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COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 18 DECEMBER 2019 9.30 AM
VENUE:	KING EDMUND CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

Members		
<u>Conservative</u> Melanie Barrett Peter Beer (Chair) Zachary Norman Adrian Osborne	<u>Independent</u> Sue Ayres John Hinton Lee Parker Stephen Plumb (Vice-Chair) <u>Liberal Democrat</u> David Busby	<u>Labour</u> Alison Owen <u>Green</u> Leigh Jamieson

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

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/19/20 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 20 NOVEMBER 2019 5 - 12

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 Acting Chief Planning Officer will report on any other applications which require site inspections.

The provisional date for any site inspections is Wednesday
_____.

6 **PL/19/21 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 13 - 16

An Addendum to Paper PL/19/21 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/19/04650 LAND NORTH OF, WALDINGFIELD ROAD, CHILTON, SUDBURY** 17 - 60

b **DC/19/04445 LAVENHAM PRIORY, WATER STREET, LAVENHAM, SUDBURY, SUFFOLK, CO10 9RW** 61 - 78

c **DC/18/05613 LAND TO THE EAST OF, DUKE STREET, HINTLESHAM, SUFFOLK** 79 - 94

d **DC/19/02585 LAND SOUTH EAST OF, DUKE STREET, HINTLESHAM, SUFFOLK** 95 - 108

Notes:

1. The next meeting is scheduled for Wednesday 15 January 2020 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:

[Public Speaking Arrangements](#)

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.

Date and Time of next meeting

Please note that the next meeting is scheduled for Wednesday, 15 January 2020 at 9.30 am.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils Youtube page:

https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01449 724930 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

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

Domestic Arrangements:

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

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
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.
5. Do not re-enter the building until told it is safe to do so.

Agenda Item 3

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Wednesday, 20 November 2019 – 09:30

PRESENT:

Councillor: Peter Beer (Chair)
Stephen Plumb (Vice-Chair)

Councillors: Melanie Barrett
Leigh Jamieson
Adrian Osborne
Lee Parker

David Busby
Margaret Maybury
Alison Owen

Ward Member(s):

Councillors: Alastair McCraw

In attendance:

Officers: Acting Area Planning Manager (MR)
Area Planning Manager (SS)
Development Management Planning Officer (RW)
Planning Lawyer (IDP)
Senior Governance Officer (HH)

73 SUBSTITUTES AND APOLOGIES

Apologies of absence were received from Councillors Sue Ayres, Zac Norman and John Hinton.

Councillor Margaret Maybury was substituting for Councillor Sue Ayres.

74 DECLARATION OF INTERESTS

Councillor Adrian Osborne declared a non-pecuniary interest in application DC/19/03614 on account of his wife being the Babergh Cabinet Member for Housing.

The Legal Advisor advised that this did not prevent Councillor Osborne in taking part in the questioning, debate, discussion and voting on the application.

75 PL/19/18 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2019

It was resolved that the Minutes of the meeting held on the 6 November 2019 be confirmed and signed as a true record.

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

None received.

77 SITE INSPECTIONS

77.1 None requested.

78 PL/19/19 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/ and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations from
DC/19/04105	Cllr Alastair McCraw (Ward Member)
DC/19/03185	Chris Smith (Agent)
DC/19/03577	None

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/ be made as follows:-

79 DC/19/04105 LAND WEST OF BRANTHAM HILL, BRANTHAM, CO11 1ST

Item A

Application	DC/19/04105
Proposal	Planning Application Outline Planning Application (some matters reserved – site access to be considered) - Erection of up to 150 dwellings, use of land for community facilities, public open space, landscaping, a sustainable drainage system (SuDS), and vehicular access point from Brantham Hill (following demolition of existing bungalow and outbuildings).
Site Location	Brantham – Land West of Brantham Hill, CO11 1ST
Applicant	Gladman Developments Ltd.

- 79.1 The Area Planning Manager updated Members on receipt of a letter from Place Services included in the tabled papers.
- 79.2 The Case officer presented the application to the Committee outlining the proposal before Members, the layout of the site, and the officer recommendation of refusal as detailed in the report.
- 79.3 Members considered the representation from Councillor Alastair McCraw, the Ward Member of Brantham.
- 79.4 Members debated the application on the issues including the number of objections to the application, the lack of regard for planning policy and conflict with development plan CS3, boundary lines between the site and the AONB, the change of the landscape if the site was Developed, the Five-year Housing Land Supply in relation to the application and the requirement of the application to demonstrate a need for the development of the site.
- 79.5 Members continued to discuss the Five-Year Housing Land Supply and the weight it carried for the application. The Planning Lawyer advised that this had to be approached with caution and that the Committee should follow the NPPF.
- 79.6 Councillor Adrian Osborne proposed that the application be refused as detailed in the officer's recommendation and Councillor Stephen Plumb seconded the motion.

79.7 RESOLVED

That the planning application be REFUSED planning permission for the following reasons:

- 1. The circumstances of the application and the proposed development are not exceptional and are without a proven justifiable need, contrary to policy CS2. The application fails to adequately demonstrate how the proposal responds to a locally identified housing need, contrary to policy CS11 and paragraph 77 of the NPPF, which requires development in rural areas to be responsive to local circumstances and reflect local needs.**
- 2. The proposed development, by virtue of its scale, siting and location, would cause significant harm to the open countryside (considered to be a valued landscape) and the way that it is experienced within the immediate setting of an area of outstanding natural beauty and would fail to respect the local context and character, and the rural setting, of Brantham and its well-defined spatial grain, contrary to policies CS11, CS14 and CS15 of the development plan and paragraphs 98, 127, and 170 of the NPPF.**
- 3. It is considered that insufficient information has been submitted to enable the local planning authority to confirm that the potential impacts**

of the proposed development on the local highway network would not be severe, in the terms set out at paragraph 109 of the NPPF, or the cumulative impacts satisfactory in accordance with policy CS11, and this includes identifying appropriate opportunities to promote sustainable transport modes (contrary to those requirements, policy CS15, and paragraph 108 of the NPPF). In the absence of adequate information to accurately forecast potential impact, it is not considered possible to design and deliver suitable highways/transport mitigation nor, consequently, to confirm that the proposal would be acceptable in terms of highway effects. Furthermore, the application does not demonstrate that safe and suitable access to the site can be achieved for all users, contrary to paragraphs 108 and 109 of the NPPF.

4. The proposed development risks harm to heritage assets in terms of archaeological interest, with particular regard to the risk that significant finds may be identified that would require preservation *in situ*, by reason of insufficient information being submitted to demonstrate that the archaeological impacts of the development have been appropriately assessed, considered and mitigated. As such the proposal is contrary to policies CS11 and CS15 of the development plan and paragraph 189 of the NPPF.
5. The application fails to adequately demonstrate that the development would not pose an adverse impact in relation to surface water run-off and incorporate sustainable drainage measures to accommodate the expected drainage impacts, contrary to policies CS11 and CS15 of the development plan and paragraphs 163 and 165 of the NPPF.
6. The proposal fails to adequately demonstrate that the development would not have an adverse impact on protected and/or priority species, contrary to policies CS11 and CS15 of the development plan and paragraphs 170 and 175 of the NPPF.

The development conflicts with the development plan when taken as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan.

1. In the event that an appeal against the refusal of planning permission is received, delegate authority to the Chief Planning Officer to defend that appeal for the reasons set out under (1) above, being amended and/or varied as may be required.

LAVENHAM, SUFFOLK, CO10 9SG

Item B

Application	DC/19/03185
Proposal	Planning Application - Submission of Reserved Matters details for outline planning permission DC/17/03100 (Appearance, Scale, Layout and Landscaping) and details for Conditions 5, 6, 9, 10, 13 and 14 for 25 dwellings
Site Location	LAVENHAM – Land South of Howlett of Lavenham, Melford Road, Suffolk, CO10 9SG
Applicant	Hopkins and Moore (Developments) Limited

- 79.1 The Case Officer updated Members on correspondence received from Lavenham Parish Council included in the tabled papers.
- 79.2 The Case officer then presented the application to the Committee outlining the proposal before Members, the layout of the site, and the officer recommendation of approval as detailed in the report.
- 79.3 The Case officer informed Members that advice had been received from Strategic Housing and that clusters of affordable houses could include up to 15 houses before ‘pepper pot’ distribution was required.
- 79.4 Members considered the representation from Chris Smith who spoke as the Agent.
- 79.5 The Agent responded to Members’ questions on issues including consultation with Lavenham Parish Council, the clustering of the affordable houses, the noise levels from the adjacent garage and the implementation of noise reduction measure between the site and the garage.
- 79.6 The Chief officer advised the Committee that the distribution of the affordable houses had been acceptable by officers, compliant with the Strategic Housing Team’s advice and with Lavenham’s H3 Housing Policy.
- 79.7 The Agent continued to respond to Members’ questions including noise issues in relation to Sudbury Road, refuse bin storage allocation, materials used throughout development, management of the green areas for the affordable houses and permeable surface area which would not be managed by Suffolk County Council.
- 79.8 The Acting Area Manager clarified that Environmental Health had assessed the noise issues under the consultees’ reports and that the recommendations in the report was included in the conditions.
- 79.9 Members continued to debate the application on the issues including the cluster of the affordable houses, the materials used for this part of the

development and the conditions included in the report.

79.10 The Acting Area Manager advised that a third condition be include with regards to materials.

79.11 The Acting Area Manager informed the Committee that the Applicant had complied with a list of conditions approved for the outlined planning application DC/17/03100.

79.12 Councillor Melanie Barrett proposed that the application be approved as detailed in the officer recommendation. Councillor Lee Parker seconded the motion.

79.13 RESOLVED

That the application for reserved matters subject to conditions be APPROVED

(1) That the Corporate Manager- Planning for Growth be authorised to approve reserved matters of appearance, layout, scale and landscaping subject to conditions:

- 1. Withdrawal PD rights**
- 2. Noise attenuation**

Materials

81 DC/19/03614 THE FIRS, WALDINGFIELD ROAD, SUDBURY, SUFFOLK, CO10 2PY

Item C

Application Proposal	DC/19/03614 Planning Application - change of use and conversion of common room facility and warden's living accommodation to a homeless persons' accommodation with eight bedsits (Sui Generis)
Site Location	SUDBURY – The Firs Waldingfield Road, Suffolk CO10 2PY
Applicant	Babergh District Council

Note: The meeting was adjourned between 11:03am and 11:15am.

79.1 The Case officer presented the application to the Committee outlining the proposal before Members, the layout of the site, and the officer recommendation of refusal as detailed in the report.

79.2 The Chair introduced the Corporate Manager for Housing Solutions, who was present to respond to questions for the application.

79.3 The Acting Area Manager provided clarification of the consultation letters sent

to the neighbours as part of the planning process.

- 79.4 A point of order was called for by Councillor Adrian Osborn for the Corporate Manager for Housing Solution to provide an outline of the proposed change of use of the property to temporary accommodation for homeless people.
- 79.5 Members debated the application and asked for further clarification from the Corporate Manager for Housing Solutions on issues relating to the circumstance of the Council's duty of care for homelessness and the statutory provision required for accommodations for homeless people.
- 79.6 The Acting Area Manager informed the Committee that planning permission was required for change of use and conversion for accommodation for more than six persons.
- 79.7 Members continued to debate the application on issues including maintenance of the garden, parking provision, compliance with housing and fire regulations.
- 79.8 In response to Members questions the Corporate Manager for Housing Solutions stated that conversion of the property was scheduled to be completed in June 2020.
- 79.9 Councillor Melanie Barrett proposed the application be approved as detailed in the officer recommendations, Councillor Adrian Osborne seconded the motion.

79.10 RESOLVED

That the application be GRANTED planning permission and includes the following conditions: -

- 1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT**
The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2. APPROVED PLANS & DOCUMENTS**
The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

3. CYCLE PARKING PROVISION

To be provided prior to occupation and to be retained at all times.

The business of the meeting was concluded at 11.51 am.

.....
Chair



PL/19/21

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

18 DECEMBER 2019

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	17-60	DC/19/04650	Land North of, Waldingfield Road, Chilton, Sudbury	SS
6B	61-78	DC/19/04445	Lavenham Priory, Water Street, Lavenham, Sudbury, Suffolk, CO10 9RW	SS
6C	79-94	DC/18/05613	Land To the East of Duke Street, Hintlesham, Suffolk	SS
6D	95-108	DC/19/02585	Land South East of, Duke Street, Hintlesham, Suffolk	SS

Philip Isbell
Chief Planning Officer

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 Acting Chief Planning Officer, 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 ACTING CHIEF PLANNING OFFICER

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

Agenda Item 6a

Committee Report

Item 6A

Reference: DC/19/04650

Case Officer: Steven Stroud

Ward: Lavenham

Ward Members: Cllrs. C Arthey and M Maybury

RECOMMENDATION: APPROVE RESERVED MATTERS

Application Description

Submission of Details (Reserved Matters Application for Landscaping, Layout, Scale and Appearance to be considered) under Outline Planning Permission DC/17/04052.

Location

Land North of, Waldingfield Road, Chilton, Sudbury

Parish: Chilton

Site Area: c.6ha

Application Type: Reserved Matters

Applicant: Anderson Design and Build Ltd

Agent: Strutt & Parker

PART ONE – REASON FOR REFERENCE TO COMMITTEE

1. The application is referred to committee for the following reason:
 - The application provides for the development of more than 15 dwellings.

PART TWO – BACKGROUND AND APPLICATION DETAILS

Site and Surroundings

2. The site is located to the north of Waldingfield Road (B1115) and amounts to a single, rectangular field parcel of approximately 6ha that is oriented perpendicular to the highway. The site wholly falls within the parish of Chilton; the centre of Sudbury is approximately 2.5km to the south-west.
3. The interior of the site comprises a former working orchard, with its boundaries being formed by early and semi-mature hedgerows and/or large trees on all sides. Recent works have been undertaken to clear the site but without materially commencing development and implementing the outline planning permission. Existing residential development (St Marys Close) bounds to the south-west; the property of Chilton Priory falls to the east. The rest of the site (on the northern side of Waldingfield Road) is enveloped by agricultural land.
4. There are no designated heritage assets within the red-lined application area, however a number of assets are in proximity to the site. Principally, these include the adjacent Grade II Park and Garden of Chilton Hall (south-east and immediately across Waldingfield Road (within 20m)), which includes the Grade II* Chilton Hall and related (and individually listed) Grade II walled kitchen garden.
5. The Site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land and its use also means that there is presently considered to be a low risk of surface water (pluvial) flooding.
6. The site is not within or adjacent to a Conservation Area. Nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest (SSSI), Air Quality Management Area, Special Landscape Area, Local Green Space, or Area of Visual/Recreational Amenity.
7. No Public Rights of Way (“PRoW”) run through, or adjacent to, the site; however, it is within proximity (within 300m) of a local network of PRoW and is connected to Sudbury by way of a continuous footway that runs along Waldingfield Road.

Relevant Planning History

8. The site fell within the Chilton Woods strategic land allocation under policy CS4 of the Core Strategy. That policy allocated 131 hectares of land for a comprehensive mixed-use development. Outline planning permission for a development complying with the criteria of that policy, and thereby securing the approved masterplan required by it, was granted on 29th March 2018; this was for the development widely known as “Chilton Woods”¹. The land subject to that planning permission excludes the application site.
9. In respect of the application site it was recognised that the development proposed for that land was divergent from the lead allocation policy albeit would not prejudice its delivery or planned outcomes. Outline planning permission was duly granted on 5th July 2018²; this reserved matters application is submitted pursuant to that permission.
10. That permission was subject to an application for judicial review, heard in January 2019³. The claim was dismissed and no criticism was levelled at the Council for the way that it had reached its resolution to grant planning permission at Planning Committee, nor its reasons for doing so.
11. As well as providing for the erection of up to 130 new homes, the planning permission fixed a number of parameters to control the development and includes requirements for how the reserved matters are to be presented. This includes, for example, the distribution of built form within the site, a single point of vehicular access, and the maximum heights of dwellings. A copy of the planning permission is appended to this report.
12. The outline planning permission was therefore granted for development that would be in accordance with the Development Parameters Plan and Highway Access Plan. It follows that the reserved matters must accord with those plans. This point remains even where changes might have been made to one of those plans. In that respect, there have been non-material amendments approved to the Development Parameters Plan in order to, essentially: reduce the extent of areas allocated for two-and-half-storey (10.8m high) development in lieu of a two-storey, 9.5m high

¹ Application reference: B/15/01718.

² Application reference: DC/17/04052.

³*R (Chilton Parish Council) v Babergh DC* [2019] EWHC 280 (Admin). The case considered whether it was necessary to take into account an emerging housing land supply position which was not a completed assessment and had not been considered or signed-off by senior officers. The Judge found that the Council had made no error in law in not relying upon its emerging, draft position when determining the application.

limit; and thicken the strategic landscape buffer at the front of the site with the built aspects of the development being pushed further back into the site⁴.

13. At the front of the site, and in accordance with the approved Parameter Plan, a dense, strategic landscaping buffer designed for its visual impermeability is proposed. The planting depth would be approximately 21m in thickness at its widest point and c.19m more generally, which is greater than the area originally considered to be acceptable at the outline application stage (noting the approved changes to the Parameter Plan). The site is then arranged into four residential blocks, predominantly up to two-storey (9.5m to ridge) with pockets of two-and-half-storey (10.8m to ridge) development set back within the site. Those blocks are then arranged around open spaces including area(s) of play, further strategic landscaping, a spine road, and SuDS.
14. For the avoidance of doubt, the approved Development Parameter Plan (ref: 0333 PP01 Rev B) is reproduced below:

..... [next page]

⁴ Application reference: DC/19/05228



15. The submitted reserved matters detail accords with the Parameter Plan.
16. Having regard to the outline planning permission there are other key conditions which directly apply to this reserved matters application; not least, condition 2 which specifies the matters reserved for later determination i.e. scale, layout, appearance, and landscaping. This application responds to those reserved matters in full.
17. Condition 4 provides that the landscaping reserved matter must be in general accordance with the outline Landscape Strategy. As a matter of judgement, this application complies with that requirement. Condition 5 requires parking to be in accordance with the *Suffolk Guidance for Parking*. The reserved matters detail complies with that requirement, too.

The Proposal

18. The applicant seeks approval of reserved matters for the erection of all 130 dwellings permitted, and applicable to the entire site. The housing mix itself, of predominantly two and three-bedroom units, is set out as follows, across a split of 85 open market and 45 affordable dwellings (35%):

Affordable

- 12 no. 1-bedroom apartments
- 4 no. 2-bedroom apartments
- 19 no. 2-bedroom houses
- 10 no. 3-bedroom houses

Open Market

- 1 no. 2-bedroom apartment
- 4 no. 2-bedroom bungalows
- 10 no. 2-bedroom houses
- 2 no. 3-bedroom bungalows
- 33 no. 3-bedroom houses
- 35 no. 4-bedroom houses

19. There is an existing point of access with dropped kerb from Waldingfield Road to the south-east of the site (not the primary access approved under the planning permission). Originally it was proposed that this be retained as a “soft” connection i.e. for cyclists and pedestrians to join the highway and footpath adjacent to the site frontage. However, following engagement with local parties the application has been revised to effectively stop-up that access as a part of the dense, strategic landscaping belt. This does not conflict with the access matter already approved.
20. This report is concerned with the approval of the reserved matters and the application submitted in that regard. There are a number of other matters that require approval under other conditions attached to the outline planning permission and they are subject to officer scrutiny and determination in the usual way (applications for approval/discharge of a planning condition).
21. The application plans and documents submitted by the Applicant (including consultation responses and third-party representations) can be viewed online at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>. Alternatively, copies

are available to view at the Council offices⁵. As ever, and noting the litigious history of the site, Members are directed to note and consider all of those documents.

PART THREE – CONSULTATION

22. The final reserved matters detail before Members for approval has followed an iterative process and is informed by consultation with a range of parties including local residents and the Chilton Parish Council, feedback from a RIBA design review panel, and responses received following the initial round of consultation upon the registration of the application; that detail has also been subject to a further round of public consultation with interested parties.
23. All of those most recent or relevant responses received prior to the completion of this report are summarised or directly quoted below, which includes public representations and consultation responses. Nevertheless, all responses received are available to view on the Council's website and at its offices as detailed above. Given the lengthy/technical nature of some of the responses received, it is repeated that Members are directed to consider the original copies of those documents, including the views expressed by the Chilton Parish Council and its Chair, Lady Hart of Chilton who has also written in a personal capacity.
24. Any further responses or representations will be reported through the late papers "Addendum" function and/or verbally to Members at Planning Committee.

Chilton Parish Council

25. No comments have been received.

Sudbury Town Council

26. Recommend approval.

Suffolk County Council ("SCC") – Local Highway Authority ("LHA")

27. No objection; the submitted plans are sufficient to allow approval of the reserved matters in regard to the effect on the highway.

SCC – Lead Local Flood Authority ("LLFA")

⁵ Details of addresses and opening times are available at: <https://www.babergh.gov.uk/contact-us>

28. Holding objection.

[Officer comment: It has been clarified with the LLFA that there is no objection to the principle of the drainage strategy proposed or how that strategy relates to this reserved matters application. Rather, outstanding matters relate to technical points which are capable of being resolved. Officers expect to provide Members with an update, and a likely removal of the holding objection, at Committee but this issue does not restrict Members from determining the application before them.]

SCC – Developer Contributions

29. Comments; s106 obligations should continue to have effect.

BDC – Public Realm

30. Support: *“The Public Realm Team welcome the inclusion of large areas of public open spaces and natural play within this development. The inclusion of bird and bat boxes along with hibernaculum and wildflower planting will enhance the naturalistic areas and add interest. It is noted that future adoption and maintenance of these landscaped areas will be undertaken by a private management company. This is welcomed as it will enable sensitive and appropriate maintenance of the public open spaces in the future. The Public Realm Team support this approach to the future adoption and maintenance on this development.”*

BDC – Landscape

31. No objection subject to securing further boundary treatment improvements.

BDC – Ecology

32. No objection subject to condition/securing details.

BDC – Urban Design

33. No objection; comments in relation to further points of improvement.

[Officer comment: The Applicant has made changes in response to those comments submitted and has provided justification for the design approach taken; this is considered to be satisfactory.]

BDC – Environmental Protection (Noise, air quality, other emissions)

34. No objection subject to condition/securing mitigation for noise disturbance.

BDC – Environmental Protection (Land Contamination)

35. No objection.

BDC – Sustainability

36. No objection.

BDC – Strategic Housing

37. Comments; concern over housing mix provided.

[Officer comment: The Applicant has provided justification for the mix proposed, which is accepted, and the Strategic Housing lead recognises that housing mix is not a reserved matter and there were no controls applied to the host planning permission in that respect. In a similar vein, while the Council has no explicit space standards set in policy the Applicant has nevertheless confirmed that all dwellings would meet the Nationally Described Space Standard, which is welcome.]

BDC – Heritage

38. Comments, including: *“the proposal would cause a low level of less than substantial harm to the designated heritage assets because the proposed development would erode a portion of the remaining undeveloped setting of Chilton Hall and its Registered Park and Garden. The Reserved Matters details submitted reduce the harm to a considerable extent, although further mitigation may be achievable... [recommend] amended plans showing increase in undeveloped space between the dwellings and the south eastern boundary of the site, as above, at a suitable scale.”*

Historic England

39. Recommend refusal: *“Historic England has concerns regarding the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 192, 193, 194, 196 and 200, and the safeguards outlined in our advice need to be addressed in order for the application to address these policies.*

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.”

[Officer comment: It should be recognised that the development was previously considered to be harmful to designated heritage assets and the benefits of the development were considered to outweigh that harm; planning permission was granted for that development. The exercise for Members is not to re-strike the planning permission from scratch, but to ensure that the development delivers the anticipated benefits without causing any unjustified or unacceptable harm in relation to the matters for which reserved matters approval is sought. The proposed reserved matters sit squarely within the parameters set within the outline planning permission.

The Gardens Trust

40. Recommends refusal:

- The Council needs to follow its statutory duties/ “give special weight” to the desirability of preserving designated assets i.e. the park and garden and its relationship to Chilton Hall’s assets where the park contributes to its significance.
- The application fails the legal tests.
- The application fails to appreciate the significance of the Chilton Hall and its related assets.
- A significant increase to the frontage of the site should be provided.
- The reserved matters detail does not adhere to the outline planning permission.
- Concern over hedgerow removal and creation of “second access”.
- Concern over light pollution.
- Two-storey housing at front of site should be exchanged for bungalows.
- Fully endorse the objections of Historic England.

NHS – Clinical Commissioning Group

41. Comments; infrastructural requirements to be addressed by CIL bid.

Highways England

42. No objection.

Natural England

43. Do not wish to offer comments.

3rd Party Representations

44. Those public/other representations received, of which there have been two respondents (Suffolk Preservation Society, and Lady Hart of Chilton), are summarised as follows:

- The reserved matters differ from illustrative/concept masterplan at outline.
- Concern at removal of orchard trees.
- Frontage landscaping buffer should be significantly increased.
- Development should be kept away from site boundaries.
- Application is a “watering down” of previously proposed landscape mitigation.
- Inconsistency between Heritage Statement and landscape strategy/details.
- Concern over formation of secondary access into site and lasting harm, notably heritage harm, that this would pose.
- It has been difficult to locate documents/understand the submission.
- Concern over lack of consultation.
- Concern over treatment of planning conditions.
- Concern over construction management plan/its approval should be revoked.
- The reserved matters cannot go beyond the parameters of the permission.
- The applicant should be pushed to be present the best possible scheme.
- The Council must continue to have regard to heritage duties and policy.

45. All consultee responses and representations received have been taken into account.

PART FOUR – POLICY FRAMEWORK AND ASSESSMENT

Planning Policy Context

46. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that applications under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.

47. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (“listed buildings Act”) states that in “*considering whether to grant planning permission for development which affects a listed building or its setting, the [decision taker] shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses*”.
48. The effect of that statutory provision is that the desirability of preserving the setting of a listed building must be treated as a matter of ‘considerable importance and weight’, with such a duty being regarded as presenting a ‘strong presumption’ against a grant of planning permission where harm to a designated heritage asset is identified⁶.
49. The scheme before Members, of course, already benefits from outline planning permission. The outline planning permission establishes the principle of development in accordance with the approved plans and subject to the conditions attached to it. The consideration of heritage matters was a key element within the balance and decision to grant permission: the Council accepted that the development would cause harm to designated heritage assets (the collection of assets relating to Chilton Hall and its garden(s)) but that the public benefits to flow from the development would outweigh that harm. This does not, however, make the general duty to pay special regard to keeping assets from harm any less important going forward. However, the reserved matters decision is effectively framed by the outline planning permission which is legally effective.
50. Members should ensure that the proposal accords with the parameters of the outline planning permission, and delivers the development authorised by it. In doing so, Members should be astute to ensure that the proposals seek to minimise harm to the heritage assets so far as consistent with the approval of the outline planning permission. The exercise for members is not to re-strike the planning permission from scratch, but to ensure that the development delivers the anticipated benefits without causing any unjustified or unacceptable harm in relation to the matters for which reserve matters approval is sought.
51. Within the planning permission, parameters were set to ensure that the magnitude of impact identified would not be breached at the reserved matters stage; as noted, officers view is that the detail before Members sits squarely within that “envelope”. Nevertheless, and also where acknowledging the requirements of local and national

⁶ *South Lakeland District Council v Secretary of State for the Environment and Another* [1992] 2 AC 141; *R (Barnwell Manor Wind Energy Ltd) v East Northamptonshire DC* [2014] EWCA Civ 137.

planning policy discussed below, it is in any event considered to be consistent with the duties placed on Members through legislation and national policy to ensure that every effort is made to minimise heritage impacts within the framework of the outline planning permission (notwithstanding that the developer, like the applicant for planning permission that preceded them, maintains that no material harm would be posed to any heritage asset). Heritage matters are treated under their own section, bearing in mind their importance as a consideration, later in this report.

Development Plan

52. Relevant to the submitted application, the development plan comprises the following:

- Babergh Local Plan 2011-2031 Core Strategy (2014)
- saved policies from the Babergh Local Plan Alteration no.2 (2006)

53. Within the current development plan, those policies considered to be relevant to the determination of the reserved matters application and its associated details are as follows:

- CS1 - Presumption in Favour of Sustainable Development in Babergh
- CS4 - Chilton Woods Strategic Land Allocation
- CS12 - Sustainable Design and Construction Standards
- CS13 - Renewable/Low Carbon Energy
- CS14 - Green Infrastructure
- CS15 - Implementing Sustainable Development in Babergh
- CN01 - Design Standards
- CN04 - Design and Crime Prevention
- CN06 - Listed Buildings - Alteration/Extension/Change of Use
- CN14 - Historic Parks and Gardens - National
- CN15 - Historic Parks and Gardens – Local
- HS31 - Public Open Space
- CR07 - Landscaping Schemes
- CR08 – Hedgerows
- TP04 - New Cycle Links
- TP15 - Parking Standards - New Development
- CP01/CP02 - Chilton Mixed Use Development Package

54. The Council is currently in the process of preparing a new joint Local Plan with the Mid Suffolk District Council. The National Planning Policy Framework (“NPPF”) identifies that decision-takers may give weight to relevant policies in emerging plans

according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with national policies. The plan-making process in this instance is at an early stage and is therefore not weighed as a determinative consideration in this instance.

The National Planning Policy Framework

55. The NPPF of February 2019 contains the Government's planning policies for England and sets out how these are expected to be applied. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes. The policies within the NPPF should be considered as a whole; however, some key paragraphs are summarised below.
56. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9).
56. Paragraph 127 forms part of a section of planning policies that seek to achieve well-designed places and underlines that, as set out at para. 124, *"the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*
57. Within section 16 of the NPPF, paragraph 184 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
58. Paragraph 193 transposes the requirements of the listed buildings Act and states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
59. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

60. Paragraph 196 states that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal. That test was exercised, and passed, when granting outline planning permission; it is important that the reserved matters detail does not exceed the harm identified at that stage; hence, the inclusion of development parameters within the permission.
61. Paragraph 213 states that existing policies should not be considered out of date simply because they were adopted prior to the 2019 iteration of the NPPF. It goes on to state that due weight should be given to development plan policies according to their degree of consistency with its own policies.
62. The development plan policies expressly engaged by this reserved matters application are all considered to be consistent with the NPPF and are therefore afforded full weight.

Other Considerations

63. The following documents are also considered as material to the determination of this application:
 - Suffolk County Council - Suffolk Guidance for Parking (3rd ed., 2019).
64. On the 6th March 2014, a number of Ministerial planning circulars were cancelled by central Government and were replaced by the Government's online national Planning Practice Guidance ("PPG"). The guidance provided is advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.
65. The PPG is an online reference as living document and is available at the following internet address: <https://www.gov.uk/government/collections/planning-practice-guidance>.
66. The relevant policies referred to above can be viewed online.

Decision-Taking Context

67. The development benefits from outline planning permission. The present application for approval of reserved matters, and the decision to be taken by Members in

respect of this application, cannot undo that position nor can the maximum scale of development or its inherent nature be altered.

68. With the acceptable principle and nature of development that has therefore already been established, the matters now before Members relate to certain items that had been “reserved” for a later determination i.e. the scale, layout, appearance, and landscaping of the residential site (see condition 2 of the outline permission).
69. Article 2(1) of *The Town and Country Planning (Development Management Procedure) (England) Order 2015* (“the Order”) includes definitions which provide the basis for determining what can and cannot be considered at the reserved matters stage; bearing in mind, that as noted, the principle of development has already been established and which set very clear parameters in respect of the extent of the permission granted. That is the context against which the decision on the reserved matters application must be taken.
70. The definitions provided by the Order are set out as follows:
71. The term “Scale” is defined as the height, width and length of each building proposed within the development in relation to its surroundings.
72. “Layout” should be interpreted to mean the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
73. “Appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
74. “Landscaping” means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:
 - a) screening by fences, walls or other means;
 - b) the planting of trees, hedges, shrubs or grass;
 - c) the formation of banks, terraces or other earthworks;
 - d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
 - e) the provision of other amenity features.

75. Following the grant of outline planning permission, the key question for Members has now moved to whether the detailed form of the development proposed is acceptable in respect of: scale; layout; appearance; and landscaping. Through the grant of planning permission it is implicit that there must be at least one acceptable form of reserved matters arising out of that permission. As noted, the scope/parameters of such an acceptable presentation was set by the outline planning permission to which these reserved matters accord, alongside the requirements for landscaping to be in general accordance with the original Landscape Strategy and for parking to meet the standards set by the Local Highway Authority; this application does so.
76. This is important because the extent and nature of the planning permission that has been granted has set an “envelope” of assessments and judgements about the development to be carried through to the reserved matters and the implementation of the scheme. This reflects good planning practice and it is commonplace for outline planning proposals/permissions to set very clear parameters for the development to be brought forward under that permission. This gives confidence in the robustness of assessments already made and a degree of certainty in respect of what is to be brought forward.
77. In light of the above and acknowledging the background and policy context which underpin the application, this report will now move on to assess the reserved matters, taking each matter in turn. Where particular planning considerations cross reserved matters (residential amenity, for example) this will be treated under its own sub-heading. Likewise, and bearing in mind that it is a key issue upon which the appropriateness of the reserved matters detail turns, heritage matters are addressed within their own section for the avoidance of any doubt that this has been treated with great care.

Scale

78. The development includes dwellings of one, two, and two-and-half storeys. It also comprises a positive mix of detached, semi-detached, terraced, and apartment-type homes which adds variety and visual interest, as well as being reflective of development nearby and is responsive to the settlement-edge location of the site.
79. Building heights have been treated carefully and sit well within the requirements of the Parameter Plan; two-storey dwellings being a maximum of 9m as opposed to the approved 9.5m within the southern block, for example. Not only is this positive in consideration of potential heritage impacts (considered later in this report) but the arrangement of scale has been deployed to reflect the surrounding area and to

respect adjacent development. This is demonstrated where the six proposed bungalows have been clustered adjacent to the existing residential dwellings closest to the application site. It is noteworthy that no objection has been received from any neighbouring property on St Mary's Close.

80. The variety of scale has been used to good effect with a sparing use of two-and-half storey buildings and only at strategic points in order to add interest, improve legibility and to act as visual stops.
81. As noted earlier in this report, while housing mix is not a reserved matter it is considered to be appropriate in this instance and it is commendable that as a part of a bespoke housing scheme the Applicant has agreed to utilise the Nationally Described Space Standard for homes in the absence of any policy requirement to do so.
82. The "Scale" of the development is considered to be acceptable.

Layout

83. The proposed layout is in accordance with the approved Parameter Plan in respect of its arrangement and the siting of development, open space, and strategic landscaping. It is one that works well in village/townscape terms and in the sense of creating an attractive place with a character that can be said to sensitively make the most of the site's natural assets.
84. The development was accepted as piecemeal in granting planning permission and was divergent from the masterplanned approach envisaged under the allocation policy. Nevertheless, it is considered to be incumbent upon the Applicant to demonstrate how the scheme before Members can positively react to that development. Officers consider that they have done so.
85. Through an iterative design process the northern block of development has been reconfigured so that at its western edge it faces out onto the land adjacent and the green corridor envisaged under the Chilton Woods masterplan. The inclusion of foot/cycle links along the western and northern site boundaries provides additional opportunities to promote permeability and to encourage future residents to walk and cycle from this site and make use of new amenities which are due to come forward as a part of the Chilton Woods development.
86. The undeveloped and open spaces within the development are significant and exceed policy requirements; there is a heavy tilt towards the "natural" rather than

the “built” form within the site and this reflects a positive response to the nature of the site and its surrounding environs, with green corridors running through the site and lower density development fronting onto them. The development has a “loose” feel which is appropriate for its location and has been supported by the Council’s urban design consultee.

87. A large swathe of open space is located to the east of the site with development fronting on to it (as with other open space areas) in order to provide natural surveillance. The initial building line is set back within the site in order to support the significant landscaping to the site frontage and to afford breathing space between the development and Waldingfield Road.
88. The detailed layout design also integrates a Sustainable Drainage System (“SuDS”). The SuDS scheme proposes the use of attenuation basins and grass swales and has been informed by the drainage strategy considered at the outline stage. Conditions 8 and 9 of the outline permission require the submission and approval of a detailed surface water drainage scheme with arrangements for its ongoing management and maintenance. Such details have been provided in accordance with those conditions. The SCC as the Lead Local Flood Authority raise no objection to the presentation of the drainage strategy as it relates to the submitted reserved matters.
89. The affordable housing (45 no. units) has been split into three, roughly equal-sized areas around the site in order to promote the principles of a mixed and inclusive community.
90. From the access, and following the parameter plan, a single spine road is proposed, serving a series of shared-surface tertiary roads which permeate the rest of the development. All highways would be 5.5m in width, which accords with the requirements of the LHA. Condition 21 also requires approval of precise estate road and footpath details. The determination of that condition is treated separately but the details submitted accord pursuant to that condition and this reserved matters application accord with one another and are considered to be acceptable.
91. Achieving high levels of connectivity has been a priority in the design process, resulting in a commendable presentation offering walkable paths through and around the site with shared surfaces and cycle routes. This will allow residents of the new development to easily access existing networks beyond the site and noting the approved Chilton Woods masterplan adjacent. Further, it encourages easy access to the open, recreational spaces within the development.

92. Cyclists and pedestrians would be able to enter and leave the site at multiple locations: the primary access onto Waldingfield Road; from the termination of the spine road at the north of the site; and two locations along the western boundary which would promote an emphasis for movement between the site and the future Chilton Woods development that has been permitted.
93. The parking provided – both on and off plot – is acceptable in both number and presentation and the LHA raise no objection in that regard. 30 no. spaces have also been provided to cater for visitor parking. The provision and presentation of parking is sufficient to comply with the reserved matters requirement of condition 5 of the outline planning permission.
94. The “Layout” of the development is considered to be acceptable.

Appearance

95. The development is considered to be of a high quality in respect of its appearance with a varied materials palette (including slate, pantiles, brick, and weatherboarding) reflective of a traditional approach but capable of supporting the development’s own distinctiveness. Final facing materials are capable of being secured by condition.
96. The development would include a number of individual plot design flourishes, including:
- Working chimneys with staggered brick coursing;
 - Timber-framed porches on brick plinths;
 - Timber pentice boards;
 - Corbelled brickwork and parapet gable ends;
 - Brickwork banding and window head detailing;
 - Projecting brick plinths; and
 - Timber finials on prominent gable ends.
97. The development would be “tenure blind” with the approach to detailing and materials consistent throughout the development and across the open market and affordable housing. Some of the affordable house types go further, however, incorporating their own style of timber, gable-porched entrance features.
98. The “Appearance” of the development is considered to be acceptable.

Landscaping

99. The final landscape proposals accord with the Parameter Plan and are in general accordance with the Landscape Strategy provided at the outline stage. This application therefore complies with the outline planning permission in those respects. The final landscaping scheme has also been informed by engagement with interested parties. In that respect the application is supported by a range of detailed drawings and planting plans, with justification provided for the approach taken.
100. Except for site access (and notwithstanding the works to facilitate the construction haul route that is subject to replanting) existing boundary hedgerows and trees would be retained, reinforced and brought into regular long-term management. This is also secured under condition 29 of the planning permission which requires the submission of tree protection details.
101. Following discussions with the Parish Council the strategic landscape buffer to Waldingfield Road has been increased from the c.14m originally envisaged under the outline planning permission to a planting depth of approximately 21m at its widest, c.19m more generally. Such an increase is welcome: it provides further environmental benefit and goes beyond the visual mitigation originally anticipated.
102. The landscape buffer would comprise a tree and shrub mix of native species with trees specifically chosen because they will grow to a height sufficient to mask the scale of the dwellings proposed, as well as providing net habitat gains. Further hedgerow planting is also proposed to thicken and strengthen the green buffer/existing hedgerow between the development and the parkland of Chilton Hall.
103. Throughout the rest of the development significant further landscaping is also proposed. This comprises both specimen tree planting along the spine road, through the central green space between the northern and southern residential blocks, and across the eastern green space. A rich grass and herbaceous mix is proposed throughout the development with various areas interspersed with wildflower meadow and native bulb planting.
104. Trees, hedges and planting along the street and within plot frontages will create a landscape dominated, rural character; it would be an attractive environment. The Council's landscape consultant raises no objection to the proposal subject to agreement of further boundary treatments; this can be secured by condition.

105. The proposals include the planting of specimen trees at advanced stock sizes to ensure that screening is established as early as possible, enhancing the verdant character the area. The Applicant intends to fence off the landscape buffer area prior to the commencement of development in order to prevent ground compaction and to facilitate some advance planting; the precise timetabling of which, can be secured by condition.
106. Following discussions, the Applicant now also proposes the siting of themed benches as public art installations to be located within the areas of open space; this has the benefit of both providing visual interest and supporting recreation, rest, and reflection. The design ethos has been informed by the military heritage of the land adjacent. The final design, installation, and management of those features can be controlled by condition.
107. In order to increase the quality of boundary treatment, and responding positively to feedback received from consultees, prominent areas of timber fencing have now been replaced by brick screen walling. Boundaries between dwellings now also include hedgehog corridors: a hole placed at ground level within a garden boundary that allows hedgehogs to move freely at night in order to preserve their natural habitat. These are both positive changes that add to the overall quality of the development but a condition is required to elicit further improvements to prominent boundary areas and as requested by the landscape and urban design consultants.
108. The “Landscaping” of the development is considered to be acceptable.

Residential Amenity

109. The site abuts existing residential development on its western boundary but the proposed development has been designed so as to avoid adverse impacts, not least through the siting and scale of the new dwellings proposed along the western edge of the site. Back-to-back distances are a minimum of 20m throughout the scheme as encouraged by the Council’s urban design consultee.
110. Within the development itself the scale, layout, and appearance of dwellings would ensure that there would be no adverse impacts posed between properties. Garden sizes are acceptable and provide sufficient space for sitting out, children’s play, and the drying of clothes. All dwellings are sited within accessible reach of the open space within the development, with areas of play close enough to be observed but far enough away to not pose a nuisance through general use.

111. Noise was originally a concern for the Council's Environmental Protection officer due to the proximity of the site to Waldingfield Road; however following further detail and a technical assessment undertaken by the Applicant, no objection is now raised where amenity can be safeguarded.

Heritage

112. Heritage was an issue key to the determination of the outline planning application and this is due to the proximity between the application site and important designated assets adjacent to the south. It is important to remind Members of those assets and their significance; this is covered in detail within the applicant's Heritage Statement among other responses received through consultation (the comments of Historic England, for example). Members are directed to consider those details carefully, just as they did when determining the outline application.

113. The Registered Park and Garden of Chilton Hall ("RPG", Grade II) lies adjacent to the application site, across Waldingfield Road. Within that land is the Grade II* Chilton Hall and its related (and also individually listed) Grade II garden wall. The significance of those assets, both individually and collectively, should not be underplayed. Even if harm is unavoidable but justifiable, every effort should still be made to reduce the magnitude of such an effect consistent with the framework of the outline permission.

114. Chilton Hall is a fine period property situated within a purposeful, historic landscape and parkland. The house was built c.1550 on the site of an earlier medieval house and sits within a wide, well-defined moated enclosure. It is understood that following a fire, only the east wing of the former red brick mansion now survives. The walled kitchen garden is set beside the house; the perimeter being listed in its own right for its special architectural/historic interest. The park contributes to the significance of the house and also forms an important part of its setting, and it is a designated heritage asset in its own right.

115. Chilton Hall holds considerable presence in the landscape and contributes much to the history and development of the area. The existing soft boundaries to Waldingfield Road contribute to the sense of enclosure within the park. The development of the application site therefore needs to be treated with great care as it forms an important element of the setting of the Hall, and its park and garden, particularly as it also forms the backdrop to the principle entrance and exit for those assets.

116. The Applicant considers that with the exception of the RPG, all other assets are too remote from the site due to distance and intervening vegetation to be impacted by the development. With respect to the setting of the RPG, the Applicant considers that the impact upon that asset would be neutral i.e. its significance would be preserved.
117. Historic England, while encouraged by the improvements made to the application, continue to recommend refusal and highlight that the development would pose less than substantial harm to the collection of assets at Chilton Hall. As with all of the comments received, Members should consider their comments in full. Historic England state that: *“we do however remain concerned about the approach [within the application] and consider that proposed mitigation would need to be improved in order to fully address the impact upon the significance of the designated assets.”* It is stated that the applicant should make further modifications to the layout, scale and landscaping elements of the application in order to reflect the agreed masterplan, and this includes increasing the frontage planting buffer as well as providing further landscaping across the middle of the site.
118. The Gardens Trust (“GT”) share the same concerns as Historic England and Lady Hart of Chilton. In addition to raising concerns about light pollution and the need to see such details now (despite the presence of a planning condition which deals with that matter and so officers are satisfied that this is not necessary) GT consider that the frontage landscape buffer should be increased significantly to 20m across the entire frontage; this would be beyond that approved at the outline stage. Alongside other criticism that the reserved matters detail does not accord with the outline permission and a request for frontage two-storey dwellings to be replaced by bungalows, their views have been considered carefully. Like Historic England, GT state that the RPG contributes to the significance of Chilton Hall and warrants special protection. Officers agree.
119. Suffolk Preservation Society object to the application. In common with the views of Historic England and GT there is criticism that the reserved matters detail differs from the illustrative drawings provided at the outline stage. However, this does not recognise the imposition of the Parameter Plan to the outline planning permission to which this application does accord. The Society considered that the frontage buffer needed to be increased significantly; the Applicant has done so but the Society has not subsequently commented further in that respect.
120. The Council’s Heritage Officer states that the proposal would cause a low level of less than substantial harm to the identified designated heritage assets; that magnitude of harm is consistent with the assessment undertaken at the outline

stage. The officer notes that the reserved matters detail submitted reduces the harm to a considerable extent, albeit further mitigation may be achievable. The officer states that the proposed frontage planting buffer would *“help reduce the visual effects of the development on the heritage assets to a reasonable extent”*. The officer also notes that other design details are reasonable and that the *“dwellings closest to the heritage assets would be of a scale and materials such that they would not be overly prominent in relation to the prevailing development characteristics within the area”*. Nevertheless, it has been recommended that amended plans be sought showing an increase in undeveloped space between the dwellings and the south eastern boundary of the site and at a suitable scale. Those comments have been taken into account notwithstanding that the reserved matters accord with the Parameter Plan, not least in the siting of built development, and the scale of dwellings falls below the threshold set by the planning permission.

121. Planning Officers have considered the spectrum of responses received carefully and the Council is in receipt of sufficient information to take a judgement on the heritage issues. Officers consider that an acceptable baseline has already been set through the Parameter Plan that has been imposed upon the outline planning permission; harm in that respect was considered to be unavoidable, primarily due to the proposed access – albeit at a low level of “less than substantial” harm, in NPPF parlance – but justifiable in light of the public benefits posed by the development. Access is not a reserved matter under the outline planning permission. The access has already been approved, although the internal layout and estate roads within the site are for approval now (treated under the “Layout” section of this report). The development remains fundamentally unchanged by its nature.
122. The reserved matters approval sits comfortably within the established parameters. Following engagement with interested parties the Applicant has made changes to further reduce the likely impacts of the development below the full extent of the approved parameters. Having regard to the final presentation of the reserved matters, officers are satisfied.
123. Firstly, the strategic landscaping buffer has been significantly increased, beyond the depth originally considered at the outline application stage. It was accepted previously that the planting mix would ensure that a visually impermeable barrier could be formed, notwithstanding the significant landscape cover that already exists along Waldingfield Road. This remains the case and the Applicant proposes to plant hedging and trees of sufficient maturity such that they can provide mitigation from the outset. Related to that, the built form of the development has been pushed further back into the site by around 5m.

124. Secondly, while the approved parameter plan allows for two-storey dwellings across the site to have a ridge height of up to 9.5m, all dwellings in the southern parcel of built form have a maximum ridge height of 9m. In other words, the two-storey homes will all be 50cm less in height than could technically be the case having regard to the approved parameters. The location of the two-and-half-storey properties are limited to three, set-back locations within the scheme layout and do not encompass the full extent of the areas originally permitted for development of that scale.
125. Thirdly, the Applicant is proposing six bungalows along the western side of the spine road within the southern residential block, to further reduce visual impact. The dwelling nearest the access would be a bungalow and additional tree planting is proposed near to its eastern flank in order to further mask its appearance when fleeting views are afforded into the site for those travelling along Waldingfield Road. A two-storey gateway dwelling originally proposed to be sited close to the access and adjacent to that bungalow has been moved elsewhere within the site. The final outcome now aligns more with the layout – albeit purely illustrative – submitted with the outline application, and in doing so also meets an important need for such units.
126. Fourthly, the previous proposal for a new pedestrian/cycle route linking to Waldingfield Road at the south-eastern edge of the site (utilising an existing point of access and dropped kerb) has now been omitted. Again, this change has been introduced following engagement with the Parish Council and will further ensure that a robust landscape buffer can be provided between the development and the heritage assets nearby. It would not conflict with the access drawing already approved. Where that proposal forms part of this reserved matters application it would effectively form part of the approval to be given and would be secured by its implementation. However, noting the concerns of the Parish Council, the Applicant is willing to be bound by legal obligation to stop-up that access and carry out associated remedial planting before the development is completed (80% occupation), once the approved construction haul route through that access would no longer be required. Of itself this obligation does not form a reason for granting approval of the reserved matters. Naturally, it is important that the Applicant makes use of that existing access during the substantive construction phase in order to minimise disruption to new residents and to avoid abortive costs in continual maintenance and repair to the new vehicular access. Officers support that approach and the Applicant has demonstrated why the land would not be “spoiled” such that any landscaping in that area would be ineffective after the haul route has been used.
127. Members are also reminded that under the outline planning permission all planting has a 10-year aftercare period to ensure that any plants which become diseased or die must be removed and new, identical specimens planted in their place. Typically,

the Council only imposes a 5-year period but it is recognised that the circumstances of this site and the development are highly sensitive. While repetition ought to be avoided, this requirement will be reiterated under the approval of reserved matters should Members accept the recommendation of this report. It is further noted that ongoing maintenance is also covered within the existing and enforceable s106 legal agreement that binds the site.

128. Where the green space between the northern and southern blocks of development contains less planting than had been anticipated by certain parties it nevertheless accords fully with the approved Parameter Plan. With the introduction of some specimen planting the central greenspace would offer a suitable break between those blocks and would provide some relief to those fleeting, limited views that might be available from outside of the site when looking through the access.
129. Officers agree with the Applicant that the landscape buffer – now far more significant than originally approved – will filter and screen the built form of the development from the RPG such that any impact upon it would be extremely limited; its resultant effect would be nevertheless benign.
130. In summary, Officers consider that the reserved matters in combination all accord with the approved Parameter Plan, in many respects sitting well below the maximum extent of development approved, and have been designed to as to minimise harm to heritage assets within the framework of the outline planning permission.
131. Having regard to all of the above, and taking into account the wider assessment of this reserved matters application, the development would accord with local and national planning policies and Members can be satisfied that if they accept the recommendation of this report then they have done so entirely cognisant and embrative of their statutory duties. The reserved matters detail is acceptable as it relates to heritage matters.

Other Matters

Surface Water Drainage

132. The detailed layout design integrates SuDS. The SuDS scheme proposes the use of attenuation basins and grass swales and is in general conformity with the drainage strategy that underpinned the outline planning permission.
133. The LLFA have commented on the application. Specific surface water drainage details remain to be agreed but are covered by planning condition attached to the

host planning permission. Additional drainage information, providing points of clarification, has been submitted in order to allow the drainage condition imposed upon the planning permission accepted in principle.

134. However, such considerations are not reserved matters. Works necessary to satisfy those conditions may impact upon the layout, but that does not preclude determining the reserved matters on the basis of the submitted details and officers fully expect that those outstanding items can be satisfactorily treated. Officers expect to be able to provide an update prior to or at Planning Committee.

Delivery

135. It is the Government's intention to significantly boost the supply of new homes. That cannot displace the primacy of the development plan. However, it is a material consideration for Members to take into account, alongside the policies contained within the NPPF, when considering the principle of new housing applications. Further, the thrust of governmental policy and supporting guidance is aimed at ensuring that sites are brought forward as quickly as possible and that it is incumbent to demonstrate that this can be achieved.

136. Officers have agreed a Statement of Common Ground ("SCG") with the developer in order to understand their anticipated lead-in and build-out rates for the site and for the purposes of compiling the 'clear evidence' of delivery necessary to support housing land supply projections in accordance with the NPPF and supporting PPG.

137. The SCG identifies that in the event that the reserved matters are approved, housing delivery is first expected from 2020 with the development being completed within the 2022/2023 period.

138. While not a consideration that is held up as being material to the determination of this application, it is nevertheless helpful to note that the applicant is committed to the delivery of the permission, and at an expeditious rate such that it would make a meaningful contribution to the housing land supply of the District within the five-year period.

Planning Obligations/s106

139. A s106 legal agreement⁷ is currently attached to the outline planning permission. It includes a number of planning obligations which at the time of entering into the agreement were considered appropriate and were necessary to secure in order to

⁷ Section 106 of the *Town and Country Planning Act 1990* ("the principal Act").

grant permission. That agreement continues to have effect and this reserved matters application will not compromise the ability to meet the requirements therein.

140. There is a wide power under section 106A of the Act to modify or discharge a s106 by mutual agreement. Following discussions with interested parties the Applicant, as the developer, seeks to vary the agreement in order to “ring-fence” some of the affordable housing units in order to provide for local needs i.e. Chilton and adjacent parishes, and for affordable units to be arranged in clusters of no more than sixteen. Officers, including the Strategic Housing lead, support this request.

141. Likewise, the Applicant has offered a further obligation to stop-up the existing south-eastern site access, make good the land affected by the construction haul route, and substantially re-plant the area (in accordance with the submitted landscaping drawings) prior to the occupation of 80% of the development i.e. before the 104th dwelling provided is occupied. As set out earlier in this report, this is considered to be a positive offer and should provide comfort that: a) no secondary access is being proposed or developed by stealth; and b) there would be no lasting or long-term impact to the character of the area or the significance of the RPG beyond those already anticipated in granting planning permission and approving the construction management plan.

142. The Council’s solicitors are in discussion with the legal representatives of the Applicant to secure those variations to the current agreement. The determination of this reserved matters application is not contingent upon the completion of the new agreement (or, more specifically, the deed to vary the existing s106 agreement). Members can therefore move to determine this application without delay.

PART FIVE – CONCLUSION

143. In granting outline planning permission, it has to be accepted that there is at least one form of development that would be acceptable at the reserved matters stage. Furthermore, the parameters and principles of such a development have been set, and this reserved matters application does not derogate from that scope or propose anything beyond what has already been assessed. Purely and simply, it addresses the reserved matters of the development that falls within the applicable red-lined area. The likely environmental effects of the development, in respect of the reserved matters detail submitted, continue to be known and, in fact, would be less than the cautious envelope set at the outline stage.

144. Officers have reviewed the reserved matters detail framed against the entirety of the development plan and in respect of those policies which are most important for the determination of the application. After careful assessment, your officers consider that the application responds positively to the policies of the development plan. Notwithstanding the development plan, the proposed reserved matters detail is nevertheless considered to align with the planning policies contained within the NPPF and is acceptable in all respects.

145. The development is considered to be a genuinely high quality scheme and the application has responded positively to the local context and the parameters of the outline planning permission. In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no matters that would give rise to unacceptable harm; the benefits of allowing development to proceed continue to outweigh the adverse impacts.

146. A positive recommendation to Members is therefore given below.

RECOMMENDATION

That Members resolve to:

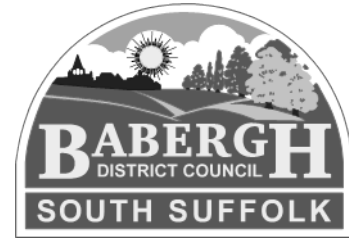
(1) Grant approval of the reserved matters (under application reference DC/17/04052) subject to planning conditions, drafted to the satisfaction of the Chief Planning Officer, including:

- Approved plans and details secured.
- Ecology compliance.
- Agreement of final external facing materials to be applied.
- Timetabling of structural planting.
- Planting aftercare.
- Public art benches; final design, delivery, siting, and maintenance.
- Further boundary treatments plan.
- Condition to retain garages for parking.
- Agreement of PIR lighting (siting, aiming, lux) for parking courts.
- Requirement for opening up/delivery trigger of approved cycle/foot boundary links.

Philip Isbell - Corporate Manager
Growth & Sustainable Planning

Babergh District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk



OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Miss Jennifer Carroll
Coval Hall
Rainsford Road
Chelmsford
CM1 2QF

Applicant:

Catesby Estates Limited
C/o Agent

Date Application Received: 04-Aug-17

Application Reference: DC/17/04052

Date Registered: 10-Aug-17

Proposal & Location of Development:

Outline planning application for residential development of up to 130 dwellings (Use Class C3) including means of access into site (not internal roads), parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.

Land North Of Waldingfield Road, Sudbury

Section A – Plans & Documents:

This decision refers to drawing no./entitled 1002 received as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Site Location Plan – Drawing no. 1002.
Development Parameters Plan – Drawing no. 3502.
Highway Access Plan – Drawing no. 19082-03 Rev B.

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

2. Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the area and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

3. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The Reserved Matters submission for Landscaping shall be in general accordance with the design principles and planting specification shown on the outline Landscape Strategy (drwg no.EDP3925/11b).

Reason - In the interests of safeguarding heritage and the character and appearance of the area.

5. The parking to be provided shall be in accordance with adopted standards (Suffolk County Council, Suffolk Guidance for Parking: Technical Guidance, Second Edition - November 2015), or any document/guidance superseding or replacing that document.

Reason - In the interests of securing a development built upon principles of good urban and highway design.

6. No development shall commence until a detailed foul water scheme in accordance with the Indicative Foul Drainage Strategy (RSK Foul Drainage and Utilities Assessment August 2017, Appendix J - P1) has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason - To prevent environmental and amenity problems arising from flooding.

7. No development shall take place until:

- a) A strategy for investigating any contamination present on site (including ground gases, where appropriate) has been submitted for approval by the Local Planning Authority.
- b) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.
- c) A written report shall be submitted detailing the findings of the investigation referred to in (b) above, and an assessment of the risk posed to receptors by the contamination (including ground gases, where appropriate) for approval by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme as required.
- d) Any remediation work shall be carried out in accordance with the approved Remediation Scheme.
- e) Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation Scheme.

Reason - To identify the extent and mitigate risk to the public, the wider environment and buildings arising from land contamination.

8. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:

- a) Dimensioned plans and drawings of the surface water drainage scheme;
- b) Modelling shall be submitted to demonstrate that the surface water runoff will be restricted to 9l/s for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- c) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;
- d) Modelling of the surface water conveyance network in the 1 in 30-year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- e) Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system.

The scheme shall be fully implemented as approved.

Reason - To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

9. Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason - To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

10. The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason - To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

11. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason - To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.

12. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (EDP Ltd, July 2017) and Ecology Addendum Report (EDP Ltd, Sept 2017) as submitted with the planning application and agreed with the local planning authority prior to determination.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

13. No development shall commence until an Ecological Mitigation and Enhancement Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall be based on the mitigation and recommendations of the Ecological Appraisal by EDP Ltd (July 2017) Ecology Addendum Report (EDP Ltd, Sept 2017) as submitted with the planning application and agreed with the local planning authority prior to determination. It shall provide detailed mitigation measures and ecological enhancements to be carried on site, together with a timetable for implementation, and it shall include specific mitigation measures required with regards to great crested newts and identify those measures that will require a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010. The development shall be carried out in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

14. Concurrent with the first reserved matters application(s) details identifying pedestrian and cycle linkages to the boundary of the site, serving as potential connections to surrounding development shall be submitted and agreed, in writing, by the Local Planning Authority. No development, other than works to facilitate pedestrian or cycle routes, shall occur within those areas and the development shall be carried out in accordance with the approved details.

Reason - To secure linkages between the application site and surrounding development in the interests of promoting sustainable travel, supporting green infrastructure, and in accordance with Policy CS4 of the Core Strategy.

15. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long- term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

16. No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to

ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

17. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition 16; and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

18. The approved access shall be laid out and constructed in its entirety prior to the occupation of the development. Thereafter the access shall be retained in its approved form.

Reason - To ensure that the access is made available for use at an appropriate time in the interests of highway safety.

19. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason - To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

20. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used in connection with the occupation of the development and shall be retained thereafter in its approved form.

Reason - To prevent hazards caused by flowing water or ice on the highway.

21. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that roads/footways are constructed to an acceptable standard.

22. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.

Reason - To ensure that satisfactory access is provided for the safety of residents and the public.

23. Before the development is commenced details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason - To ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

24. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 120 metres in each direction along the edge of the metalled carriageway from the centre of the access.

Reason - To ensure vehicles exiting the development would have sufficient visibility to join the main road safely, and vehicles on the main road would have sufficient warning of a vehicle emerging to take avoiding action.

25. Prior to commencement details of the scheme to widen the existing footway along the site frontage and extending to the junction with Saint Marys Close, including pedestrian crossing points, shall have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in full prior to occupation of the 30th dwelling.

Reason - To ensure the sustainable links to the site are safe and adequate for the level of use.

26. No development shall commence above slab level until a scheme for the provision and implementation of suitable infrastructure to allow the installation of electric vehicle charging points in home garages by residents to facilitate the use of electric vehicles has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme shall be implemented, and the measures provided and made available for use, in accordance with such timetable as may be agreed.

Reason - To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with paragraph 3.4.2 of the Suffolk Guidance for Parking and paragraph 35 of the National Planning Policy Framework.

27. Before any development is commenced, and concurrent with the first reserved matters application(s), details of existing and proposed levels of the site and finished floor levels as measured from a fixed off-site datum point shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be constructed in accordance with the levels agreed.

Reason - In order to secure a design in scale with development surrounding the site so as to safeguard and protect the historic environment, visual amenities, amenity of neighbouring properties and character of the area. This condition is required to be agreed prior to the commencement of works to buildings and/or ground levels as any construction process beyond this stage without this agreement risks having to be restarted resulting in delay and cost for the developer.

28. At least a 10% reduction in the predicted carbon emissions of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in carbon emissions over Part L 2013. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority concurrent with the first reserved matters application(s). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.

Reason - In order to ensure the long-term sustainability of the development through on-site use of renewable resources and sustainable construction techniques and materials, and to ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with the development plan.

29. Concurrently with the first application for approval of reserved matters a detailed method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority, to also include details of protective fencing to be installed prior to commencement of development and retained throughout duration of building and engineering works. The approved scheme shall be carried out in accordance with the approved details and shall be completed in all respects prior to first occupation. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

Reason - For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure trees are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of lost and damage to trees.

30. Concurrently with the first application for approval of reserved matters a detailed planting plan, landscape maintenance plan and specification shall be submitted to and approved in writing by the local planning authority. The landscape maintenance plan will last for a minimum of 10 years to support plant establishment. The approved scheme shall be carried out in accordance with the approved details and shall be completed in all respects prior to first occupation.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

31. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority.

Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a) Parking and turning for vehicles of site personnel, operatives and visitors
- b) Loading and unloading of plant and materials
- c) Piling techniques
- d) Storage of plant and materials
- e) Programme of works (including measures for traffic management and operating hours)
- f) Provision of boundary hoarding and lighting
- g) Details of proposed means of dust suppression
- h) Details of measure to prevent mud from vehicles leaving the site during construction
- i) Means to prevent the discharge of surface water from the development onto the highway
- j) Haul routes for construction traffic on the highway network
- k) Monitoring and review mechanisms
- l) Details of delivery times to the site during the construction phase

Reason - In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

32. No development shall be commenced above slab level until details of the number and location of fire hydrant provision for the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development.

Reason - To ensure fire hydrants are provided in sufficient numbers and locations to meet fire safety requirements.

33. Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

NOTES:

1. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Suffolk County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area

or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/17/04052

Signed: Philip Isbell

Dated: 5th July 2018

**Corporate Manager
Growth & Sustainable Planning**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

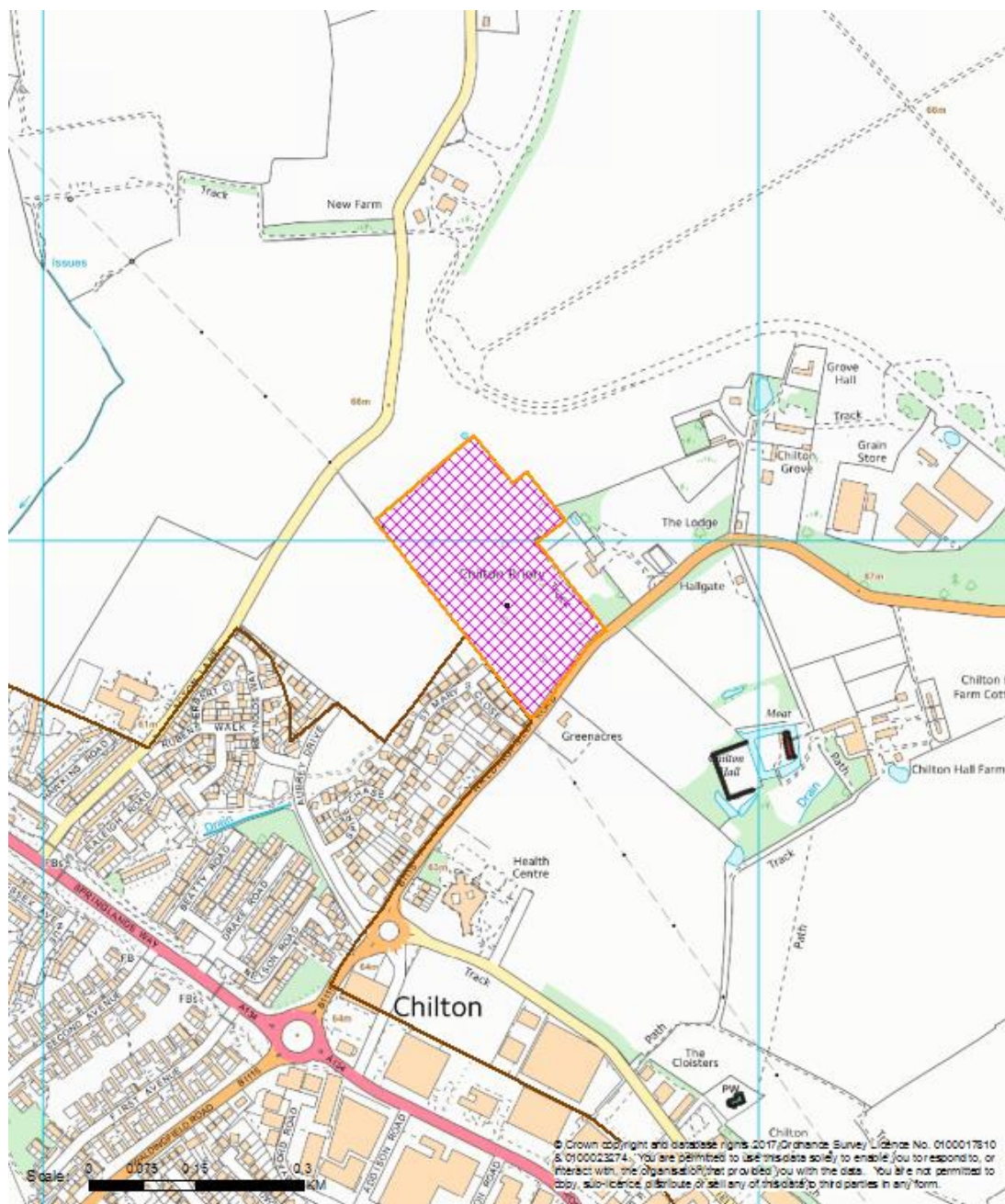
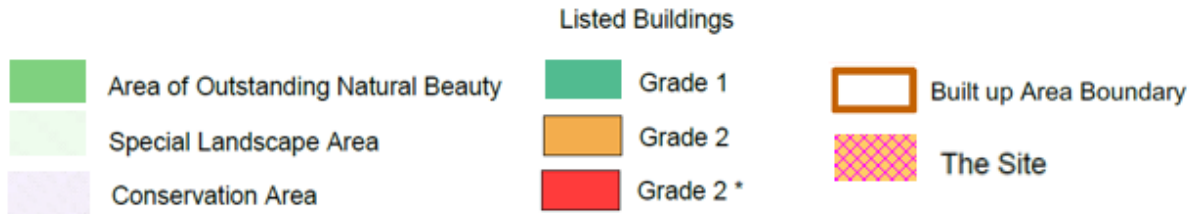
2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

Application No: DC/19/04650

Parish: Sudbury

Location: Land North of Waldingfield Road



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Agenda Item 6b

Committee Report

Item 6B

Reference: DC/19/04445

Case Officer: Samantha Summers

Ward: Lavenham.

Ward Member/s: Cllr Clive Arthey, Cllr Margaret Maybury.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Erection of 1no. dwelling and detached garage.

Location

Lavenham Priory, Water Street, Lavenham, Sudbury Suffolk CO10 9RW

Expiry Date: 20/12/2019

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Ms R. Sayed

Agent: Whymark Moulton Ltd

Parish: Lavenham

Site Area: 0.33 hectares

Density of Development:

Gross Density (Total Site): n/a

Net Density (Developed Site, excluding open space and SuDs): n/a

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Chief Planning Officer considers the application to be of a controversial nature, having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Development in/near conservation areas
TP15 - Parking Standards - New Development
CS02 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development
Lavenham Neighbourhood Plan
NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at: -

Stage 7: Adoption by LPA
Accordingly, the Neighbourhood Plan has Significant weight.

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

Parish Council (Appendix 3)

Lavenham Parish Council – Recommend Refusal. The Parish Council did not support the first application on a number of grounds including the “harm” to the setting of the Priory, its location in the land forming the green fringe to the village and the relationship of the Priory to its links to the countryside, its impact on the Listed Buildings (Grade 1 and 2) in Water Street and on the setting of the Priory. The reduced size of the proposed dwelling and its relocated position are not as intrusive as the original proposal, but it is still considered to be in contravention of: NPPF “overriding objective is the protection and enhancement of the Historic Environment”, Lavenham Landscape Character Assessment identifying the area as “High Landscape Sensitivity”, Lavenham Neighbourhood Development Plan Policy H1 “...scheme adjacent to the built up area boundary can be clearly demonstrated to be well related to the existing pattern of development in Lavenham” “that the scale and character of the proposal respects the landscape, landscape features, streetscape/townscape heritage assets and important spaces and historic views into and out of the village” also Babergh Local Plan Policy CS15 objectives as H1 above. In view of the above there are no grounds for the Parish Council to change its view on development of a dwelling proposed in the application.

National Consultee (Appendix 4)

Natural England – wishes to make no comment on the application

Historic England - objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 193 and 194. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess 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.

County Council Responses (Appendix 5)

Archaeological Service – no objection subject to standard conditions

Highways - does not wish to restrict the grant of permission as it is considered there will be not be a substantial intensification of use for this proposal therefore, no impact on the highway.

Internal Consultee Responses (Appendix 6)

Environmental Health (Contamination) – no objection.

Heritage Team - the proposal would cause a medium level of less than substantial harm to a designated heritage asset because the proposed development would erode an important characteristic of Lavenham Conservation Area in a particularly well-preserved and sensitive part of the Conservation Area. It would also detract from a key view that contributes to the character and appearance of the Conservation Area. A low level of level than substantial harm to a designated heritage asset because the proposed development would dilute an identified key view of various listed buildings, that contributes to their significance.

Place Services (Ecology) - No objection subject to securing biodiversity mitigation and enhancement measures.

B: Representations

Suffolk Preservation Society - Whilst we note that the amendments to the scheme have reduced both the scale of the dwelling and its overall height by reduction of ground levels, we continue to endorse the view of Historic England that the proposal would result in harm to the significance of the conservation area and the setting of nearby listed buildings. The proposal is contrary to Lavenham Neighbourhood Plan policy H1 which requires development to relate well to the existing pattern of development. Moreover para 194 of the NPPF is clear that any harm to the significance of a designated heritage asset requires clear and convincing justification and para 196 requires that harm to be weighed against the public benefit which, at a single dwelling, is limited. We therefore urge that this application is refused.

The Lavenham Society – wishes to object to the proposal. Whilst there has been improvement in the design to reduce its visual impact this application fails to address the objections to the previous application DC/19/01609 raised in our letter of 5th June 2019, which are restated here. The development, particularly of a modern design, would be detrimental to the character of the village conservation area with which the location lies. The development would be outside the identified village built up area. It could set a precedent for further undesirable development in the rear gardens of adjoining properties in

Water Street leading to loss of open space in this part of the conservation area. It would detract from the view from the public footpath that runs along the boundary of the rear gardens of the properties in Water Street. It would detract from the view from neighbouring properties out into the open countryside. The applicants state that they wish to expand the existing Bed and Breakfast accommodation by moving out of The Priory themselves, but this is not reason to permit the construction in the proposed location. B&B businesses come and go, but the house would be there for many years. Therefore, we would strongly urge the Planning Committee to refuse this application.

At the time of writing this report at least 52 letters/emails/online comments have been received. It is the officer opinion that this represents 15 objections, 37 support comments. A verbal update shall be provided as necessary.

Views are summarised below: -

- Concerns over construction phase – highways
- Parking and vehicular access
- Impact on the Conservation Area
- Contrary to Neighbourhood Plan
- Visibility from public footpath
- Impact on the setting of Listed Buildings
- Would change of the character of Lavenham’s historic core
- Risk of damage to neighbouring properties during construction phases
- Impact on ecology
- Loss of green space
- Out of keeping with the surrounding area

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/19/01609	Planning Application - Erection 1no. dwelling	DECISION: WDN 07.07.2019
REF: B/17/00959	Remove 1 no Cedar tree	DECISION: PNR 11.04.2017
REF: B/10/00407	Application for Listed Building Consent - Internal alterations within Priory Dairy Wing to form family and disabled guest accommodation.	DECISION: GRA 30.06.2010
REF: B/10/00406	Erection of Eco-dwelling to form owners/managers accommodation and Change of Use of dairy wing from residential accommodation to bed and breakfast accommodation.	DECISION: REF 08.06.2010
REF: B/09/00715	Application for Listed Building Consent - Internal Alterations	DECISION: WDN 17.11.2011

REF: B/09/00714	Erection of 1 no. dwelling and change of use and alterations of the existing dairy wing of the Priory to form family and disabled guest accommodation.	DECISION: REF 13.10.2009
REF: B/94/01424	Conversion of former dairy wing to self-contained dwelling and erection of garage/garden store, as amplified by agent's letter dated 06.02.1995	DECISION: GRA
REF: B/94/01423	Application for listed building consent - works in connection with conversion of former dairy wing to self-contained dwelling and replacement of 3 windows in main north elevation, as amplified by agent's letter dated 06.02.1995	DECISION: GRA
REF: B/87/00023	RETENTION OF BUILDING AS STABLE FOR THREE HORSES (AS AMENDED BY APPLICANT'S LETTER OF 16/02/87 WITH ACCOMPANYING DRAWING)	DECISION: GRA
REF: B/96/01413	APPLICATION FOR LISTED BUILDING CONSENT - INTERNAL ALTERATIONS IN CONNECTION WITH CHANGE OF USE FROM EXISTING TEA ROOM AND VISITOR CENTRE TO BED AND BREAKFAST ACCOMMODATION (AS AMENDED BY AGENTS LETTER DATED 18.11.96 AND 10.01.97 AND AMENDED PLANS RECEIVED BY LPA ON 19.11.96 AND 13.01.97)	DECISION: GRA
REF: B/96/01412	CHANGE OF USE FROM EXISTING TEA ROOM AND VISITOR CENTRE TO BED AND BREAKFAST ACCOMMODATION (AS AMENDED BY AGENTS LETTERS DATED 18.11.96 AND 10.01.97. AND AMENDED PLANS RECEIVED BY LPA 19.11.96 AND 13.01.97.)	DECISION: GRA
REF: B/04/00239	25 - 30% reduction in canopy of 2 No. Ash trees.	DECISION: GRA

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site forms the rear garden of Lavenham Priory, a Grade I Listed property on Water Street. Lavenham Priory operates as a bed and breakfast business. The site is within the

Conservation Area of Lavenham and outside the defined Built Up Area Boundary. Therefore, the site is classed as “countryside” in policy CS2 of the Babergh Local Planning. The site is considered to be a high landscape sensitivity location in the Lavenham Landscape Character Assessment which forms part of the adopted Lavenham Neighbourhood Plan.

1.2 The garden of Lavenham Priory is a large ‘L’ shaped piece of land and runs to the south of several properties in Water Street, with Quakers Yard being the nearest properties to the application site. A public footpath runs along the southern boundary of the site from Bears Lane. There is currently a development of 25 dwellings under construction in Bear Lane which is south of the site.

2.0 The Proposal

2.1 The application seeks full planning permission for the erection of one eco dwelling, detached garage and access drive. This application is a re-submission of DC/19/05609, which was withdrawn following objections on heritage grounds. There have been several attempts to gain planning permission for the erection of a dwelling on the site:

- B/09/00714 – refused
- B/10/00714 – refused and dismissed on appealed (APP/D305/A/10/2137310)
- DC/19/05609 - withdrawn

2.2 The proposed dwelling would be single-storey with three bedrooms (two en-suite), bathroom, study, utility and a large open plan kitchen/dining/living room.

2.3 A double detached garage is proposed with a parking and turning area. A long access drive is proposed from an existing access point with Water Street, through Priory Farm Court and through the rear garden of Lavenham Priory.

2.4 The proposed dwelling would be sited in the south-eastern corner of the garden with good spacing between the site and the nearest neighbours at Quakers Yard.

2.5 The proposed dwelling would be single-storey with a large section of the building built into the ground. The land will be built up around the protruding section of building. The dwelling would be flat-roofed and planted as a green roof. The house would be mostly hidden from public viewpoints.

2.6 The garden of The Priory is large and there is sufficient space on the site to provide a garden for both properties, the existing and proposed.

2.7 The proposed dwelling is single-storey, with the majority of the building being sunk into the ground. The proposal is not considered to raise any issues of overlooking, loss of privacy or loss of light to any neighbouring properties.

2.8 The proposed dwelling has been designed to be an eco-dwelling. The building will be constructed of lime rendered hempcrete blocks with a semi-intensive green roof planted with sedum, grasses and wildflowers.

2.9 Site Area is 0.33 hectares.

3.0 The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old.
- 3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.
- 3.4 As a result of recent work towards a public inquiry, Babergh can currently demonstrate a five year land supply position of 5.67 years as required by paragraph 73 of the NPPF.
- 3.5 Also, as required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.
- 3.6 Policy CS1 ‘Applying the Presumption in favour of Sustainable Development in Babergh’ is in-step with paragraph 11(d) of the NPPF, even though the policy’s wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS11 is considered to be consistent with the aims of the NPPF, in particular with regard to the need for development to respond positively to local circumstances which is consistent with paragraph 77 of the NPPF, and therefore has full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight. Both policies CS11 and CS15 accord with the NPPF, particularly in relation to paragraph 77 and 78 of the NPPF relating to rural housing, locally identified needs and promoting sustainable development in rural areas, paragraph 103 relating to limiting the need to travel and offering a genuine choice of transport modes, paragraph 127 to achieve well-designed places and paragraph 170 to contribute to and enhance the natural and local environment.
- 3.7 Policy CS2 ‘Settlement Pattern Policy’ designates Lavenham as a Core Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. This blanket approach is not entirely consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.
- 3.8 In the absence of an up to date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 2006, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, the policy cannot be given full weight. However, its overall strategy is appropriate in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local

circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and therefore the policy is given substantial weight

3.9 Relevant to this application the statutory development plan comprises the following:

- Babergh Local Plan 2011-2031 Core Strategy (2014)
- saved policies from the Babergh Local Plan Alteration no.2 (2006)

3.10 From the development plan relevant policies engaged by this outline planning application include:

- CN01 - Design Standards
- CN06 - Listed Buildings - Alteration/Ext/COU
- CN08 - Development in/near conservation areas
- TP15 - Parking Standards - New Development
- CS1 – Applying the Presumption in Favour of Sustainable Development
- CS02 - Settlement Pattern Policy
- CS11 – Strategy for Development for Core and Hinterland Villages
- CS15 - Implementing Sustainable Development

These policies are given full weight in decision making.

3.11 Having regard to the application and the nature of the development proposed, alongside the locational context and responses received through consultation, and the key issues identified (subsequently explored in this report), the most important policies for the determination of the application is considered to be:

- CN06 - Listed Buildings - Alteration/Ext/COU
- CN08 - Development in/near conservation areas

3.12 The Council is in the course of preparing a new Joint Local Plan (“JLP”) with the Mid Suffolk District Council which will replace the Core Strategy and saved 2006 Local Plan policies and will be used to manage development in both districts up to 2036. The Councils recently published the JLP for consultation (Regulation 18) which closed on 30th September 2019.

3.13 The closer a plan comes to being adopted, the greater the weight that can be afforded to it (but also, dependant on the degree of objections to it). The emerging Plan is in its very early stages and it is afforded a limited weighting such that it plays no determinative role in this assessment.

3.14 Lavenham has an adopted Neighbourhood Plan which is given significant weight in decision making. Policy H1 (Scale and location of new development) is of particular relevance to this application.

3.15 The National Planning Policy Framework (“NPPF”) sets out the Government’s planning policies for England and how they should be applied. It is a material consideration for decision-taking purposes and can affect the weight to attach to policies of the development plan. It cannot, however, alter whether there is a conflict with the development plan nor undermine the statutory primacy that a development plan holds.

3.16 For the purposes of taking decisions, the policies of the NPPF should be considered as a whole. However, the following are of particular and direct relevance to this application:

Paragraph 8 (Achieving sustainable development)
Paragraphs 11 and 12 (the presumption in favour of sustainable development)
Paragraph 185 (Conserving and enhancing the historic environment)
Paragraph 192 (Proposals affecting heritage assets)
Paragraphs 193, 194, 196 and 200 (Considering potential impacts)

- 3.17 Decision-takers should be mindful of the specific legal duties of the local planning authority with respect to the special attention which shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.18 Decision-takers should be mindful of the specific legal duties of the local planning authority with respect to the special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.19 Policy CS11 states that development in Core villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement and where the following criteria are addressed to Council's satisfaction:
- (a) Core villages criteria:
- i) the landscape, environmental and heritage characteristics of the village;
 - ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
 - iii) site location and sequential approach to site selection;
 - iv) locally identified need - housing and employment, and specific local needs such as affordable housing;
 - v) locally identified community needs; and
 - vi) cumulative impact of development in the area in respect of social, physical and environmental impacts.
- 3.20 The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' (the 'SPD') was adopted by the Council on 8 August 2014. The SPD was prepared to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council and means that it is a material consideration when planning applications are determined.
- 3.21 The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn. Policy CS15 criteria, which an application must score positively against, are addressed later in this report.
- 3.22 The landscape, environmental and heritage characteristics of the village
The relevant policy context is not one that is prohibitive of development. This is a well-established position given the fact planning permissions for housing on greenfield sites outside settlement boundaries across the district have been variously granted by Council. The application site lies within the Conservation Area of Lavenham and the Heritage Team have confirmed that the proposal would result in a medium level of less than substantial harm to a designated heritage asset because the proposed development would erode an important characteristic of Lavenham Conservation Area in a particularly well preserved and sensitive part of the Conservation Area. It

would also detract from a key view that contributes to the character and appearance of the Conservation Area. A low level of less than substantial harm has been identified to a designated heritage asset because the proposed development would dilute an identified key view of various listed buildings, that contributes to their significance.

- 3.23 In terms of landscape character, protection of landscape qualities is important, but it is clear that relevant policies contemplate development. The key test is determining firstly, the sensitivity of the subject landscape and secondly, the level of landscape harm that will result. The Lavenham Landscape Character Assessment has identified the site as high landscape sensitivity. The proposal conflicts with policy H1 of the Lavenham Neighbourhood Plan as it does not respect the character of the landscape, landscape features, streetscape/townscape, heritage assets or important spaces and historic views into and out of the village.
- 3.24 The locational context of the village and the proposed development
The site is considered to be well located, although outside of the define Built Up Area Boundary. The site is centrally located in the village and there is easy pedestrian access to all of the facilities and services available in the village.
- 3.25 Site location and sequential approach to site selection
The acceptability of the principle of development does not turn on whether or not the site is within the settlement boundary. As noted above, the site is well related and is accessible by walking to local services and facilities.
- 3.26 Locally identified need - housing and employment, and specific local needs such as affordable housing
Owing to the scale of development, local affordable housing policy does not engage. Policy CS18 states that the mix, type and size of the housing development will be expected to reflect established needs in the Babergh district. A local needs assessment has not been submitted. The proposal is for one dwelling. The district's housing need is for smaller homes. There is conflict with local policy however it is not considered fatal to the proposal.
- 3.27 Locally Identified Community Needs
Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the 'functional clusters' they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the 'approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities'. The benefits that the application of Policy CS11 and other relevant policies should secure include 'Flexibility in the provision of and location of facilities' ... 'to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages' (see item iii) in paragraph 2.8.5.2). The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. The application is not supported by a needs assessment. That said, the proposal will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of Policy CS11. The absence of a supporting needs assessment, whilst not weighing in favour of the application, is not fatal to it.
- 3.28 Cumulative impact of development in the area in respect of social, physical and environmental impacts
There is evidence before officers to suggest the scheme will result in an unacceptable cumulative impact on the area in the context of social, physical or environmental impacts because of the

impact the proposal would have on the setting of the Conservation Area and Listed Buildings within an area designated as a high landscape sensitivity.

3.29 Policy CS15 Sustainable Development

Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, heritage asset impacts, and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. The following issues are noted in respect of Policy CS15 criteria:

- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community (criterion iii).
- The proposed development would support local services and facilities and enhance and protect the vitality of this rural community (criterion v).
- During construction, methods will be employed to minimise waste (criterion xiv).
- The proposed dwelling will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv).
- The application was supported by an ecology assessment.
- Highway (criterion xix) SCC Highways did not raise an objection to the scheme.

3.30 The proposal is considered to conflict with Babergh Local Plan policies CN06 and CN08, policies CS11 and CS15 of the Babergh Core Strategy, policy H1 of the Lavenham Neighbourhood Plan. These policies are consistent with the National Planning Policy Framework. In addition to this, the proposal conflicts with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 because the scheme is not considered to preserve the setting of the Listed Buildings or enhance the character and appearance of the Conservation Area.

4.0 Nearby Services and Connections Assessment of Proposal

4.1 The application is outside of the Built Up Area Boundary. However, the site is considered to be well located to access the facilities and services that are available in the village of Lavenham by foot and is therefore considered to be sustainable location for development.

4.2 Lavenham offers local residents a wide range of services including a primary school, doctor's and dental surgery, library, church, village hall, numerous public houses, restaurants, cafes, shops and there are various clubs running throughout the year.

5.0 Site Access, Parking and Highway Safety Considerations

5.1 The existing access would be used from Water Street into Priory Farm Court. The drive would then follow the grass pathway through the garden into the corner of the site where the proposed dwelling would be located. A double detached garage is proposed with a parking and turning area.

5.2 Suffolk County Council Highway Authority (HA) was consulted on the application and did not raise any objection to the scheme on highway safety grounds.

6.0 Design and Layout [Impact on Street Scene]

6.1 The proposed dwelling has been designed to be an eco-dwelling. Only a small section of the top of the dwelling would be visible above ground level as the dwelling would be sunk into the ground

and clad in an earth bank. The building will be constructed of lime rendered hempcrete blocks with a semi-intensive green roof planted with sedum, grasses and wildflowers. Windows and doors will be oak framed. Solar panels are proposed with battery storage facilities providing electricity for the dwelling and also a car charging point. Rain and wastewater harvesting will be incorporated into the scheme. The dwelling would benefit from an air locked recirculated system. A biomass boiler and air source heat pump are proposed. The design of the dwelling is contemporary with a roughly triangular footprint with curved glazed wall to the front elevation.

- 6.2 The revised scheme of this application to that of the previously withdrawn application goes some way to address concerns raised on visual impact on the surrounding area. This is achieved by sinking the building into the ground and using a green roof. Many of the objectors and consultees have welcomed these changes and the efforts on design.
- 6.3 The proposed dwelling has a contemporary design which is out of character with this part of Lavenham which is largely intact from the Tudor period. The scale of development has been kept to a minimum by sinking the dwelling into the ground and very little of the building is visible because of the proposed green roof. However, there is a long drive through the grounds of a Grade I Listed building and part of the drive at the south end is cut into the landscape forming a gouge in the Conservation Area. Furthermore, this proposal is clearly a backland development which is out of character in this area of the Conservation Area. Therefore, this proposal is considered to conflict with policies CS11 and CS15 of the Babergh Core Strategy, policies CN06 and CN08 of the Babergh Local Plan, policy H1 of the Lavenham Neighbourhood Plan and the aims of the NPPF.

7.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 7.1 The historic core of Lavenham is largely intact. The application site is on the edge of the built up area of Lavenham with a public footpath to the south of the site and open fields with far reaching views. The site has been assessed under the Lavenham Landscape Character Assessment and was found to be highly sensitive.
- 7.2 Policy H1 of the Lavenham Neighbourhood Plan requires residential development to be within or adjacent to the Built Up Area Boundary. Where proposals are outside of the boundary the site is assessed against the Lavenham Landscape Character Assessment. Applications should clearly demonstrate that they are well related to the existing pattern of development in Lavenham and that the scale and character of the proposal respects the landscape, landscape features, streetscape/townscape heritage assets and important spaces and historic views into and out of the village”.
- 7.3 The proposed dwelling is within the grounds of a Grade I listed property and does not follow the existing historic pattern of development, where the dwellings face onto the street. Therefore, this proposal is considered to conflict with the Neighbourhood Plan.
- 7.4 An Ecology Assessment accompanied the application and the LPA's Ecologist has raised no objection to scheme but would require conditions to secure biodiversity mitigation and enhancement measures.

8.0 Land Contamination, Flood Risk, Drainage and Waste

- 8.1 A land contamination assessment and questionnaire accompanied the application and the Environmental Health Team raised no objection to the scheme on land contamination grounds.

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

9.1 The application proposes the erection of one dwelling and garage on land to the south east of Lavenham Priory. The heritage concern relates to the potential impact of the development on the character and appearance of Lavenham Conservation Area and the setting of various listed buildings to the north, including, but not limited to:

- Lavenham Priory (The Priory), a Grade I Listed C15 former priory
- Oxford Cottage, (De Vere House) A Grade I C15 timber-framed house
- 58 Water Street, a Grade II* Listed early C15 timber-framed house

9.2 Due to the density of listed buildings within this immediate part of Lavenham Conservation Area, including a relatively high number of Grade I and Grade II* Listed buildings, the Heritage Team considers that it is especially sensitive to new development. The Lavenham Landscape Character Assessment (2015, 30) highlights this area as part of a larger area of 'High Landscape Sensitivity'.

9.3 The current application follows a previous submission, under DC/19/01609, which was for the erection of a new dwelling and garage, of a different design and slightly different position. This application was withdrawn. The Heritage Team did not support this application, as it was considered to be harmful to the character and appearance of this part of Lavenham Conservation Area and the setting of numerous listed buildings to the north.

9.4 This application followed two previous applications, under B/09/00714 and B/10/00406, also for the erection of one dwelling, in other positions on land to the rear of The Priory. Both of these applications were refused, partly due to the harm the proposals would cause to designated heritage assets. The latter application was also subsequently dismissed at appeal.

9.5 The Heritage Team considers that the harm to the designated heritage assets would be slightly reduced from the previous proposal, as the proposed dwelling would be somewhat less intrusive within the identified key view, due to its reduced scale and height. Nonetheless, the dwelling would still represent a physical change from this land being an open, undeveloped, green space. Furthermore, the dwelling and its associated residential paraphernalia would still be visible within the identified key view. The latter includes not only features that form part of this application - including the driveway and outbuilding - but also features not requiring planning permission but that can plausibly be expected, such as parked vehicles, waste bins and other domestic features. Thus, the application is still considered to be harmful.

9.5 The Heritage Team therefore repeats those aspects of the previous heritage response that remain relevant below, with some additional comments: Firstly, the Heritage Team considers that the open, undeveloped land to the south of the buildings along Water Street makes an important contribution to the character and appearance of Lavenham Conservation Area. The Conservation Area Appraisal (2010, p.17-22) highlights that the historic relationship of the medieval core of Lavenham, with countryside directly to the rear of many of the streets within the historic core, such as Water Street, is relatively well preserved. Therefore, the narrative of a medieval town surrounded by open countryside, which likely served an important function for the town, such as paddock or arable land, remains readable here. The Lavenham Neighbourhood Plan (2016, 20) also argues that "the setting of the historic core is characterised by its close link to the countryside." Due to the high degree of preservation of the historic core, and relative lack of later

infill development, the importance of the undeveloped spaces is also considered to be increased by association.

- 9.6 Backland development on the proposed site would considerably erode the historic connection between the core of Lavenham along Water Street and its rural backdrop. While some parts of Lavenham Conservation Area have been subject to backland development, there remains little to the rear of the south of Water Street, especially beyond the existing building line. The Heritage Team therefore considers that new development to the rear of Water Street would erode this characteristic of this part of the Conservation Area.
- 9.7 N.B. This is further expressed in The Heritage and Sensitivity Assessment (2018, 26-27), which states that, within Lavenham historic core, “the areas behind the main road frontage are being gradually eroded by the level of modern development that is taking place, and this in turn harms both the significance of the settlement and its position as a tourist attraction”. Additionally, the inspector’s report on the appeal for B/10/00406 states that the previous development was a “departure from the tight-grained street frontage pattern of development typical of the historic core of Lavenham” (2011, para.24). The Heritage Team considers that as the current development is in only a slightly different position, those comments are also valid for this proposal.
- 9.8 N.B. The revised NPPG (2019) states that “the contribution that setting makes to the significance of the heritage asset does not depend upon there being public rights of way or an ability to otherwise access or experience that setting.” This point is also expressed in Historic England’s Setting of Heritage Assets guidance (2017, p.4). It stands to reason that this also applies to the character and appearance of Conservation Areas. Furthermore, the application is considered to harm a key view within Lavenham Conservation Area, towards the rear of the numerous listed buildings on the south side of Water Street. This key view, looking north from the public footpath, is identified in the Lavenham Conservation Area Appraisal (2010, 16 of 22). The appraisal (2010, 17 of 22) identifies that “this...path in particular gives good views back into the medieval heart of the village, with the rears of many listed buildings on Water Street visible against a backdrop of the rising ground of Lady, Barn and Shilling Streets to the north.”
- 9.9 Thus, the Heritage Team considers that this view visually reinforces the importance of the relationship between the historic core and the surrounding undeveloped land that characterises the Conservation Area.
- 9.10 The Heritage Team did not find it possible to fully assess the nature of this viewpoint from the conducted site visit, due to the current vegetation cover and fencing. However, as highlighted by Historic England’s The Setting of Heritage Assets guidance (2017, p.12), the importance of screening should not be overstated, as vegetation is generally subject to seasonal change, and thus in this case the prominence of this key view would likely be enhanced in the winter. The Setting of Heritage Assets (2017, 14) also highlights that features such as “woodland or hedgerows” are “ephemeral” in nature and this should also be taken into consideration. The Heritage Team also would have no influence over the loss of any of this vegetation. Timber fences are also considered relatively ephemeral. Therefore, within the relatively near future, the prominence of this view could likely be restored. However, a new dwelling would be a much more permanent feature.
- 9.11 The Heritage Team considers that viewpoints C, D and E (as shown in the Visual Impact Assessment submitted as part of the previous application DC/19/01609), while inside the boundaries of the site, give an indication of the view that may be afforded from the footpath in winter or following the loss of vegetation/fencing. They highlight that the rear of the historic core of Water Street is currently visible. While the new dwelling may not physically obscure the

buildings beyond, it would be seen within the same context. The Heritage Team considers that consequently it would compete for attention with the views of the historic core and dilute the quality of the view, which is considered to be a fine example of the relationship between the medieval settlement and the adjoining countryside. The Heritage Team therefore considers that this would result in harm to the Conservation Area and those listed buildings within this view, particularly De Vere House and adjacent listed buildings.

- 9.12 The Heritage Team notes that the inspector's report to B/10/00406 concluded that that application would result in no harm to any listed buildings. However, it is considered that the differing position of the current dwelling means that there would now be harm to the setting of the listed buildings.
- 9.13 While there is an existing building on the site, this is a small, light-weight outbuilding. It is not considered comparable in impact to the proposed dwelling and associated residential paraphernalia.
- 9.14 In conclusion, the application does not meet the requirements of s.66 and s.72 of the P(LBCA)A 1990, nor the policies within the NPPF or the Local Plan. It is for these reasons that the Heritage Team does not support the proposal.

10.0 Impact on Residential Amenity

- 10.1 The proposed dwelling is not considered to impact on residential amenity because of the distance between the proposed dwelling and neighbouring properties and the low scale of the building because it is set into the ground.

11.0 Planning Obligations / CIL

- 11.1 CIL would be collected for this development.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1 The application site is outside of the Built Up Area Boundary of Lavenham. However, the site is well located in terms of accessing facilities and services within Lavenham. Less than substantial harm has been identified by the Heritage Team on the setting of both the Listed Buildings and the Conservation Area. When less than substantial harm is identified, paragraph 196 of the NPPF requires that this harm is balanced with any public benefit that would come forward from the development. In this case, the public benefits would be limited to the addition of one dwelling to the housing supply of Lavenham and the provision of employment during the construction phase of the development. These limited public benefits are not considered to outweigh the considerable harm caused to the setting of the historic core of this well preserved village.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons: -

The open, undeveloped land to the south of the buildings along Water Street makes an important contribution to the character and appearance of Lavenham Conservation Area. The Conservation Area

Appraisal (2010, p.17-22) highlights that the historic relationship of the medieval core of Lavenham, with countryside directly to the rear of many of the streets within the historic core, such as Water Street, is relatively well preserved. Therefore, the narrative of a medieval town surrounded by open countryside, which likely served an important function for the town, such as paddock or arable land, remains readable here. The Lavenham Neighbourhood Plan (2016, 20) also argues that “the setting of the historic core is characterised by its close link to the countryside.” Due to the high degree of preservation of the historic core, and relative lack of later infill development, the importance of the undeveloped spaces is also considered to be increased by association.

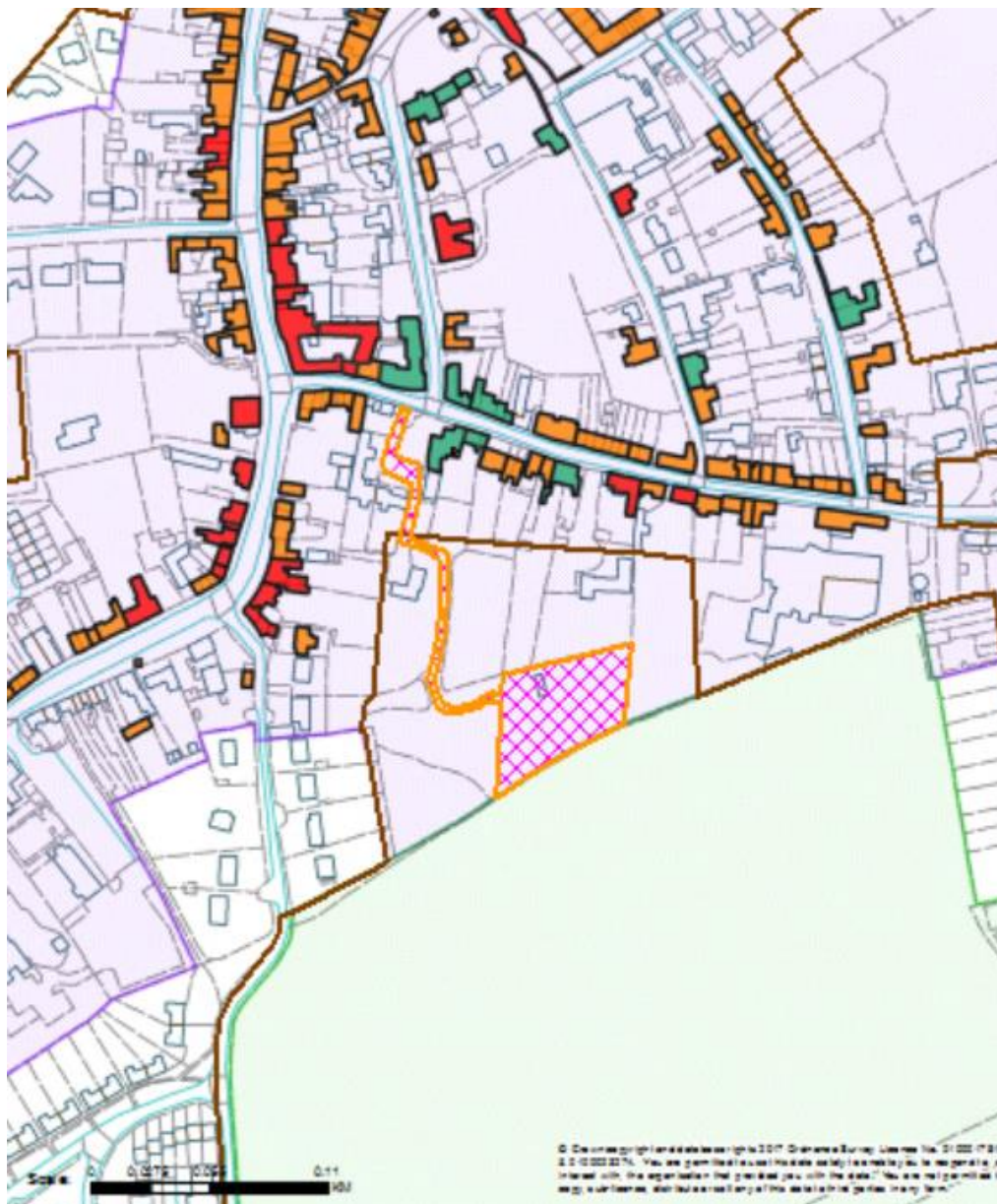
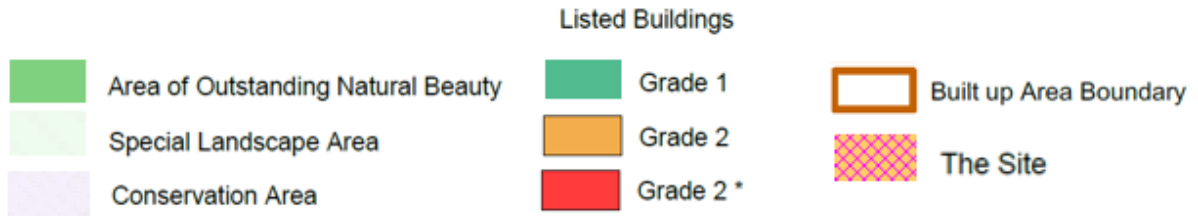
Backland development on the proposed site would considerably erode the historic connection between the core of Lavenham along Water Street and its rural backdrop. While some parts of Lavenham Conservation Area have been subject to backland development, there remains little to the rear of the south of Water Street, especially beyond the existing building line.

The proposed development would cause less than substantial harm to a designated heritage asset because the proposed development would erode an important characteristic of Lavenham Conservation Area in a particularly well preserved and sensitive part of the Conservation Area. It would also detract from a key view that contributes to the character and appearance of the Conservation Area. Furthermore, less than substantial harm to a designated heritage asset has been identified because the proposed development would dilute an identified key view of various listed buildings, that contributes to their significance. The limited public benefits of this development do not outweigh the considerable harm to the heritage assets and is not considered to be sustainable development. Therefore, the proposal conflicts with policies CN06 and CN08 of the Babergh Local Plan (adopted 2006), policies CS1, CS11 and CS15 of the Babergh Core Strategy (adopted 2014), policy H1 of the Lavenham Neighbourhood Plan (Adopted 2016). These policies are consistent with the aims of the National Planning Policy Framework 2019, in particular paragraphs 8, 11, 186, 192, 193, 196 and 200.

Application No: DC/19/04445

Parish: Lavenham

Location: Lavenham Priory Water Street



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Agenda Item 6c

Committee Report

Item 6C

Reference: DC/18/05613

Case Officer: Samantha Summers

Ward: Copdock & Washbrook.

Ward Member/s: Cllr David Busby.

RECOMMENDATION – GRANTPLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Residential Development - Erection of 14 No Dwellings, garages and additional parking.

Location

Land to The East Of, Duke Street, Hintlesham, Suffolk

Expiry Date: 20/12/2019

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Williams Homes & Developments Ltd

Agent: Wincer Kievenaar Architects Limited

Parish: Hintlesham

Site Area: 0.9 hectares

Density of Development:

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The Chief Planning Officer considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Core Strategy 2014:

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

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

- CN01 Design Standards
- CR04 Special Landscape Areas
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

Other material documents:

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Core Strategy Policy CS11 Supplementary Planning Document, 2014

NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is not within a Neighbourhood Development Plan area.

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

Parish Council

Chattisham and Hintlesham Parish Council

The Parish Council objects to this proposed development mainly due to the detrimental cumulative effect on the village's infrastructure and lack of housing need for even more very large dwellings. The character of the development and architectural styles are inappropriate for the area and there is a lack of affordable housing in the application. The architectural design is unimaginative and not suitable for a village location. Together with the first phase of development now under construction, it would result in a large section of Duke Street resembling a suburban style street with all houses having the same design features. We would strongly recommend a site visit to fully understand the imposition of this development on the otherwise diverse character of the street.

This application replaces a previously granted outline permission (DC/17/03982) for 11 houses (to include 3 affordable homes) granted in January 2018 after a BDC Planning Committee meeting in December 2017 after 7/6 vote in favour. The PC had vigorously opposed this application, requested its calling in to committee and spoken against it at the meeting. There is a signed S106 agreement relating to the affordable homes and some ecological mitigation with this permission.

The new application is for 4 x 2 bed semi-detached homes, 2 x 3 bed semi-detached homes, 4 x 3 bed detached homes with garages, 3 x 4 bed detached homes with garages and 1 x 5 bed detached home with garage. The village does not need any more 5 bedroomed houses.

The topography of the proposed site emphasises the dwellings' height making the site much more imposing than it looks on the submitted indicative street elevation. The proposed houses would restrict the views of the residents across the road and would loom above them as the ground is much higher on this east side of Duke Street. Residents also fear that parked vehicles outside the proposed properties would present a hazard because of reduced visibility on the rising ground.

There is no provision for affordable homes with the new application. A lengthy supporting document seeks to demonstrate that the inclusion of such housing would make the development unviable. CS11 states that all development outside of the BUAB of Hinterland Villages, should, inter alia, demonstrably meet a proven need for targeted market housing. This application makes no reference to Hintlesham's Housing Needs. The demand for social housing has been more than met with the recent development of 10 properties in Timperleys, with only half being occupied by residents.

In the last 10 year over 40 dwellings have had planning permission in Hintlesham with just under half still to be completed. The PC believes that the needs case for further development has diminished with every granted application. The cumulative impact of these developments has highlighted two aspects of village infrastructure which are already at full capacity, Firstly, the excessive traffic volumes on the A1071 and their impact on the village are well documented. Planned development in our cluster areas of Hadleigh and the Ipswich fringe further impact on the A1071 and Duke Street. Secondly, Suffolk County Council's own existing forecasts show that there are no surplus places at either the local Primary or High Schools.

SCC Strategic development response states that the projected minimum pupil yield for this development is: - 4 Primary (5-11 yrs) 3 Secondary (11-16 yrs) 1 Secondary (16+yrs) CIL contributions are not capable of assisting further places at Hintlesham Primary because the school's buildings and restricted playground cannot accommodate expansion. CS11 states that services and facilities must have capacity to accommodate further development, we cannot accommodate a further 14 dwellings.

As with a previous application from this developer the information given in the compliance check list contains misleading information: particularly relating to the distance from the bus stop which relates to the No. 90 bus (running just one return evening weekly and twice at the weekend) which will almost certainly cease after April; "The playing field being immediately adjacent to the proposed development" does not exist.

The application should be refused as it does not meet 2 of the 3 strands of sustainability – social & environmental: -

- It does not contain 2 of the necessary needs assessments
- It fails stated planning principles
- It breaches present and future landscape protection.

National Consultee

Environmental Agency

No comments.

Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The foul drainage from this development is in the catchment of Hintlesham-Wilderness H Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows via a gravity discharge connection to manhole 1902, as referenced in FRA 11.18.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets and the developer is proposing discharge direct to a watercourse as per FRA 11.12. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

Natural England

This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period, then the per-house tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded. We therefore advise that you should not grant permission until such time as the implementation of this measure has been secured.

County Council Responses

SCC Fire and Rescue

No objection.

County Archaeological Service

This site lies in an area of archaeological potential recorded on the County Historic Environment Record, close to a Bronze Age metal work Hoard (HNS 023) and in a favourable topographic location on a south facing slope overlooking a river for early occupation. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. In this case two conditions would be appropriate

SCC Flood and Water

No objection subject to conditions.

SCC Strategic Development

Education:

Based on existing forecasts, SCC will have no surplus places available at the catchment schools. On this basis, at the primary school level a future CIL funding bid of at least £48,724 (2018/19 costs) will be made and at the secondary school level a future CIL funding bid of at least £74,972 (2018/19 costs) will be made.

Pre-school:

From these development proposals SCC would anticipate up to 3 pre-school children arising, at a cost per place of £8,333. A future CIL funding bid of £24,999 (2018/19 costs) will be made.

Libraries:

A CIL contribution of £216 per dwelling is sought i.e. £3,024.

SCC Highways Authority

No objections subject to standard conditions.

Internal Consultee Responses

District Valuer

The scheme is not viable with 4 affordable units. Two rented units are viable (three units if the site DC/19/02585 is included)

BMSDC Environmental Health

No objection subject to conditions.

BMSDC - Land Contamination

No objection.

Place Services - Ecology

No objection subject to securing mitigation and enhancement measures.

B: Representations

At the time of writing this report at least 5 letters/emails/online comments have been received. It is the officer's opinion that this represents 5 objections. A verbal update shall be provided as necessary.

Views are summarised below: -

- Loss of light and outlook to Redhouse Cottages
- Lack of public open space
- Incorrect and misleading Design and Access Statement
- Noise and disturbance impacts on Warnham Lodge
- Loss of front hedgerow
- Estate type appearance out of keeping with village character
- No additional bus stops proposed.
- Overdevelopment of the site
- Increased strain on local services
- Traffic congestion and highway safety issues
- Contamination impacts during earthworks

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/17/03335	Submission of details (Reserved Matters) under outline planning permission B/15/01490/OUT- relating to Appearance, Layout & Scale for erection of 8 dwellings.	DECISION: GTD 18.09.2017
REF: DC/17/03982	Outline Planning Application (Access to be considered) - Erection of up to 11 Dwellings including 3 Affordable Houses.	DECISION: GTD 30.01.2018
REF: DC/18/00406	Discharge of Conditions for application B/15/01490/OUT - Condition 6 (Materials).	DECISION: GTD 01.03.2018
REF: DC/18/04988	Full Planning Application - Erection of 3no. dwellings	DECISION: WDN 10.01.2019
REF: B/15/01490	Outline - Erection of 8 no. dwellings (means of access and landscaping for consideration).	DECISION: GRA 01.04.2016

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site is located on Redhouse Farm to the south east boundary of Duke Street. It sits outside, but adjacent to, the Hintlesham Built Up Area Boundary (BUAB). The site boundaries are formed by Duke Street to the west, residential development under construction to the north by the subject applicant (B/01490/OUT and DC/17/03335) and south (Red House Cottages) and to the east is arable land (grade 3) associated with Redhouse Farm.
- 1.2 Hintlesham is listed as a Hinterland Village in policy CS2 of the development plan. The site is approximately 400m from the B1071 and is opposite residential dwellings which front onto the west side of Duke Street.
- 1.3 The site sits on the edge of the Gipping Valley Special Landscape Area. The site is not in a Conservation Area. There are not any nearby designated heritage assets.

2. The Proposal

- 2.1 The application seeks full planning permission for 14 double storey dwellings, set out in a linear manner, consistent with the indicative layout which supported the previous outline application approved in 2017. The dwellings comprise the following mix:
11 market houses:
 - 1 x 5 bed
 - 3 x 4 bed
 - 5 x 3 bed
 - 2 x 2 bed3 affordable dwellings:
 - 2 x 2 bed affordable rent
 - 1 x 3 bed shared ownership.The smaller dwellings at the southern end of the site feature hardstand parking to the front, while the larger dwellings toward the northern end of the site incorporate either integral garaging or detached garaging. 9 hardstand car spaces are proposed within the front landscaped strip between the internal road and Duke Street, toward the southern end of the site.
- 2.2 The floorspace of the affordable units are the 2 Bedroom (79sqm) affordable rent and 3 Bedroom (95sqm) shared ownership.
- 2.3 The site will be served by two accesses, one being a predominantly agricultural access to the north of the site, and the second being a new residential access to the southern end. An internal road runs parallel with Duke Street, with a landscape strip approximately one vehicle deep separating the two roads.
- 2.4 The application seeks full planning permission for 14 double storey dwellings, set out in a linear manner, consistent with the indicative layout which supported the previous outline application approved in 2017.
- 2.5 The gardens sizes range from 111 for Plot 4 square metres to 373 square metres for Plot 14.
- 2.6 The layout of the scheme is linear form of development which dwellings backing onto open agricultural fields. There are no issues of back-to-back distances or overlooking.

- 2.7 The dwellings are proposed in a Suffolk vernacular, with pitched roofs, gables and dormer windows. The fenestration is more contemporary in design. The palette of materials comprises facing brickwork, render, plain tiles and slate. The design and materials of the proposed dwellings are very similar to those already built to the north of the site.
- 2.8 Site Area is 0.9 hectares

3. The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old.
- 3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.
- 3.4 As a result of recent work towards a public inquiry, Babergh can currently demonstrate a five year land supply position of 5.67 years as required by paragraph 73 of the NPPF.
- 3.5 Also, as required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.
- 3.6 Policy CS1 ‘Applying the Presumption in favour of Sustainable Development in Babergh’ is in-step with paragraph 11 of the NPPF, even though the policy’s wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS11 is considered to be consistent with the NPPF and therefore has full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight. Both policies CS11 and CS15 accord with the NPPF, particularly in relation to paragraph 77 and 78 of the NPPF relating to rural housing, locally identified needs and promoting sustainable development in rural areas, paragraph 103 relating to limiting the need to travel and offering a genuine choice of transport modes, paragraph 127 to achieve well-designed places and paragraph 170 to contribute to and enhance the natural and local environment.
- 3.7 Policy CS2 ‘Settlement Pattern Policy’ designates Hintlesham as a Hinterland Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. This blanket approach is not entirely consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79,

however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.

- 3.8 In the absence of an up to date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 2006, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, the policy cannot be given full weight. However, its overall strategy is appropriate in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and therefore the policy is given substantial weight.
- 3.9 The starting point for assessment purposes is the extant permission. The acceptability of developing the site for residential purposes has been established by virtue of the grant of outline permission in 2017. Development of the site for 11 dwellings can take place subject to the approval of reserved matters (which have not to date been sought). For this reason, some of the criteria of Policy CS11 and CS15 that would usually be relevant to a housing development outside the built up area boundary are considered to be met in this instance.
- 3.10 It has already been judged and accepted that:
- the site is a sustainable location for housing, with confirmed sustainable links to the village, its services and public transport links via the existing footpath running along the east side of Duke Street;
 - the site is well related to the village in physical and functional terms;
 - a linear approach to development along Duke Street is appropriate;
 - residential development of the site would not harm, to an unacceptable extent, the site's landscape setting;
 - there would be no adverse heritage impacts as there are not any nearby designated heritage assets;
 - there will be negligible impact on the nearest non-designated assets, a pair of cottages (Victoria Cottages) north of the site;
 - ecology and archaeology related impacts would be within acceptable parameters.
- 3.11 The application proposes only three dwellings additional to that already approved. The three additional dwellings would not result in adverse cumulative impacts when considered in combination with others completed/committed to in the cluster. Like the previously approved development, CIL provides a mechanism for local service providers (e.g. GP surgeries and schools) to adequately mitigate development and this development would contribute to providing CIL funding on a district wide and parish level, as set out in the relevant SCC referral response. The Parish Council's comments regarding Hintlesham Primary School and its potential inability to accommodate expansion are noted, however SCC does not raise this as a concern. There is no evidence from the local service providers to suggest that utilities infrastructure cannot serve, or would be significantly adversely impacted by, the additional three dwellings. The proposal would also not compromise delivery of already permitted or schemes.
- 3.12 The current application proposed a slightly different location for the principal vehicle access. The Highways Authority raises no objection on highway safety grounds. As with most developments on greenfield sites, the proposed level of on-site parking provision complies with the Suffolk Parking Standards. In this case the on-site parking exceeds minimum requirements. The proposal constitutes a policy compliant scheme in respect to vehicle access and on-site parking provision.

- 3.13 In light of the above and the previous outline approval, the key tests for consideration are:
- the impact of the development on the character and appearance of the area (scale, layout and character);
 - the appropriateness of the proposed landscaping response;
 - whether the development meets a locally identified need;
 - the appropriateness of an absence of affordable housing and development viability;
 - residential amenity impacts;
 - surface water drainage;
 - Ramsar contributions.
- 3.14 Council's 2014 Suffolk Wide Housing Needs Survey has demonstrated that there is a need for smaller homes, across all tenures. The proposal incorporates four two bedroom houses and six three bedroom houses, responding positively to the Needs Survey. The proposal will add to the stock of smaller properties in the village and is considered to meet an identified need for targeted market housing. This mix of units provides an acceptable range of property types and sizes.
- 3.15 The application is supported by a Viability Assessment that has been reviewed by the District Valuer. The Valuer concludes that the development is not viable with the inclusion of four affordable units. The valuer concludes that the development is viable if two affordable units are incorporated. During the course of this application the adjoining site has come forward with a proposal of three dwellings. The LPA has insisted that both sites, which are in the same ownership should be considered in the viability assessment. This has resulted in a further affordable dwelling being viable on the site, making a total of three for the combined sites. It is recommended that if the Planning Committee is minded to grant permission, that it be subject to a s106 agreement requiring the provision of two affordable units. The type of units can be negotiated as part of the agreement drafting process. The applicant has confirmed agreement with this requirement and approach.
- 3.16 Although the proposal is not fully compliant with policy CS19 a viability assessment has concluded that the 35% requirement for affordable housing would make the site unviable, three affordable units can be provided over the two sites. The applicant and the LPA's Strategic Housing Team have agreed that this is acceptable.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 Hintlesham is a well-connected village by road to Ipswich and Hadleigh. There is a regular bus service (No.91) which connects Sudbury with Ipswich. The village offers residents a primary school, public house, community hall, sporting facilities, a hotel, golf club, some employment opportunities. Therefore, the village is considered to be a well connected village and a sustainable location.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 The site will be served by two accesses, one being a predominantly agricultural access to the north of the site, and the second being a new residential access to the southern end. An internal road runs parallel with Duke Street, with a landscape strip approximately one vehicle deep separating the two roads. The smaller dwellings at the southern end of the site feature hardstand parking to the front, while the larger dwellings toward the northern end of the site incorporate either integral garaging or detached garaging. 9 hardstand car spaces are proposed within the

front landscaped strip between the internal road and Duke Street, toward the southern end of the site. SCC Highways have raised no objection to the scheme subject to standard conditions to secure visibility splays, details of the estate road and footpaths, details of refuse bin storage and collection areas, parking, details of surface water drainage and conditions for HGVs at construction phase.

6. Design and Layout [Impact on Street Scene]

- 6.1 Objectors are critical of the design of the dwellings. The Parish Council describes the architectural design as unimaginative. Officers do not share the same concerns. The design approach is one that successfully blends the traditional with the contemporary. Traditional forms, such as pitched roofs, gables and dormer windows, integrate well with contemporary fenestration detailing. The result is a well composed, well considered design response. Noteworthy is the consistency of the proposal's appearance with the approved development immediately to the north, which is currently under construction, also being developed by the applicant. The development will add to the overall quality of the area, is visually attractive and will contribute positively to local village character, consistent with local and national policy guidance.
- 6.2 Overdevelopment is a concern for some objectors. There is no denying that with an addition of three extra dwellings, the density of development is greater than that previously approved. However, officers do not consider that a 15/16 dwelling per hectare development represents overdevelopment. Officers agree with the supporting Planning Statement which contends that the density reflects the character and grain of development in the local vicinity.
- 6.3 The dwellings are certainly sited relatively close to each other, perhaps closer than most housing proposals on greenfield land in the open countryside. However, the level of intimacy offered by the close siting of dwellings is not alien to the area. Housing on the opposite side of Duke Street, particularly toward the south of the site, is closely related and exhibits a level of intimacy not unlike that proposed. Offsetting the effect on the streetscape of the close dwelling arrangement is the considerable setback of the development from the street. The retention of the frontage hedgerow, and the well-articulated front facades of the dwellings, offers visual relief and further mitigates the streetscape effect. The relatively narrow side setbacks between the dwellings is therefore not fatal to the proposal.
- 6.4 The three affordable dwellings would be provided on-site to the south of the development. They would comprise a pair of semi-detached two bedroomed dwellings for the affordable rent (Plots 1 and 2) and the three bedroomed shared ownership dwelling would also be semi-detached (Plot 5).

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

- 7.1 Landscaping is an important element, and this has been considered as part of the design response. Hedgerow replacement will complement the frontage hedgerow that is to be retained, an important streetscape gesture. Landscaping opportunities have been taken up across the site. Landscaping to the rear boundary that abuts arable fields will provide an appropriate rural edge treatment, in time limiting the development's visual impact on long range views toward the site from distant points on Chattisham Lane to the east.
- 7.2 The impact of additional housing on the character of the nearby Special Landscape Area was considered in some detail as part of the previous outline application. The conclusions drawn in

that assessment apply equally to the current application (noting the extent of the site is unchanged from the outline approval):

'On balance, it is considered that the proposed development would relate satisfactorily to the wider landscape and will not be detrimental to the characteristics of the wider Special Landscape Area to any significant degree... The development will include good levels of landscaping and the inclusion of small areas of open space which will act as a buffer and soften the landscape setting from the adjacent road.'

- 7.3 A s106 contribution was secured as part of the previous outline permission. It is recommended, consistent with Natural England's referral response, that contributions are again secured by the same means. The contributions are not of scale that will impact the scheme's viability beyond that considered in the applicant's supporting viability report.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 A land contamination assessment accompanied the application and the Environmental Protection Team have raised no objection to the scheme on land contamination issues.
- 8.2 SCC Flood and Water has reviewed the submitted Flood Risk Assessment and drainage details and do not raise an objection subject to conditions. Anglian Water also do not raise objection to the scheme.

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

- 9.1 This is not a consideration of this application.

10. Impact on Residential Amenity

- 10.1 Paragraph 127(f) of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 10.2 Objectors are concerned with the development's interface with Redhouse Cottages. It is correct that the built form is brought closer to Redhouse Cottages than that shown on the indicative layout which supported the outline approval. This does not make for an unacceptable interface.
- 10.3 The separation distance between Redhouse Cottage and the proposed built form is such that the amenity of the occupiers of Redhouse Cottages will not be unacceptably compromised. There is only one upper level window in the flank elevation of the dwelling on plot 1 facing Redhouse Cottages and it is non-habitable. Privacy levels will be maintained. The built form is sited north of Redhouse Cottages. Sunlight and daylight levels at Redhouse Cottages will be unaffected. The dwelling's setback from the common boundary will ensure that visual bulk is contained well within acceptable parameters. Outlook from Redhouse Cottages will only be marginally impacted, noting that the proposed built form has been sited in a manner that does not impinge direct views out from the rear of the neighbouring cottages. For these reasons the proposed southern residential interface is acceptable.

- 10.4 Concerns have been raised regarding noise and disturbance impacts on Warnham Lodge, a dwelling located on the opposite side of Duke Street. The road, together with the proposed internal road and landscaping strip between the two roads, will serve as a generous and effective amenity buffer and will mitigate noise and disturbance impacts to within acceptable limits for all dwellings located on the western side of Duke Street. Comings and goings from the development will add to the traffic in the area and as a result there will be a noticeable change in local vehicle movements, as there is with any new development. There is no evidence to suggest the additional traffic movements will result in unacceptable residential amenity outcomes.

11. Planning Obligations / CIL (delete if not applicable)

- 11.1 A viability assessment was carried out for the 14 dwellings and it was concluded that two affordable units would be required for the site. However, the application for the adjoining site (DC/19/02585) was received after the assessment had been carried out. The site is in the same ownership as the adjoining site and therefore the LPA insisted that the assessment should include the two sites which a total number of 17 dwellings. The viability assessment found that three affordable units would be appropriate over the two sites, combined. The three affordable units will be included onsite in the site for 14 dwellings. This would be secured by way of a S.106 agreement.
- 11.2 The scheme is liable for CIL contribution.
- 11.3 The site is within the 13km Zone of Influence identified for the Stour and Orwell Estuaries Special Protection Area and Ramsar site. The Habitats Regulation Assessment confirms the proposal triggers a proportionate financial contribution towards visitor management measures for the Habitats Sites. It is recommended that s106 contribution addresses this requirement, consistent with the recent approvals at neighbouring sites. This would be secured by way of a S.106 agreement.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 The site benefit from an extant permission for 11 dwellings. The site continues to comprise a sustainable location for housing, well related to the village and served by sustainable linkages to village services.
- 12.2 The additional three dwellings that are proposed will not negatively impact landscape, heritage, highway safety, ecology, archaeology, drainage or residential amenity matters.
- 12.3 A 14 dwelling development is not sufficiently viable to sustain four affordable dwellings. The District Valuer however is of the view it can sustain three affordable units. A s106 agreement is recommended to secure three affordable units and Ramsar contributions. The S.106 agreement would be a joint agreement covering both this site and the site for three dwellings to the north. However, all three affordable units would be sited on this site.
- 10.4 Like the previous development, environmental harm is limited and social and economic benefits outweigh the identified harm. The proposal delivers sustainable development and the application is recommended for approval.

RECOMMENDATION

That the application is GRANTED planning permission/listing building consent/other and includes the following conditions: -

- Standard time limit
- Approved plans
- Site levels
- As required by highways
- As required by SCC Floods
- As required by BMSDC Environmental Health
- Details of fire hydrants
- Ecological mitigation and enhancement measures
- Archaeological work and monitoring
- Sustainability/Energy Reduction

That authority be delegated to the Chief Planning Officer to grant fully planning permission

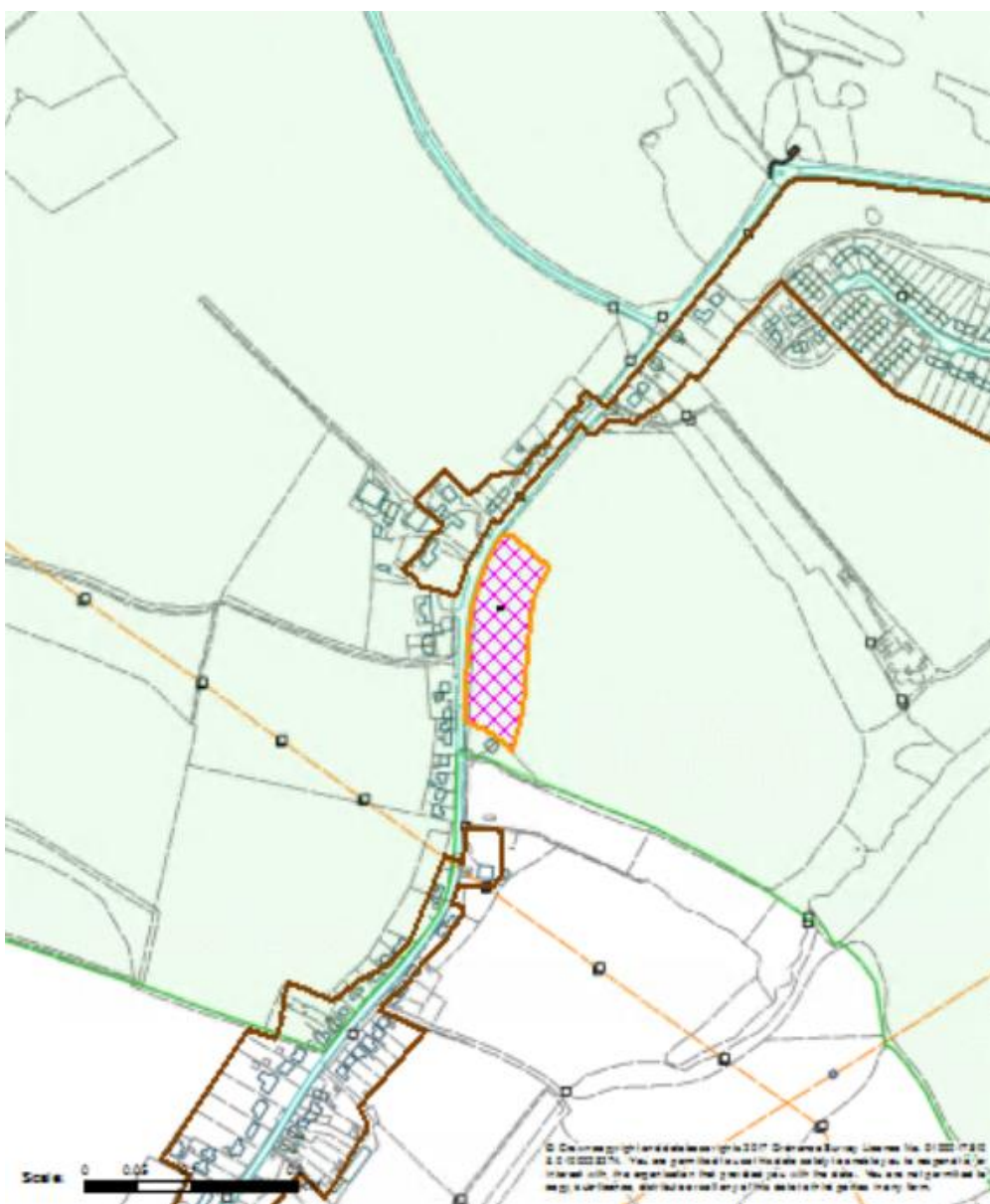
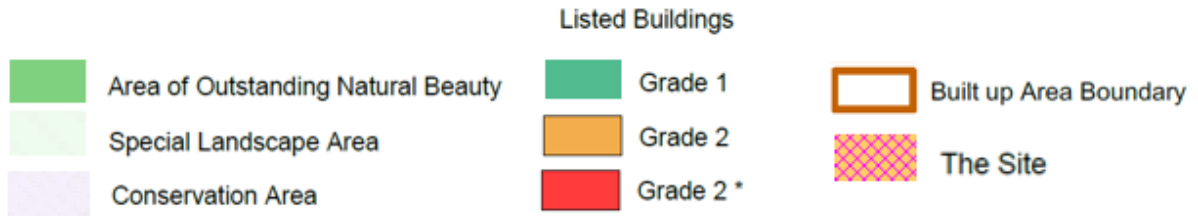
Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:

- Affordable housing
- RAMS contribution

Application No: DC/18/05613

Parish: Hintlesham

Location: Land to The East of Duke Street



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Agenda Item 6d

Committee Report

Item 6D

Reference: DC/19/02585

Case Officer: Samantha Summers

Ward: Copdock & Washbrook.

Ward Member/s: Cllr David Busby.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Erection of 3no. dwellings

Location

Land South East Of, Duke Street, Hintlesham, Suffolk

Expiry Date: 26/07/2019

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Williams Homes & Developments Ltd

Agent: Wincer Kievenaar Architects Ltd

Parish: Hintlesham

Site Area: 0.0978 hectares

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Chief Planning Officer considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Core Strategy 2014:

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development

- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings

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

- CN01 Design Standards
- CR04 Special Landscape Areas
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

Other Material Documents:

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Core Strategy Policy CS11 Supplementary Planning Document, 2014

NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is not within a Neighbourhood Development Plan area.

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

Parish Council

Chattisham & Hintlesham Parish Council

The original planning applications for the eight houses B/15/01490 OUT and B/17/03335 made much of the inclusion of “New village green open space to be utilised by existing residents as well as new inhabitants, positioned at the South West corner of the site. The positioning of this open space on the SW corner will also act as a visual buffer zone between the new houses and the adjacent open cultivated land”. These 3 proposed houses are to be built on this space. This was a material decision and would like to know how the decision has been made that the space is no longer needed?

The applicant’s design and access statement is misleading. 1.00 states “The open space/amenity area is not required due to the adequate level of existing areas in the village. This is not supported by any evidence and when the PC queried this with Babergh District Council they replied “The Council has not decided that there is no need for the previously agreed open space.

The buffer zone will no longer exist if permission is granted as the application does not show on the block plan or mention that there is Outline Planning Permission (B/17/03982) for 11 houses adjacent to the site.

The CS11 Checklist states that “The playing field is immediately adjacent to the scheme which is untrue.

The resubmission of this application is on the basis that a previously rejected application in Brantham (DC/18/01383) which was successfully appealed allows this to be reconsidered does not compare as – 1) the application there was for a single one storey dwelling and – 2) the resubmitted proposal retained some amenity land

The Parish Council has repeatedly raised the question of sustainability due to the education and health provisions being at capacity locally

The Local Bus Service Beestons 90/91 Bus Stop is further than 200 ft from the site.

National Consultee

None

County Council Responses

SCC Highways Authority

No objections subject to standard conditions.

Internal Consultee Responses

Place Services - Ecology

No objection subject to securing mitigation and enhancement measures.

BMSDC Environmental Health

No objection subject to conditions.

BMSDC - Land Contamination

No objection.

B: Representations

At the time of writing this report at least 1 letters/emails/online comment has been received. It is the officer opinion that this represents 1 objection. A verbal update shall be provided as necessary.

Views are summarised below: -

- The original application for 8 Houses DC/17/03335, was granted complete with the area of Public Open Space, the provision of the Public Open Space was part of the application as presented to the Parish Council and Babergh Planning to entice a positive reaction to the development, now it appears having served its usefulness the Public Open Space is now considered "unwanted" The developer had, has no intention of every creating a Public Open Space, as can be seen by all the construction materials on site waiting for consent
- The application Design & Access Statement and CS11 Policy Check List are both misleading and contains wrong information or information omitted.
- The Check List, states there is a playing field immediately adjacent to the scheme, there is no playing field in Duke Street.
- The Check Lists states the bus stop is with 200ft, of the development, both bus stops are in excess of 1200ft.
- On the question of how many dwellings are already committed in the cluster, there is no mention of the 11 houses (DC/17/03982) already approved adjacent to this proposal, or the planning application for 14 houses (DC/18/05613) as it is the same applicant and agent this could not be a mistake.
- The same misleading omission is repeated, under the heading of "Are there any other sites in which have planning approval for new houses outside the BUAB, the 11 houses (DC/17/03982) are again not mentioned.

- The school capacity as of Jan 2017 is listed as 98 with 92 children, but since Jan 2017, in Duke Street alone, 40 new dwellings have either been built, are under construction or have planning granted.
- Does the proposal include open space? The response given is "Babergh DC states that Hintlesham has 4 dedicated areas of open space, in reality there is only one playing field and no further open space.
- With all the recent developments built or approved in Duke Street, there is a genuine need for Public Open Space actually in Duke Street.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/17/03335	Submission of details (Reserved Matters) under outline planning permission B/15/01490/OUT- relating to Appearance, Layout & Scale for erection of 8 dwellings.	DECISION: GTD 18.09.2017
REF: DC/18/00406	Discharge of Conditions for application B/15/01490/OUT - Condition 6 (Materials).	DECISION: GTD 01.03.2018
REF: DC/18/04988	Full Planning Application - Erection of 3no. dwellings	DECISION: WDN 10.01.2019
REF: B/15/01490	Outline - Erection of 8 no. dwellings (means of access and landscaping for consideration).	DECISION: GRA 01.04.2016

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site is located on the eastern side of Duke Street, on the southern fringe of Hintlesham. The site sits outside, but adjacent to, the Hintlesham settlement boundary. The site boundaries are formed by Duke Street to the west, residential development construction to the north (B/01490/OUT and DC/17/03335) and countryside to the south which benefits from planning permission for a 11 dwelling development (DC/18/05613). To the east is arable land (grade 3). To the west, on the opposite side of Duke Street, are established dwellings set in a linear development pattern.
- 1.2 Hintlesham is identified as a Hinterland Village in policy CS2 of the development plan. The site is approximately 400m from the B1071.
- 1.3 The site sits on the edge of the Gipping Valley Special Landscape Area. The site is not in a Conservation Area. There are not any nearby designated heritage assets.
- 1.4 The site for eight dwellings secured 2 x 2 bedroom affordable dwellings under outline planning permission B/15/01490.

2. The Proposal

- 2.1 The application seeks full planning permission for a terrace of three double storey dwellings, set in a linear manner, consistent with the dwellings under construction immediately to the north as well as the approved housing to the south. The housing mix comprises 3 x 3 bedroom dwellings, with conventionally laid out terraced houses. The central dwelling features a third bedroom set within the loft, with daylight access provided by a rear dormer and front rooflight. The plot dimensions and siting of dwellings mirror the northern approved development.
- 2.2 If known typical floorspace created (which may feed into CIL estimation)
- 2.3 Like the semi-detached pair immediately to the north, car parking is proposed to the front of the dwellings on an unenclosed hardstanding. Two parking spaces are provided for each dwelling.
- 2.4 The housing mix comprises 3 x 3 bedroom dwellings, with conventionally laid out terraced houses. The central dwelling features a third bedroom set within the loft, with daylight access provided by a rear dormer and front rooflight. The plot dimensions and siting of dwellings mirror the northern approved development.
- 2.5 Rear gardens exceed 100sqm.
- 2.6 The pattern of development in Duke Street is linear. The proposal follows this pattern and therefore overlooking is not considered to be an issue as first floor windows to the rear of the properties would look over open fields.
- 2.7 Again like the neighbouring northern development, dwellings are proposed in a Suffolk vernacular interpreted in a contemporary manner. The palette of materials comprises red facing brickwork, white render, timber cladding, black concrete roof tiles and anthracite grey uPVC windows and doors.
- 2.8 The Site Area is 0.0978 hectares.

3. The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old.
- 3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.
- 3.4 As a result of recent work towards a public inquiry, Babergh can currently demonstrate a five year land supply position of 5.67 years as required by paragraph 73 of the NPPF.

- 3.5 Also, as required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.
- 3.6 Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11 of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS11 is considered to be consistent with the NPPF, and therefore has full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight. Both policies CS11 and CS15 accord with the NPPF, particularly in relation to paragraph 77 and 78 of the NPPF relating to rural housing, locally identified needs and promoting sustainable development in rural areas, paragraph 103 relating to limiting the need to travel and offering a genuine choice of transport modes, paragraph 127 to achieve well-designed places and paragraph 170 to contribute to and enhance the natural and local environment.
- 3.7 Policy CS2 'Settlement Pattern Policy' designates Hintlesham as a Hinterland Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. This blanket approach is not entirely consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.
- 3.8 In the absence of an up to date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 2006, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, the policy cannot be given full weight. However, its overall strategy is appropriate in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and therefore the policy is given substantial weight
- 3.9 As noted above the site forms part of a previously approved residential scheme. The starting point for assessment purposes is therefore extant permissions B/15/01490/OUT and DC/17/03335. The acceptability of developing the site for residential purposes is well established.
- 3.10 It has already been judged and accepted that:
- the site is a sustainable location for housing, with confirmed sustainable links to the village, its services and public transport links via the existing footpath running along the east side of Duke Street;
 - the site is well related to the village in physical and functional terms;
 - a linear approach to development along Duke Street is appropriate;
 - residential development of the site would not harm, to an unacceptable extent, the site's landscape setting;
 - there would be no adverse heritage impacts as there are not any nearby designated heritage assets;
 - there will be negligible impact on the nearest non-designated assets, a pair of cottages (Victoria Cottages) north of the site;
 - ecology and archaeology related impacts would be within acceptable parameters.

- 3.11 The three additional dwellings would not result in adverse cumulative impacts when considered in combination with others completed/committed to in the cluster. Like the previously approved development, CIL provides a mechanism for local service providers (e.g. GP surgeries and schools) to adequately mitigate development and this development would contribute to providing CIL funding on a district wide and parish level. The proposal would also not compromise delivery of already permitted schemes.
- 3.12 The proposal relies on the vehicle access arrangements already approved. The Highways Authority does not raise an objection on highway safety grounds. Proposed on-site parking complies with the Suffolk Parking Standards and saved Local Plan Policy TP15.
- 3.13 In light of the above the key considerations for assessment are:
- the impact of the development on the character and appearance of the area (scale, layout and character);
 - whether the development meets a locally identified need;
 - the loss of approved public open space;
 - residential amenity impacts;
 - ecology impacts.
- 3.14 The Parish Council and objecting resident raise concern regarding the loss of open space as previously proposed by the applicant and approved by Council. The public open space was offered voluntarily by the applicant, it was not a policy requirement as the site area measured less than the minimum 1.5ha set out in saved Local Plan Policy HS31. The open space was therefore not secured by way of planning condition or legal obligation as there was no policy basis upon which to do so. The planning merits of the approved scheme did not turn on the open space area, nor did its inclusion weigh heavily in the planning balance.
- 3.15 Officers can understand the frustration of residents regarding the loss of open space and amenity value it may have offered to the local community. However, in the absence of policy conflict, the loss of open space is not deemed a defensible reason to withhold planning permission.
- 3.16 This site has been used in the calculation of an affordable housing contribution for the adjoining site with a proposed development of 14 dwellings (DC/18/05613). A viability assessment was carried out for the 14 and it was concluded that two affordable units would be required for the site. However, this application was received after the assessment had been carried out. The site is in the same ownership as the adjoining and therefore the LPA insisted that the assessment should include the two sites which a total number of 17 dwellings. The viability assessment found that three affordable units would be appropriate over the two sites, combined. The three affordable units will be included in the site for 14 dwellings.
- 3.17 Council's 2014 Suffolk Wide Housing Needs Survey has demonstrated that there is a need for smaller homes, across all tenures. The proposal provides three bedroom dwellings. Whilst smaller dwellings are preferred, the small scale of the development is such that the proposed housing mix is not fatal to the application.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 Hintlesham is a well-connected village by road to Ipswich and Hadleigh. There is a regular bus service (No.91) which connects Sudbury with Ipswich. The village offers residents a primary school, public house, community hall, sporting facilities, a hotel, golf club, some employment opportunities. Therefore, the village is considered to be a well-connected village and a sustainable location.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 The existing access would be used which formed part of the application for the eight dwellings. Two car parking spaces would be provided for each dwelling. SCC Highways have raised no objection to the scheme.

6. Design and Layout [Impact on Street Scene]

- 6.1 The proposed scale, layout and character follows closely that of the approved development either side of the subject site. The terrace development will appear as a seamless continuation of the neighbouring developments with the same architectural language adopted and same linear layout. The infilling of land originally set aside as open space will result in reduction of the visual gap between the northern eight dwelling development and southern 14 dwelling development. The approved open space would act as a buffer and complement the landscape setting. However, the retained farm access immediately to the south ensures an effective visual gap between developments is maintained, offering visual relief to Duke Street and neighbours opposite. The loss of public open space in character terms is therefore not fatal to the application.
- 6.2 Like the neighbouring developments, the design approach is one that successfully blends the traditional with the contemporary. Traditional forms, such as pitched roofs, gables and dormer windows, integrate well with contemporary fenestration detailing. The additional housing will add to the overall quality of the area, is visually attractive and will contribute positively to local village character, consistent with local and national policy guidance.
- 6.3 The frontage of the site is occupied by car parking. This is consistent with the approved northern development and there is evidence of frontage parking on the opposite side of Duke Street. Important to note is the setback of the car parking from Duke Street, set behind the internal shared driveway and the Duke Street hedgerow. The setback and hedgerow screening mitigates potential streetscape harm resulting from the frontage parking.
- 6.4 Hedgerows to the southern and rear boundaries are required to soften the built form effect of the additional dwellings and provide an appropriate rural edge treatment. Landscaping can be required by planning condition.

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

- 7.1 The site is within the 13km Zone of Influence identified for the Stour and Orwell Estuaries Special Protection Area and Ramsar site. The Habitats Regulation Assessment confirms the proposal triggers a proportionate financial contribution towards visitor management measures for the Habitats Sites.
- 7.2 Council's ecology consultant has reviewed the supporting ecology report and concurs with its findings. The consultant recommends conditions to secure ecological enhancements set out in the ecology report and the submission of a biodiversity enhancement strategy. These measures are most appropriately addressed by condition and the conditional approach is therefore supported.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 A land contamination assessment accompanied the application. The Environmental Protection have raised no objection to the proposal.

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

- 9.1 This is not a consideration of this application.

10. Impact on Residential Amenity

- 10.1 Paragraph 127(f) of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 10.2 Terraced housing is a conventional form of housing development, one that provides appropriate internal amenity. Upper floor side windows are limited to serving non-habitable (bathroom) windows. Boundary treatments at ground level offer effective screening solutions. Rear upper level windows offer only views of neighbouring rear gardens from oblique angles. For these reasons adequate levels of privacy are maintained. The depth of the terrace mirrors the depth of the neighbouring semi-detached dwellings. The scheme does not feature any walls on boundaries. Visual bulk effects are therefore within acceptable parameters. Sunlight and daylight access levels for residents of the approved northern scheme, and the subject proposal, are appropriate. The residential interfaces are acceptable.
- 10.3 Environmental Health recommend amenity related conditions, including a Construction Management Plan. These conditions are supported.

11. Planning Obligations / CIL (delete if not applicable)

- 11.1 This site has been used in the calculation of an affordable housing contribution for the adjoining site with a proposed development of 14 dwellings (DC/18/05613). A viability assessment was carried out for the 14 dwellings and it was concluded that two affordable units would be required for the site. However, this application was received after the assessment had been carried out. The site is in the same ownership as the adjoining site and therefore the LPA insisted that the assessment should include the two sites which a total number of 17 dwellings. The viability assessment found that three affordable units would be appropriate over the two sites, combined. The three affordable units will be included onsite in the site for 14 dwellings.
- 11.2 The scheme is liable for CIL contribution.
- 11.3 The site is within the 13km Zone of Influence identified for the Stour and Orwell Estuaries Special Protection Area and Ramsar site. The Habitats Regulation Assessment confirms the proposal triggers a proportionate financial contribution towards visitor management measures for the Habitats Sites. It is recommended that s106 contribution addresses this requirement, consistent with the recent approvals at neighbouring sites.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 The site benefits from an extant permission for eight dwellings. The site continues to represent a sustainable location for housing, well related to the village and served by sustainable linkages to village services.
- 12.2 The scheme offers a good level of design quality, a contemporary interpretation of the Suffolk vernacular, enhancing local distinctiveness. Any harm to the Gipping Valley Special Landscape Area is considered negligible given the extent of recently approved domestic development along Duke Street. The additional three dwellings that are proposed will not adversely impact heritage, highway safety, ecology, archaeology, drainage or residential amenity matters to a degree deemed unacceptable.
- 12.3 The loss of previously approved open space is a planning disbenefit. However, the previous scheme did not engage saved Policy HS32 owing to its modest site area. Therefore, the loss of open space does not raise a policy conflict. The open space did not perform an essential character function, such as an important visual gap enhancing openness. The replacement of the open space with built form will have only a marginally negative impact in character terms, a level of landscape harm deemed less than minor.
- 12.4 Environmental harm is limited, and social and economic benefits outweigh the identified harm. The proposal delivers sustainable development and the application is recommended for approval.

RECOMMENDATION

That the application is GRANTED planning permission and includes the following conditions: -

- Standard time limit
- Approved plans
- Site levels
- As required by highways
- Hard and soft landscaping
- Landscaping Timescale
- As required by BMSDC Environmental Health
- Ecological mitigation and enhancement measures
- Biodiversity Enhancement Strategy

That authority be delegated to the Chief Planning Officer to grant full planning permission:

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:

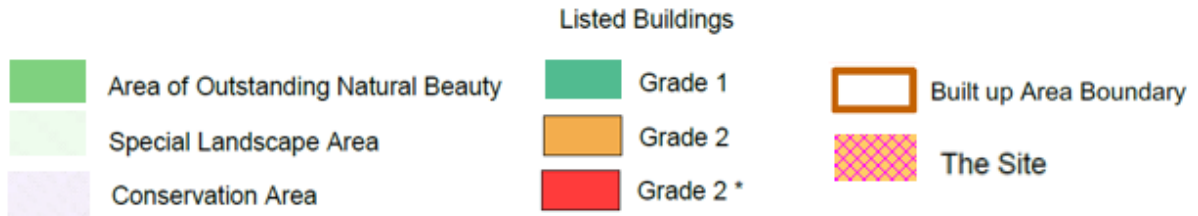
- RAMS Contribution
- Affordable housing
2 x 2b 4p affordable rent dwellings @ 79sqm minimum
1 x 3b 5p shared ownership dwelling @ 93sqm minimum

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Application No: DC/19/02585

Parish: Hintlesham

Location: Land South East of Duke Street



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