensitive most notably for being within the AONB and in close proximity to the Orwell Estuary SPA where there are highly significant landscape and ecological assets and also its proximity to the Grade 2* St Mary's Church and Naval War Graves. Whilst the nature of the access is less than ideal it is not unacceptable to support a low key, small scale tourist facility and it is not considered that additional traffic generation would be detrimental either to highway safety or amenity. The proposals include details of the types, dates, duration and numbers of events and these can be incorporated into a Vineyard Events Management Plan which should be agreed as a condition of planning permission.

- 13.2 The proposed outbuilding is judged as giving rise to a moderate to low level of less than substantial harm to the setting of St Mary's Church. As such, if minded to approve, Officers must weigh this against any public benefits of the proposal. In this case these are considered to be the benefits of the development for tourist growth in the area supporting the local rural economy and local employment creation as part of a rural diversification plan by the vineyard. The growth of the tourism and leisure industry is a priority for the Council and the current Visitor Destination Plan emphasises the need to encourage more overnight stays, and for visitors to come all year round. The proposals are considered to be acceptable with respect to impacts on landscape, trees, ecology and contamination. All matters considered it is recommended on balance that planning permission is granted subject to conditions as listed below.

RECOMMENDATION

- (1) That the Corporate Manager – Planning for Growth be authorised to Grant Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Corporate Manager:**

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Details of facing materials to be agreed
- Improvements to access to eastern site
- Provision of parking area to eastern site
- Landscape enhancement details
- Landscape implementation
- Ecology enhancement measures
- Ecology mitigation
- Details of external lighting
- Duration of glamping season (April to October inclusive)
- Maximum of 4 glamping tents on site
- Maximum of 6 wedding events per calendar year on western site
- Construction Management Plan to be submitted and agreed
- No events to take place during Church services or services at the War Graves
- Refuse management arrangements
- Limit music at weddings and outdoor events to acoustic only
- Submission and approval of a Vineyard Events Management Plan
- Flood alert and evacuation strategy

(2) And the following informative notes as summarised and those as may be deemed necessary by the Corporate Manager:




- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles

Application No: DC/18/00873




Parish: Shotley



Location: Land Adjacent To Frogs Alley

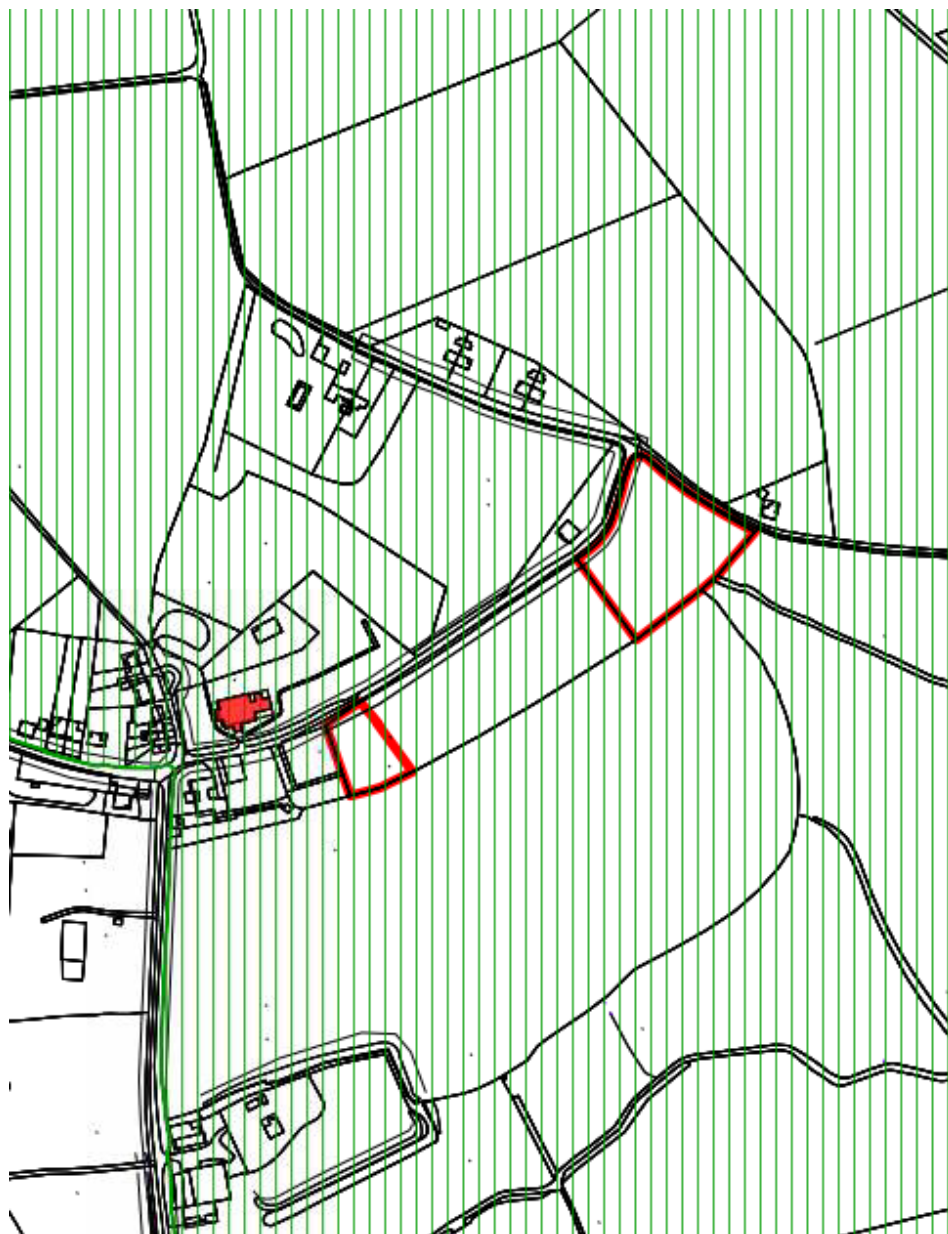
Legend

-  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
Corks Lane, Hadleigh, Ipswich. IP7 6SJ
Telephone : 01473 822801
minicom : 01473 825878
www.babergh.gov.uk

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Agenda Item 6c

Committee Report

Item No: 3

Reference: B/17/01069

Case Officer: Samantha Summers

Ward: Lavenham.

Ward Member/s: Cllr William Shropshire.

RECOMMENDATION – GRANT LISTED BUILDING CONSENT WITH CONDITIONS

Description of Development

Application for Listed Building Consent- Replacement street light luminaire (bracket to be retained).

Location

11 Market Place, Lavenham, Sudbury, CO10 9QZ

Parish: Lavenham

Expiry Date: 21/06/2017

Application Type: LBC - Listed Building Consent

Development Type: Listed Building Consent - alterations

Applicant: Mrs Bellward

Agent: Embrace Architecture Ltd.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Corporate Manager - Growth & Sustainable Planning considers the application to be of a controversial nature having regard to the location of the application and its sensitive context.

Details of Previous Committee / Resolutions and any member site visit

None

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

CN01 - Design Standards

CN06 - Listed Buildings - Alteration/Ext/COU

CN08 - Development in/near conservation areas

Lavenham Neighbourhood Plan

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

Lavenham Parish Council
Support

Heritage Team
Less than substantial harm.

SCC - Highways
No objection.

Suffolk Preservation Society
Objects to the scheme due to the modern style and design of the scheme.

Historic England
Historic England has concerns regarding the application on heritage grounds.
We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF.

B: Representations

Objections have been received from 4 different local properties. The comments can be found in full on the Council's website. The comments are summarised below

- More appropriate design should be used
- Development not in keeping with the character of the area
- Harm to listed building and Conservation Area
- Retrospective should not be allowed

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application building is a Grade II Listed Building located within the Lavenham Conservation Area.

2. The Proposal

- 2.1. The applicant seeks retrospective consent for the installation of a new street light on the gabled frontage of 11 Market Place. This is to replace an existing light and would utilise the existing bracket. The light fitting at 11 Market Place is contemporary in its design. It comprises a flat panel with a slight upward curve, coloured black with a number of small circular led lights. A grey circular box sits on top of the panel. It projects some distance from the façade of the building on the existing bracket.

3. The Principle of Development

- 3.1 The National Planning Policy Framework (NPPF 2018) provides, “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

- 3.2 The Conservation Area Designation Appraisal and Management Advice Note 1 (Historic England) provides overarching guidance on Heritage matters. It recommends a detailed audit of the public realm to identify the best way to minimise physical obstruction and visual clutter and integrate new signs or street furniture in the design of the street as a whole. The Streets for All regional manuals (Historic England) show how streets can be managed to retain and enhance local character. The East of England manual (Historic England) contains a section on street lighting. It advises, "Use light fixtures which are appropriate to their context in material, scale, design and illumination. When using traditional designs of lighting, head and column must be in proportion, as an oversized light on a slender or short support will appear awkward and top heavy. Lights should be effective but unobtrusive. Avoid the temptation to over provide, leading to clutter and potential light pollution. Particular care should be taken in rural settings where over-illumination can generate distinctly urban streets, inappropriate to the location."
- 3.3 Local Plan policies CN06 and CN08 deal with Listed Buildings and Conservation Areas. CN06 states, "Proposals for the alteration of a Listed Building should preserve the historic fabric of the building, and ensure that all proposals to remove by demolition, or alter any part of the building are justified in terms of preserving the special character of the building and will cause the minimum possible impact." CN08 states, "Proposals for the alteration in a Conservation Area should preserve or enhance the character of the Conservation Area or its setting."

4. Design and Layout [Impact on Street Scene]

- 4.1. In 2015 Lavenham changed their street lighting to LED units following advice from Suffolk County Council Street Lighting that they were no longer able to support the outdated system of lighting. Many of the street lamps in Lavenham are attached to free standing lamp posts. However, some units are attached to buildings.
- 4.2 In the case of this application, the electrical fittings to the listed building are existing and were originally the pipes to serve the gas light fitting. Therefore, the bracket which extend from the front elevation of the building is unchanged and it is only the actual light unit that has been replaced.
- 4.3 The light unit is a slim black contemporary panel which has a number of circular LED lights facing down to the street. The panel projects from the bracket giving a greater illumination to the street below than the previous pendant type lamp.
- 4.4 Suffolk County Council have confirmed that the following villages and towns in Suffolk have also received LED lights within their Conservation Areas. Within Babergh – Bildeston, Boxford, Bures St Mary, Glemsford, Hadleigh, Long Melford, Monks Eleigh, Nayland-with-Wissington, Polstead, Stoke-by-Nayland and Sudbury. Elsewhere in Suffolk – Aldeburgh, Bardwell, Barnham, Botesdale, Bury St Edmunds, Cavendish, Clare, Culford, Debenham, Eye, Fakenham Magna, Felsham, Fornham All Saints, Framlingham, Flepton-cum-Hengrave, Fressingfield, Great Livermere, Great Thurlow, Great Whelnetham, Great Wrating, Haughley, Haverhill, Honington-cum-Sapiston, Hopton-cum-Knettishall, Horringer-cum-Ixworth, Hundon, Ixworth, Leiston, Lidgate, Melton, Mendlesham, Needham Market, Pakenham, Palgrave, Rickingham Superior, Risby, Saxmundham, Stanton, Stoke-by-Clare, Stowmarket, Stradbroke, Stradishall, Tuddenham St Mary, Walsham-le-Willows, West Stow, Whepstead, Wickham Market, Withersfield, Woodbridge and Woolpit.

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

- 5.1. The Market Place is within the Conservation Area of Lavenham and contains the Grade I Listed Guildhall. Therefore, Historic England was consulted on the application because of the impact of the proposal on the setting of the Grade I Listed Building. Their advice is as follows: "Use light fixtures which are appropriate to their context in material, scale, design and illumination. When using traditional designs of lighting, head and column must be in proportion, as an oversized light on a slender or short support will appear awkward and top heavy."
- 5.2. Lights should be effective but unobtrusive. Avoid the temptation to over provide, leading to clutter and potential light pollution. Particular care should be taken in rural settings where over-illumination can generate distinctly urban streets, inappropriate to the location."
- 5.3. Lavenham is a place that is renowned for its historic character. The historic core has survived with remarkably little modern intrusion. This gives it a very distinctive and coherent character that powerfully conveys a sense of history. In this respect it is unusual as many places have experienced a much higher level of change in the modern era. Lavenham is therefore particularly sensitive to change. Although in some situations individual street lights may be relatively small-scale changes, cumulatively the approach to street lighting within the conservation area could have a big impact on the character of the place. For this reason, a holistic approach to street lighting within the town that considers both the design, number and position of the new lights is recommended.
- 5.4. The light fitting proposed at 11 Market Place is contemporary in its design. It comprises a flat panel with a slight upward curve, coloured black with a number of small circular LED lights. A grey circular box sits on top of the panel. It projects some distance from the façade of the building on the existing bracket.
- 5.5. The contemporary character of the light contrasts starkly with the very traditional streetscape of Lavenham. This contrast between the character of the light fitting and its surroundings draws attention to the fitting in a way which is undesirable. As discussed above, Historic England advice requires street furniture to be of a high quality but unobtrusive. Although the shallow depth of the flat panel helps to minimise the appearance of the fitting in certain views, this is undermined by the contrasting circular grey box above it. In other views the underside of the lighting panel is more visible, the size of the panel and the very contemporary design make it an assertive feature within the streetscape.
- 5.6. The Heritage Team state that the LED light unit would cause less than substantial harm to the Listed Building and wider Conservation Area.

PART FOUR – CONCLUSION

6. Planning Balance and Conclusion

- 6.1 With reference to the overall treatment of the submitted application, the Council embraces its statutory duties and responsibilities, notably; Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to have "special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses", and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 "to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas."

- 6.2. Paragraph 196 of the NPPF states, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 6.3 The public benefits of this particular scheme are that the previous lighting system could no longer be supported by the County Council and therefore a more environmentally friendly, cost effective and better lighting system was installed in the village. In addition, the contemporary design of the unit is considered by Historic England to contrast starkly with the surroundings. The alternatives are to either fit a more pastiche light fitting or to install a free-standing lamp post in front of a Listed Building in a Conservation Area. The lamp post option is considered to be more harmful to the setting of both the Listed Building and Conservation Area and can be carried out under permitted development by the Parish Council without planning permission under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 12, Class A.
- 6.4 The principle of this type of lighting within a Conservation Area has been accepted with many historic villages and towns in Suffolk already benefitting from the lighting system. It is accepted that Lavenham has a particular character that is unique. The planning balance is whether the street lamp is detrimental to the Listed Building and the Conservation Area and any harm caused is outweighed by the public benefit.
- 6.5 The lighting attached to the Listed Building shows an addition to a historic building which is contemporary and of its time. The village is moving with the times, whilst preserving its historic core to ensure that it is an attractive place to live and also for visitors to experience. Street lighting was an addition to the building several decades ago but was by no means a historic feature. Indeed, in the future a new means of street lighting will come forward and again this assessment will be necessary. Historic England have raised concerns over the lighting in the context of the Conservation Area as a whole but have not defined the level of harm. The harm identified by the Heritage Team is “limited less than substantial harm”. It is accepted that there is harm to the setting of the Listed Building and the Conservation Area because of the contemporary design of the lamp. The public benefits to residents, tourists and shop owners within the Market Place are considered to outweigh the “limited less than substantial harm” caused by this development, by making the Market Place a safe and secure place to be during dark hours in addition to the cost saving and environmental benefits of this type of lighting. Therefore, whilst considerable importance is impressed upon the desire to preserve assets, the public benefits are compelling and outweigh the limited harm identified. As a matter of planning judgement, it is agreed that the harm would be limiting where consideration on the effect upon the significance of heritage assets would not be significantly undermined; having weighed all relevant considerations and opinions, the way that those assets would be experienced would be affected only to a limited degree.

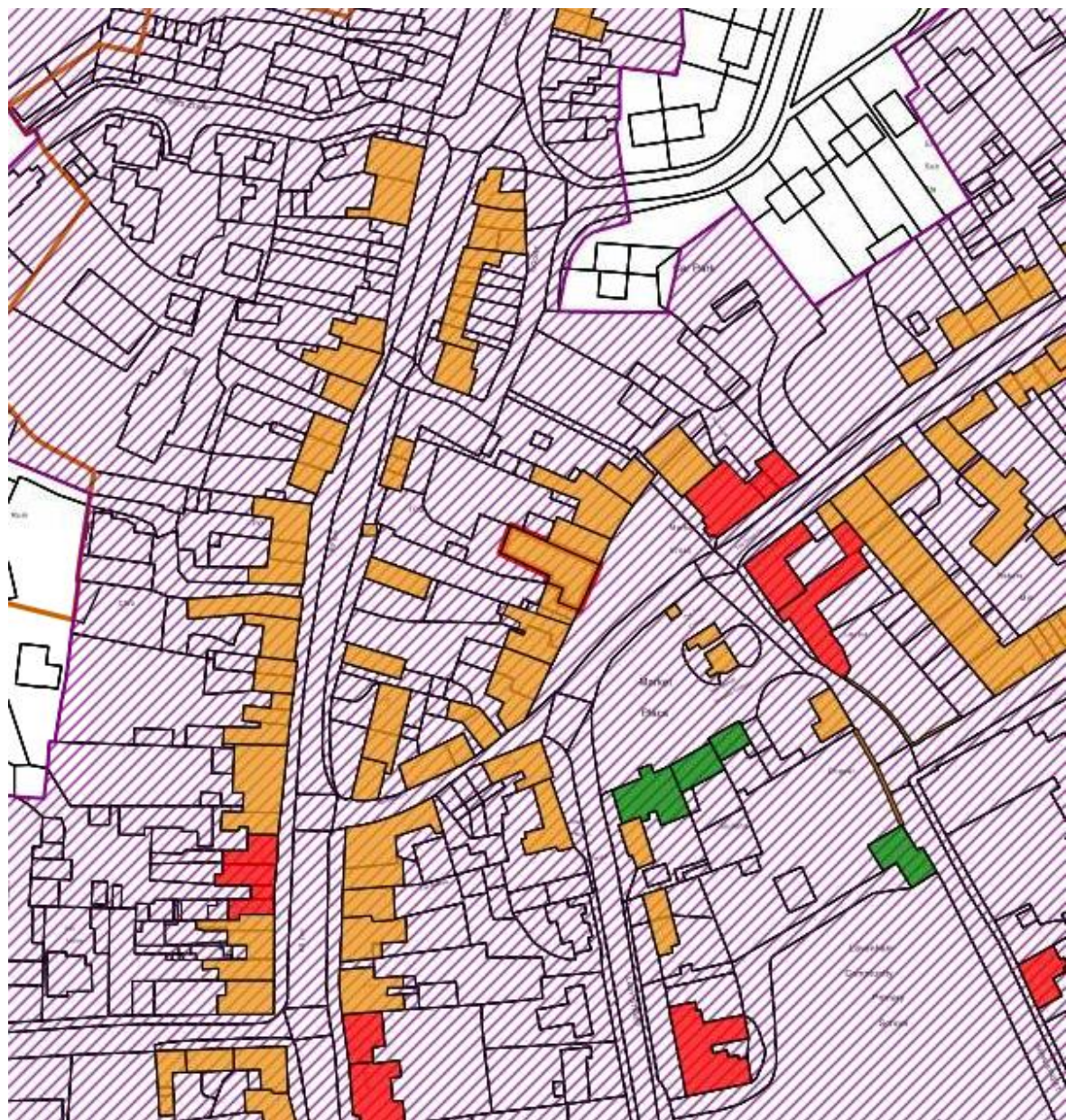
RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to grant Listed Building Consent subject to conditions including:

- Approved Plans and Documents

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Location: 11 Market Place



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Agenda Item 7

PL/18/14

BABERGH DISTRICT COUNCIL

URGENT ACTION - NO SPECIFIC POWERS

ACTION FOR WHICH AUTHORISED OFFICER HAS DELEGATED POWERS SUBJECT TO CONSULTATION WITH CHAIRMAN

SERIAL NO.....

SUBJECT MATTER:

Planning Committee site inspection for Frogs Alley Shotley – DC/18/00873.

COMMITTEE TO WHICH MATTER RELATES: Planning Committee

REASON FOR ACTION BEING TAKEN OUT OF MEETING:

To enable the site inspection to take place before the application is considered by the Planning Committee at its meeting on 17 October 2018.

BACKGROUND:

The Delegation Panel met on 19 September to consider a request for Application No DC/18/00873 to be referred to Planning Committee for determination, as a result of which it was concluded that the application was controversial in nature and should be determined at Committee.

This was supported by the Corporate Manager – Growth and Sustainable Planning, who also considered that a site visit would be of value to Members.

The Planning Committee last met on 19 September (prior to the meeting of the Panel) and meets next on 17 October. There is therefore no opportunity to ask the Committee to agree to hold a site visit before the 17 October meeting at which this application is scheduled for consideration.

FINANCIAL IMPLICATIONS (IF ANY):

Site inspections are eligible for the payment of travel expenses to Members of the Committee who attend.

ACTION AUTHORISED:

To hold a site inspection on Wednesday 10 October 2018 in accordance with the Council's normal arrangements and procedures.

DATE ACTION AUTHORISED:

26 September 2018

Details reported to Planning Committee for noting 17 October 2018

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