

Public Document Pack



COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 12 FEBRUARY 2020 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

This meeting will be broadcast live to Youtube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

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/19/22 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18 DECEMBER 2019

To Follow.

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.

6 **PL/19/23 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 5 - 8

An Addendum to Paper PL/19/23 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/17/04049 THE PADDOCKS, LAWSHALL ROAD, HARTEST, BURY ST EDMUNDS, SUFFOLK, IP29 4DR** 9 - 32

b **DC/19/01708 LAND EAST OF CHURCH ROAD, CHURCH ROAD, STUTTON, IPSWICH, IP9 2SG** 33 - 56

c **DC/19/04445 LAVENHAM PRIORY, WATER STREET, LAVENHAM, SUDBURY, SUFFOLK, CO10 9RW** 57 - 74

d **DC/19/02315 LAND SOUTH OF HIGH BANK, MELFORD ROAD, SUDBURY, SUFFOLK** 75 - 94

e **DC/19/03445 LAND ON THE SOUTH SIDE OF, WHATFIELD ROAD, ELMSETT, SUFFOLK** 95 - 112

f **DC/19/05417 MANNA WOOD FARM, STACKYARD GREEN, MONKS ELEIGH, IPSWICH, SUFFOLK, IP7 7BD** 113 - 122

Notes:

1. The next meeting is scheduled for Wednesday 26 February 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, 26 February 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 Robert Carmichael at Committee Services on: 01449 724930 or Email: committees@babberghmidsuffolk.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.



PL/19/23

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

12 FEBRUARY 2020

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	9-32	DC/17/04049	The Paddocks, Lawshall Road, Hartest, Bury St Edmunds, Suffolk	EF
6B	33-56	DC/19/01708	Land East of Church Road, Church Road, Stutton, Ipswich, IP9 2SG	LB
6C	57-74	DC/19/04445	Lavenham Priory, Water Street, Lavenham, Sudbury, CO10 9RW	SS
6D	75-94	DC/19/02315	Land South of High Bank, Melford Road, Sudbury, Suffolk	JW
6E	95-112	DC/19/03445	Land on the south side of Whatfield Road, Elmsett, Suffolk	EF
6F	113-122	DC/19/05417	Manna Wood Farm, Stackyard Green, Monks Eleigh, Ipswich, Suffolk, IP7 7BD	AG

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/17/04049

Case Officer: Elizabeth Flood

Ward: Chadacre

Ward Member/s: Cllr Michael Holt

Cllr Stephen Plumb

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Full Planning Application - Erection of 6 single - storey dwellings and associated outbuildings, improvements to existing vehicular access and highway improvements. As amended by agent's email dated 17/8/17 and amended drawings numbered 17/60/02A,03A and 12A showing changes to proposed footpath arrangement. Further amended drawings received 9/11/17 numbered 17/60/02B, 03B, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12B and 14B showing changes to layout and form of dwellings.

Location

The Paddocks, Lawshall Road, Hartest, Bury St Edmunds Suffolk IP29 4DR

Parish: Hartest

Expiry Date: 29/09/2017

Application Type: Full planning application

Development Type: Minor Dwellings

Applicant: Lewis Morgan Ltd

Agent: Architectural Design & Planning Ltd

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: Not required

Applicant: Lewis Morgan Ltd

Agent: Dean Jay Pearce - Architectural Design & Planning Ltd

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application was lodged in August 2017 and was referred to Planning Committee at the request of Councillor Nunn.

The application (comprising a revised scheme received November 2017) was considered by Planning Committee in February 2018. Planning Committee resolved to grant planning permission subject to

conditions (contrary to Officer recommendation). Planning permission was subsequently issued on 8 February.

A judicial review challenge was subsequently brought by an objector, based on four grounds:

- (1) Failure to determine whether or not, and the extent to which, the development proposal complies with the development plan;
- (2) Failure to give proper, intelligible and adequate reasons;
- (3) Misdirection in relation to development plan policy CS11(iii);
- (4) Errors of fact as to proximity of the Claimant's home to the development and as to the ridge heights of the proposed dwellings.

In May 2018 after considering the papers, a High Court Judge granted permission for this judicial review to proceed to a full oral hearing, determining that all four grounds of challenge were arguable.

In the light of this decision, following advice from Counsel as to the likelihood of the planning permission being quashed if the case proceeded to a full hearing, the Council offered to consent to the quashing of the February 2018 Planning Committee decision solely on Ground 2- inadequate reasons, and the High Court approved a quashing order to that effect

The application was therefore remitted back to Planning Committee for re-determination on the 12 December 2018. Planning Committee resolved to grant planning permission subject to conditions (officers had recommended refusal). Planning permission was subsequently issued on 20 December 2018.

A second judicial review challenge was subsequently brought by an objector, based on six grounds:

- 1) Failure to give reasons for the decision to grant planning permission;
- (2) Failure to determine whether or not, and the extent to which, the proposal complied with the development plan;
- (3) Inconsistency in decision-making and failure to explain a change in approach to the weight to be afforded to that part of the development plan, Policy CS2, concerning settlement pattern;
- (4) Misinterpretation of Policy CS2, failure to give adequate reasons, and error on the part of officers in advising that it had reduced weight and should not be determinative of the application;
- (5) A suggested misdirection by officers concerning the need for the defendant to determine whether relevant policies of the Core Strategy generally conform to the aims of the NPPF;
- (6) A misdirection by officers in relation to development plan policy CS11 concerning development in or adjacent to hinterland villages;

A hearing took place in the High Court after permission had been granted for the case to proceed on grounds 1-4 and 6. Ground 5 was an additional ground which the objector asked the High Court to consider at the hearing. In July 2019 the High Court decided to quash the planning permission having found in favour of the objector on grounds one and two. .

Details of Previous Committee/Resolutions and Member Site Visit

No member site visit. Previous February 2018 Planning Committee resolution and December 2019 Planning Committee resolution as detailed above.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Relevant saved policies of the Babergh Local Plan 2006:

CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Development in/near conservation areas
CR04 - Special Landscape Areas
HS28 - Infilling/Groups of dwellings

Babergh Core Strategy 2014:

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
CS19 - Affordable Homes

Supplementary Planning Documents:

Suffolk Guidance for Parking (2014)
Rural Development and Core Strategy Policy CS11 Supplementary Planning Document 2014

National Planning Policy Framework

Hartest Neighbourhood Plan (Stage 3 - Second Pre-submission Consultation phase, thus carrying limited statutory weight).

Consultations and Representations

During the course of the application consultation and representations from third parties have been received.

There have been additional representations received since the Planning Committee's resolution to grant planning permission in December 2018.

A: Summary of Consultations

The following is a summary of responses received, made in respect to the revised scheme submitted November 2017.

Hartest Parish Council

Object for reasons as follows which replicates comments of Hartest Neighbourhood Plan Working Group:

- Proposal is outside BUAB and not immediately adjacent to boundary. Contrary to emerging Hartest Neighbourhood Plan Policy HAR 6;
- According to HAR3 only up to 4 houses allowed outside BUAB and no CS11 checklist submitted;
- Housing mix satisfies HAR4 especially for first time buyers and residents seeking to downsize;
- Site lies within a Visually Important Gap as defined under HAR 12;
- Contrary to HAR11 as site within a Key view from Village Green and no Landscape Visual Impact Assessment (LVIA) submitted to assess its harm;
- Proposal does not demonstrate compliance with HAR8 - impacts on biodiversity;
- Proposal does not offer adequate protection to setting of listed buildings in the vicinity

SCC - Highways

No objection subject to conditions relating to new access and bin/recycling storage on site.

SCC Archaeology Service

Request condition requiring programme of archaeological work at the site.

Heritage Team

1. The Heritage Team considers that the proposal would cause no harm to a designated heritage asset because the organic nature of the layout, disposition and range of properties with contemporary agricultural influence would preserve the character of the Conservation Area.

2. The Heritage Team recommends that conditions be imposed should permission be granted.

These comments follow an objection from the Heritage Team to an earlier scheme. Subsequently, additional information and an amended scheme have been submitted following discussions. The Heritage Team does not now object to the proposed development as it would accord with the LBA, NPPF and Local Plan.

This application relates to the proposed development of 6 single-storey dwellings and new access to the above site. The issues of heritage concern involve the potential impact of the development on the setting of listed buildings in the vicinity and the character of the Conservation Area. The impact on the setting of the listed buildings to the west, surrounding the historic green, is considered negligible and as such the emphasis of the analysis is based on the impact on the Conservation Area.

The submitted amended scheme with changes to layout and building form are broadly as discussed. As previously stated, there would be some impact through development of currently open land, however the pattern of development would be sustained by the amended scheme and would not detrimentally affect the character of the place. The layout of the development is now more organic in approach, with pinch points creating interest within the site, as well as subtle variations in the proposed building types but with a coherence of agricultural influence and material palette running through the development. The proposed single storey dwellings draw on the rural context of the site for their architectural influence but make an honest, contemporary interpretation of this theme. Density of the proposed development would not disrupt that of the village and reflects the rural character evident, representing a cluster of agricultural buildings; these factors together on a modest scale is appropriate.

In conclusion, the scheme is not inappropriate and as such the development would accord with the requirements of the LBA, the policies within the NPPF and the Local Plan. As such, the Heritage Team does not object to the proposed development, subject to conditions.

Notwithstanding the drawings submitted, no close boarded fencing, hit & miss or similar fencing will be supported – a detailed submission of proposed boundary treatment must be provided by condition.

Conditions to include:

Brick details and manufacturer's literature

External cladding materials manufacturer's literature

Manufacturer's literature on rainwater goods

Manufacturer's literature for the driveway and footpath surfaces

Detailed joinery sections for external joinery at 1:10, to include eaves and verges

Detailed joinery sections at 1:2 and/or manufacturer's literature for all windows and doors

Boundary treatment including walls, fences, gates and soft boundaries, and landscaping scheme

Removal of PD rights

BMSDC - Arboricultural Officer

No response.

BMSDC - Environmental Health - Land Contamination

No objection.

BMSDC - Environmental Health – Other

No objection subject to standard conditions.

BMSDC - Environmental Health- Sustainability

No objection and welcome sustainability features and request these are secured by condition.

B: Representations

The original scheme attracted eight objections and five supporting submissions. Details of these submissions are not summarised here given that the application was subject to a revised scheme (submitted November 2017) that was re-consulted on.

Nine objections have been received in response to the revised scheme. Grounds of objection are summarised as follows:

-
- Revised proposal does not address concerns about unsuitability of narrow lane for development
 - Will exacerbate flooding and safety problems with this section of highway
 - Increased risk of serious accident along the lane
 - Widened existing passing place is a cosmetic change only
 - Amended new footpath provision would mean longer walk along road to village and back
 - Housing will meet a specified need but not a proven need
 - Unlikely that priority for new housing will be given to local residents
 - Lack of demand for additional housing in village as confirmed in draft Neighbourhood Plan
 - Existing facilities within village likely to reduce in future due to closure
 - Fails to contribute positively to setting of several listed buildings and to preserve or enhance the character or appearance of the conservation area
 - Five-metre high anthracite grey roofs of proposed buildings would obscure views of listed buildings on Green except for their roofs
 - Closer grouping of buildings in layout will create greater obstruction to views of listed buildings on the Green
 - Dwellings likely to look more like a small industrial estate
 - Benefits of development outweighed by harm to SLA/CA and increased accident risks
 - Once allowed will set precedent for further development in this area.

- Lack of adequate justification /submissions regarding landscape impact assessment, heritage impact, impacts on views, cul-de-sac layout and number of dwellings
- 'Farmyard' layout does not reinforce local distinctiveness or provide permeability
- Development on 'wedge' of countryside adjacent to Green and blocks views to/from village green
- Proposals should have been referred to the Suffolk Design Review Panel
- Proposals do not improve the character and quality of an area
- No economic, social or environmental benefits to outweigh harm to heritage assets
- No engagement by developer/agent with local community
- Proposals are contrary to Paragraphs 60, 61, 62, 64, 65 and 66 of NPPF relating to good design.

An additional objection letter was received in September 2019. Grounds of objection are summarised as follows:

- Development is harmful to character of Hartest
- Development has a detrimental impact on the setting of the listed building
- Development is harmful to the designated Special Landscape Area
- Development is contrary to adopted local plan policies

In addition, an objector has provided reports from a Heritage Consultant and Transport Consultant with regards to the Heritage and Transport issues. The Council's Heritage Team has considered the report from the Heritage Consultant and have concluded that:

The Statement is thorough on policy but does not assess the characteristics of the site. It therefore does not provide any further information likely to further understanding of the significance of the site, in heritage terms. Therefore, the Heritage Team's earlier conclusion which raised no objection, subject to conditions, still stands, and the proposal is therefore considered to be in accordance with the Local Plan, the NPPF and the P(LBCA)A1990.

Hartest Neighbourhood Plan Working Group (HNPWG) initial response

The proposal is for open market housing contrary to the emerging HNP.

The proposal is for more than 4 dwellings and is not accompanied by a Core Strategy Policy CS11 checklist, contrary to HAR3.

Mix of housing types and smaller two-bedroom houses is welcome.

The site lies in an identified visually important gap and is therefore contrary to HAR12.

The proposal lies within a key view from the village green. The application does not include an appropriate Landscape Visual Impact.

The proposal does not demonstrate a biodiversity net gain, contrary to HAR8.

The proposal lies within the Conservation Area and proximity of listed buildings, impacts are contrary to HAR14.

The proposal is for open market housing, is not a rural exception site, therefore contrary HAR6.

Additional correspondence was received from the HNPWG on the 4th October 2019 which stated that it was proposed to amend Policy H4 of the Hartest Neighbourhood Plan to remove The Paddocks as an allocated site. The Hartest Neighbourhood Plan is proposing to rely on windfall sites to fulfil its housing need during the plan period.

PART THREE – ASSESSMENT OF APPLICATION

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

1.0 The Site and Surroundings

- 1.1. The site comprises part of an agricultural field approximately 0.46ha in area, currently used for grazing horses and belonging to The Paddocks, a dwelling located to the west of the site and located within the settlement boundary of Hartest, a designated Hinterland Village. The field lies to the north-west of Lawshall Road, which is a narrow single-track lane leading from Shimpling Road (Hartest Hill) at the south-eastern end of the village.
- 1.2. The site is raised approximately 0.5 metres above road level and is enclosed along the road frontage by a raised bank and a hedgerow above it. On the opposite side of the road, south-east of the site, is a steep bank with a hedgerow/trees and behind which is an estate known as Greenview, which is a cul-de-sac of eleven dwellings built in approximately 1960. These properties are elevated some considerable height above the road in places. Beyond the Greenview estate are further dwellings on the south-east side of Lawshall Road.
- 1.3. The site is to the north-east of a two-storey, late 20th Century, farmhouse known as The Paddocks. This property is served by an access from Lawshall Road, adjacent to the south-west corner of the application site. It is separated from the garden of The Paddocks by a post and rail fence. There is a hedgerow to the northern boundary of the field.
- 1.4. The application site rises in height from west to east by up to three metres.
- 1.5. The site lies within the Hartest Conservation Area and within a Special Landscape Area. Both these designations cover the whole of the village and land surrounding it. The nearest designated heritage assets comprise nine Grade II listed buildings west of the site that front the historic green, separated from the site by The Paddocks, including the domestic curtilage serving this dwelling. An additional Grade II listed building (Bridge House) is located to the southwest, at the junction of Lawshall Road and Shimpling Road.
- 1.6. The site is outside the Hartest settlement boundary. The settlement boundary extends along the south side of Lawshall Road just beyond the junction with the lane leading to Cooks Farm and includes the Greenview estate. The boundary wraps around the northern and eastern sides of The Paddocks dwelling, noting that it bisects the curtilage, as well as the driveway, serving The Paddocks. The access point at Lawshall Road to The Paddocks is located outside the settlement boundary.

2.0 The Proposal

- 2.1 The full application seeks planning permission for the erection of six two/three-bedroom single-storey dwellings together with a new access onto Lawshall Road.
- 2.2 Access to the site for vehicles and pedestrians would be from a new opening created halfway along the frontage to Lawshall Road. This would be combined with a new footpath from the access leading to the existing access which serves The Paddocks. As originally proposed, a new segregated footpath was shown set back from the road and within the garden of The Paddocks

and extending for a distance of 25 metres to where it joined the Lawshall Road. The proposal also includes widening of the carriageway to 4.5 metres further along Lawshall Road.

- 2.3 Each dwelling would have two or three bedrooms, with rear gardens varying in size from 220 to 340sqm. The units would be single-storey. The ridge heights of the proposed dwellings above ground level vary from plot 1 at 6.2 metres, plot 2 at 5.6m, plot 3 at 5.5m, plot 4 at 5.2m and plots 5 and 6 at 5.6m. The original officer's report erroneously referred to each dwelling having a consistent ridge height of 5.5 metres above ground level.
- 2.4 Each unit would have three parking spaces including a single garage.
- 2.5 Additional tree and shrub planting is proposed along the perimeter of the site and to the front of the site would be a retained open grassed area intended as a retained vista along Lawshall Road in between Plot 6 and the road.
- 2.6 Facing materials would be Anthracite grey profiled sheet roofing, Anthracite grey vertical profiled sheet wall panels and natural larch boarding with anthracite grey aluminium windows.
- 2.7 There are no development proposals for the remainder of the field and the applicant indicates that it would remain as existing, but this cannot be secured and further applications cannot be prevented.
- 2.8 In August 2017 the proposals were amended by the deletion of the proposed segregated footpath following comments from the Highway Authority, which was concerned over safety aspects.
- 2.9 In November 2017 the proposal was amended, with revised plans received showing changes to the proposed site layout. The effects of these changes were that the dwellings were brought closer together and in a more informal grouping with linked buildings or screen walling.

3.0 Hartest Neighbourhood Plan

- 3.1 The Hartest Parish Council has published a second (updated) Pre-submission draft Neighbourhood Plan which was subject to public consultation from March to May 2018. The HNP process is currently at stage 3 as set out in the Planning Practice Guidance (PPG). There has been no significant progress on the Hartest Neighbourhood Plan since the second Pre-submission draft Neighbourhood plan was published in March 2018. However, the Hartest Neighbourhood Plan Working Group has stated that it is proposed to amend Policy H4 of the Hartest Neighbourhood Plan to remove The Paddocks as an allocated site. The Hartest Neighbourhood Plan is proposing to rely on windfall sites to fulfil its housing need during the plan period.
- 3.2 The Parish Council and the HNPWG object to the scheme on the grounds that it is contrary to the emerging HNP. A key test is, therefore, to determine whether the application is premature in the context of the HNP.
- 3.3 The PPG outlines the circumstances in which a development proposal may not be supported owing to prematurity. The PPG states that where the presumption in favour of sustainable development applies, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. The PPG then follows (officer emphasis):

'Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.'

3.4 The HNP is not at the end of the Council's publicity period. The Council's publicity period (stage 4) has not yet commenced. The emerging HNP is far from being considered as formally constituting part of the development plan. For these reasons, the emerging HNP is attached such limited statutory weight that any conflict with it is not considered fatal to the application. There are no justifiable grounds to refuse the application based on it being premature or in conflict with the HNP.

4.0 The Joint Local Plan

4.1 The Joint Local Plan (JLP) is currently at the Preferred Options (Regulation 18) stage. A public consultation is currently being undertaken. The emerging JLP is far from being considered as formally constituting part of the development plan. For these reasons, the emerging JLP is attached such limited statutory weight that any conflict with it is not considered fatal to the application. There are no justifiable grounds to refuse the application based on it being premature or in conflict with the HNP.

5.0 The Principle of Development

5.1 At the time the Planning Committee considered the application in February 2018, the Council could not demonstrate a five-year housing land supply as required by paragraph 73 of the NPPF. The tilted balance (now at paragraph 11(d) of the NPPF) was engaged.

5.2 Subsequent to the February Committee decision, the Council has been able to demonstrate a five plus year housing land supply position. This position was current as in December 2018, subsequently the Council could not demonstrate a five plus year housing land position but with the publication of the in Babergh District Council Housing Land Supply Position Statement September 2019 a 5.67 years housing supply can be demonstrated. The tilted balance at paragraph 11(d) of the NPPF is now not engaged in that respect. On that basis, there is not a requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for the Council to determine whether relevant policies of the Core Strategy generally conform to the aims of the NPPF. Where they do not, they will carry less statutory weight.

Policy CS2 Settlement Pattern Policy

- 5.3 Policy CS2 (Settlement Pattern Policy) designates Hartest 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. The site is outside the settlement boundary and therefore Policy CS2 applies.
- 5.4 The Core Strategy adopted in 2014 expressly anticipated, and stated within the document, that the District settlement boundaries would be reviewed and sites allocated for development following the adoption of the Core Strategy. The Local Development Scheme (LDS) produced in 2012 advised that a new combined LDS would commence in autumn 2012 and stated it was not possible to provide an up-to-date programme for site specific allocations. It is noted that in the original LDS in 2007 it was anticipated that the Site Allocations document would be adopted within six months of the Core Strategy having been adopted. To date, this has not happened.
- 5.5 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary. This blanket approach is not 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.
- 5.6 Having regard to the material delay in the review of settlement boundaries and in the allocation of sites, and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to Policy CS2 is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns. It is noted that the approach to Policy CS2 has altered since the application was first determined in February 2018, and it is now considered that the weight attached to Policy CS2 is reduced. This change in approach is due to the delay in the review of the settlement boundaries and various inspectors' decisions which reduce the weight of CS2.
- 5.7 A momentum towards securing development that is founded upon sustainable principles and the need for a balanced approach to decision-making are key threads to Policy CS1, CS11 and CS15 of the Core Strategy. Unlike Policy CS2, these policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework applying to the subject application.

Policy CS1 Presumption in Favour of Sustainable Development

- 5.8 Policy CS1 takes a positive approach to new development that, as noted above, reflects the thrust in favour of sustainable development and also repeats the operation of the presumption in favour of sustainable development (the tilted balance). It seeks to secure development that improves the economic, social and environmental conditions in the Babergh district.

Policy CS11 Strategy for Development in Core and Hinterland Villages

- 5.9 As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages.

- 5.10 The site is located on the eastern fringe of the main body of Hartest, an edge-of-settlement location where Policy CS11 applies.
- 5.11 Policy CS11 states that development in hinterland 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.
 - (b) Additional hinterland village criteria:
 - i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;
 - ii) is adjacent or well related to the existing pattern of development for that settlement;
 - iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;
 - iv) supports local services and/or creates or expands employment opportunities; and
 - v) does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster.
- 5.12 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.
- 5.13 The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn. Policy CS15 matters, which an application must score positively against, are addressed later in this report.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

- 5.14 The site lies within the SLA where saved policy CR04 of the Local Plan identifies that proposals will only be permitted where they maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal, *and* are designed and sited so as to harmonise with the landscape setting.

- 5.15 The site, at present, is part of an open field enclosed on all its boundaries by established trees and hedgerows. The development site would be severed from the rest of the field and enclosed by a post and rail fence and new hedgerow planting. In terms of topography there is a rise in levels from the western corner of the site to the east side of around three metres.
- 5.16 Hartest sits within a valley with the land rising steeply to the north and east. The majority of development in the village is characterised by a layout that is one plot deep with farmland to the rear. There are some pockets of estate development, but they are not a dominant characteristic.
- 5.17 The site contributes to the rural character that currently exists to the northern side of Lawshall Road. Beyond The Paddocks the land is open, interspersed with hedgerows. There is an undeniable open countryside quality to the area. The dwelling known as The Paddocks is set in a generous plot and provides an effective visual graduation, from the built-up body of the village to the west, to the open countryside east of its domestic curtilage.
- 5.18 The creation of the new access, road widening and a tightly-knit group of dwellings would have an unduly urbanising effect on the locale, resulting in the loss of the open field character and markedly change the rural setting of the village. A significant landscape effect of developing a denser development beyond the single dwelling at The Paddocks would be the creation of a more abrupt, harder built up edge to the village boundary. This would have an undermining impact on the transitional qualities evident at this eastern village approach.
- 5.19 The SLA character type is identified as 'undulating ancient farmland' and The Joint Landscape Guidance for this character type states that *'The setting of Hartest village complements the landscape with high banked lanes cutting a path to the village centre that then open up to an area with houses framing small pockets of green open spaces with mature trees'*. It is clear that the site is integral to one of the green open spaces and is a valued quality of the countryside at this location. Development of the site would undermine the enclosed character, to the detriment of the surrounding countryside.
- 5.20 Presently, on the approach from Lawshall Road into the village, the site offers unrestricted views into the village. These views contribute to its general appreciation and the significance of the SLA and can be positively or negatively affected by development of this site. Moreover, these views and open gaps between development within and outside the village centre are identified as significant in the Draft Neighbourhood Plan. Draft Policy HAR 11 identifies this as one of the key views to/from the village and Policy HAR 12 designates this part of Lawshall Road as part of a Visually Important Gap. Whilst these policies are not attached statutory weight they are nevertheless a useful reference when considering the contribution the site and surroundings make to the village setting.
- 5.21 The previous scheme in 2016 was of similar layout and siting, albeit including some two-storey dwellings. This was refused in part on the basis that the proposal would develop an open, un-built site which contributes to the character of the Conservation Area and the SLA. In particular, the form of the development, with houses arranged in a radial inward-looking layout, was deemed inappropriate for the site, being considered to be too 'suburban' in character.
- 5.22 The current proposal, in comparison to the 2016 scheme, is for a single-storey development designed in a contemporary 'farmyard' style, which seeks to create a justification for, and establish a sense of place for, the development. Some respect is also shown for the open gap and key views identified in the emerging Neighbourhood Plan by the inclusion of an un-built "viewing cone" along Lawshall Road, within which no development will take place. However, the undeveloped slither is just that, a slither. It is extraordinarily modest. Moreover, this landscape

mitigating measure does nothing to assist with the impact on views to the village on the approach westward along Lawshall Road. It does not address the development's impact on the village setting.

- 5.23 The proposed development would not maintain the special landscape qualities of the area and the development as a whole would not harmonise with the landscape setting. The proposal would, therefore, not comply with policy CR04 and this part of Policy CS11.

Impact on Heritage Assets

- 5.24 By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act"): "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 5.25 Recent case law on the application of that statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the local planning authority is required to accord considerable importance and weight to any identified harm to the significance of a designated heritage asset. This also applies to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (see below).
- 5.26 The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. It also identifies protection and enhancement and establishes a presumption in favour of sustainable development in the planning system. Good design is a key part of sustainable development, and the Government attaches great importance to it. The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting, and that the conservation of heritage assets is a core principle of the planning system.

Saved Policy CN06 requires that development affecting the setting of a listed building is justified in terms of causing the minimum possible impact to the heritage asset.

- 5.27 The Heritage Team advises that the amended scheme, with changes to layout and building form, (responding to its original suggestions) would give rise to some impact through development of currently open land. However, the pattern of development would be sustained by the amended scheme and it would preserve the character of the Conservation Area. The layout of the development is now considered more organic in approach, with pinch points creating interest within the site, as well as subtle variations in the proposed building types, but with a coherence of agricultural influence and materials palette. The Team also confirmed that the impact on the setting of the listed buildings to the west surrounding the historic green is considered negligible.
- 5.28 Having regard to the Heritage team's comments, and as an exercise of planning judgement, it is concluded that any 'harm' to the character of the Conservation Area and to the setting of the listed buildings to the west, is effectively nugatory. Conflict with Policy CN06, the NPPF and this part of policy CS11 therefore attract a negligible weighting.

Site location and sequential approach to site selection

- 5.29 To be acceptable under Policy CS11, proposals should adjoin and be well related to the built up area boundary of the village. The SDP acknowledges that some sites even though they adjoin a

settlement boundary may not be well related to the village and a judgement will need to be made taking into account issues such as:

- Whether the proposal would constitute ribbon development on the edge of the village
- How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
- The scale, character and density of the proposal in relation to the existing adjoining development
- Whether the proposal constituted a logical extension of the built up area of the village
- Whether the proposal is self-contained and has logical natural boundaries.

5.30 The site is close to, but not strictly speaking adjacent to, the settlement boundary as there is a gap of around 35 metres comprising the rear garden of The Paddocks. The proposed development is not infill as it would extend the built up area of the village. The applicant states that development would not extend further along Lawshall Road than it already does along the south side. This is acknowledged; however, the character of the northern side of Lawshall Road is very different to that of the southern side. Its open character, unlike the built-up character to the south, is a principal contributor to the rural setting of the village. Having regard to the other indicators of how well related the site is to the village, it is not considered that the site is a logical extension for reasons that it would be separated from The Paddocks and in a relatively open setting on the north-west side of the road and taking up part of a much larger field. It requires new planting and enclosure to its lateral boundaries to satisfactorily separate it from The Paddocks and the rest of the field.

5.31 With regard to connectivity, particularly for pedestrians between the site and the village, there would be a long narrow (minimum 3-metre wide) lane for a distance of 105 metres to the junction with Hartest Hill. The road is on a hill and also bends round to the right with overhanging vegetation and, therefore, has limited forward visibility of oncoming vehicles. There is no footpath or lighting. The residents of Greenview have the benefit of a set of steps leading from the estate down onto Lawshall Road, approximately 45 metres from Hartest Hill, which, for many residents, is a short-cut to the village compared to the road access.

5.32 The lane is, however, lightly trafficked and subject to a 30 mph speed limit. Nevertheless, pedestrian access from the site to the village centre is not safe given the width of the lane, the bend in the road and lack of suitable verge to step onto for safe refuge. This was part of the reason for refusal of the 2016 scheme. It was assessed that, whilst this may not be sufficient to refuse the proposal on highways grounds, it was considered indicative of the site's poor pedestrian connectivity to local services within the village and the existing pattern of development within the settlement having regard to the locational criteria to be assessed under Policy CS11.

On the basis of the foregoing the proposal is not considered to comply with the locational and relational criteria of policy CS11.

5.33 There are no sequentially-preferable allocated sites within Hartest, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.

5.34 The outcome of *R (on the application of East Bergholt PC) v Babergh District Council* CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

- 5.35 In this regard, there is not considered to be any direct conflict with this element of policy CS11 for the reasons given above, and it can therefore be concluded that this element of policy CS11 has been met.

Locally identified need - housing and employment, and specific local needs such as affordable housing

- 5.36 The outcome of *R (on the application of East Bergholt PC) v Babergh District Council* CO/2375/2016 before Mr Justice Mitting has clarified that "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does not mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
- 5.37 The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "appropriate" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
- 5.38 The villages are very varied and their needs and factors which influence what is an "appropriate level of development" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
- 5.39 Accordingly, "locally identified need" or "local need" should be construed as the development to meet the needs of the Hinterland Village identified in the application, namely Hartest and the functional cluster which it sits within.
- 5.40 The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the functional cluster of smaller rural settlements it serves.
- 5.41 The scheme comprises modest sized 2 and 3- bedroom units (94 sqm internal area) which are identified as being in demand in the emerging HNP. Draft HNP Policy HAR 4 (Housing Mix) states that proposals will be supported where they provide a mix of types and sizes that reflect the needs of local people, particularly where they include 2 and 3-bedroom houses for first time buyers or residents wishing to downsize. The HNPWG welcomes the smaller dwellings.
- 5.42 The application is not supported by a housing need statement. This said, it does respond favourably to the housing need set out in the HNP which counterbalances the harm associated with the policy conflict that is identified.

Locally Identified Community Needs

- 5.43 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).

- 5.44 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. In this case the applicant submits that the site is close to and within walking distance of existing services within the village, but also states that the development, being a relatively modest sized scheme, cannot be expected to have a tangible material impact on their long term viability. However, given their accessibility to the village, it is likely that they will make some contribution. Moreover, the proposed development 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.

Cumulative impact of development in the area in respect of social, physical and environmental impacts

- 5.45 The SPD identifies, at paragraph 13, that *"cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account"*.
- 5.46 Policy CS11 requires the cumulative impact of development, both within the Village, and its functional cluster, to be a material consideration. Given the responses from statutory consultees and the small-scale of development proposed, there is no reason to believe there would be significant adverse cumulative impacts as a result of the development in combination with others completed/committed to in the cluster. CIL provides a mechanism to address additional infrastructure demand and this development would contribute to providing CIL funding on a district wide and parish level. There is also no evidence to suggest that utilities infrastructure cannot serve, or would be adversely impacted by, the development.
- 5.47 The evidence suggests the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village or the wider cluster.

Development scale, layout and character

- 5.48 The site is located outside the settlement boundary and on open land used as a paddock that can be considered to be transitional between the urban character of the village centre and the open countryside beyond to which the road leads. It is identified in the draft NP as both forming part of an important view (HAR11) and a visually important gap (HAR12), which the relevant policies for these designations seek to protect. The site is also part of the SLA and saved Policy CR04 seeks to control development so as not to harm its qualities. As noted above, there is considered to be harm in respect of the likely landscape effects of the proposal.

Is adjacent or well related to the existing pattern of development for that settlement

- 5.49 These issues have already been assessed earlier in the report; the development is considered to conflict with this limb of the policy

Meets local need identified in neighbourhood plan

- 5.50 Hartest has produced a draft Neighbourhood Plan and it has identified a need for smaller 2-3 bedroom housing to meet local starter home or downsizer needs. The development would contribute to meeting those needs as discussed earlier in the report.

Supports local services and/or creates or expands employment opportunities

- 5.51 The proposal would provide new dwellings and would make a contribution to supporting the existing facilities in the wider area. The village lies close to Glemsford, which can provide more of the day to day facilities, and there is no reason to discourage this application on the basis that it would support services in another nearby village. As such, the proposal satisfies this element of Policy CS11 and the wider objectives of the NPPF.

Delivery of permitted schemes

- 5.52 The proposal would not compromise delivery of permitted or identified schemes. As such, the proposal accords with this element of policy CS11.

Policy CS15 Sustainable Development

- 5.53 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 criteria within policy CS15 are covered within the individual sections of this report including, for example, landscape and heritage asset impacts, 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:

- 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).
- The application site is situated within Flood Zone 1, land not identified as being subject to significant flood risk.
- During construction, methods will be employed to minimise waste (criterion xiv).
- The proposed dwellings 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 is not supported by an ecology report. However, it is unlikely that significant wildlife habitats would be affected by the development given the current horse grazing use and proposed retention of boundary vegetation. The proposal is likely to lead to enhanced ecology values by way of provision of additional planting and provision of bat and bird boxes. A biodiversity net gain would be likely, consistent with local Policy CR08 and the emerging HNP. There is potential for criterion (vii) to be met via planning condition.

- Minimising the need to travel by car using alternative means (criterion xviii) - Hartest is around four miles from the nearest Core Village (Glemsford) and on the Green there is a stop for the 374 bus which runs from Clare via Glemsford through to Bury St Edmunds and back at regular intervals, and utilises this stop. There is also a bus service running from this stop but only once every Thursday to Sudbury and back. Whilst the site is within a reasonable commute (by car) of Sudbury, and thereby has access on that basis to train services to a wider area, there is only a limited bus service and no real opportunity for local employment.
- Highway (criterion xix) considerations are considered below.

6.0 Site Access, Parking and Highway Safety Considerations

- 6.1 The scheme includes the provision of a new vehicular access onto Lawshall Road midway along the frontage adjacent to the existing access which would be stopped up. The Highway Authority objected to the outline scheme in 2016 which proposed a similar access arrangement; however it has not raised an objection to the current layout subject to compliance with conditions.
- 6.2 With regard to pedestrian access to the village this has already been assessed earlier in the report.

7.0 Design and Layout

- 7.1 The design rationale behind the scheme as originally submitted and later modified comprises a form of development based on a grouping of former farm buildings associated with the farmhouse (The Paddocks) and forming, as a whole, an edge of village farmstead. This theme is exemplified by the ad-hoc arrangement of modest-sized farm buildings around a 'farmyard'. Each building is designed with dark grey walls and roofs giving a utilitarian, neutral appearance. Their scale is lower than the farmhouse by at least two metres and boundaries are defined by simple fences and hedges. The plans, as revised following Heritage Team comments, have developed the 'farmstead' theme to create a more cohesive and joined-up layout compared to the original scheme which was too regimented with the 6 dwellings arranged around an 'H' plan road layout. The garages which were detached in the original scheme have been attached to the dwellings and therefore more integrated within the overall layout. The Heritage Team's comments on the revised proposals state that they are satisfied that the 'farmstead' theme of the development as has been satisfactorily demonstrated and they raise no objection to the proposal on heritage grounds.
- 7.2 All of the dwellings would have satisfactory parking provision and external amenity space.
- 7.3 The dwellings include various sustainable design features including air source heat pumps, wood burning stoves and an electric vehicle charging point. There is also potential for solar panels and the dwellings would benefit from high levels of internal insulation. These elements are supported by the Environmental Health (Sustainability) Officer. If approved, a condition would be recommended requiring the implementation of these energy efficiency measures.

8.0 Environmental Impacts - Trees, Ecology and Land Contamination

- 8.1 Whilst concerns have been raised regarding surface water flooding on land surrounding the site, requirements such as a surface water management plan could be secured by planning condition. In many cases, through SUDs and permeable drainage mechanisms, surface water run-off can

be delayed and arrested within the site, ensuring state close to hydraulic neutrality can be achieved.

- 8.2 The site is identified as having archaeological potential, however, these issues could be addressed via a condition should other matters be acceptable.
- 8.3 There is no evidence to suggest the land is contaminated. The Environmental Health (Contamination) Officer raises no objection.
- 8.4 There are no TPO trees on the site, but trees and hedgerows are protected by virtue of being within the Conservation Area. No trees on the site are required to be felled to carry out the development and the proposals include a landscape plan for substantial new tree and hedgerow planting along the site boundaries.

9.0 Impact on Residential Amenity

- 9.1 Paragraph 127 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.
- 9.2 The nearest dwellings to the site are those within the Greenview estate located on the southern side of Lawshall Road. The impact on the residential amenity of the Greenview residents will not be unacceptable. This is owing to the significant separation distance between the proposed and existing dwellings, the intervening vegetation and the proposed single storey scale of development. Overlooking, daylight and solar access, visual bulk and overshadowing would all be within acceptable parameters.
- 9.3 In respect to The Paddocks, again the single storey scale of development and separation distance ensures that an acceptable amenity interface will be achieved. There are no discernible adverse residential amenity outcomes that would constitute valid reasons to withhold planning permission.

10.0 Planning Obligations / CIL

- 10.1 The application is liable for contributions under CIL.

PART FOUR – CONCLUSION

11.0 Planning Balance

- 11.1 The proposal remains unchanged from that which was assessed by officers and recommended to Planning Committee for refusal in February 2018 and December 2018. The principal reasons for refusal related to landscape harm and poor accessibility by sustainable modes of transport.
- 11.2 The Council benefits from a five-year housing supply. The tilted balance at paragraph 11(d) of the NPPF no longer applies.

- 11.3 The emerging HNP has not been the subject of independent examination. It still remains at a stage where it cannot be afforded statutory weight to an extent that it is a determinative factor in the assessment of the application.
- 11.4 The site is in open countryside for planning purposes and therefore conflicts with Policy CS2. However, Policy CS2 carries reduced statutory weight because of the age of the settlement boundaries and inconsistency with the NPPF. The site's edge-of-settlement location is such that it is not isolated and paragraph 79 of the NPPF is not engaged.
- 11.5 The Joint Local Plan (JLP) regulation 18 consultation draft was published in June 2018. The site is shown within the Countryside within the JLP and Hartest remains as a Hinterland Village. The JLP currently has limited weight.
- 11.6 Policies CS1, CS11 and CS15 are attached full statutory weight given their strong alignment with the NPPF. Whilst it performs admirably in respect to some Policy CS11 criteria, the scheme does not score positively against others. Of particular concern, as in February, is landscape harm. Whilst the Heritage Team does not raise any objection regarding the layout and its effect on the nearest listed buildings or the Conservation Area within which the site (and whole of village) is located, there is nonetheless a significant effect on the landscape setting of the village and on the character of the SLA. A group of tightly-knit dwellings set around a cul-de-sac will create a built-up, hard edge to the village, inconsistent with the predominant village-edge character. The identified harm runs counter to saved Policy CR04 and Core Strategy Policies CS11 and CS15. The NPPF requires development to contribute to, and enhance, the natural and local environment. The scheme falls short in this regard.
- 11.7 Pedestrian connectivity to local services is not favourable, with highway conflict a potential safety risk and absence of lighting a likely deterrent for future residents. Sustainable modes of transport will not be well utilised. Travel by car will not be minimised. These are not factors that weigh in favour of the scheme.
- 11.8 The applicant has not demonstrated how the six dwellings serve an identified local need. That said, the smaller dwellings respond to the need identified in the emerging HNP (and therefore likely to also be in support of Policy CS18), an element of the scheme welcomed by the Hartest Neighbourhood Plan Working Group welcomes the smaller dwellings. Consistency with the merging HNP counterbalances the harm associated with the policy conflict that is identified. The effect, in the context of the planning balance, is a neutral one.
- 11.9 Residential amenity for future occupants and neighbouring residents, is safeguarded and is not a reason to withhold planning permission. The Highway Authority raises no concerns and biodiversity and archaeological matters could be adequately dealt with by planning conditions. Infrastructure enhancements in order to meet increased infrastructure demand could be addressed by CIL contributions, as per standard industry practice. The proposal also offers obvious social and economic benefits, most notably the boost to housing supply. Although this benefit must be considered in the context of the current five plus year housing supply and is therefore attached reduced weight.; there is no overriding need or requirement to allow development in this location.
- 11.10 The application fails to deliver a sustainable development, contrary to the overarching thrust of the Core Strategy and the NPPF. The planning balance does not weigh in favour of the proposal. The application is recommended for refusal.

RECOMMENDATION

Refuse planning permission for the following reasons:

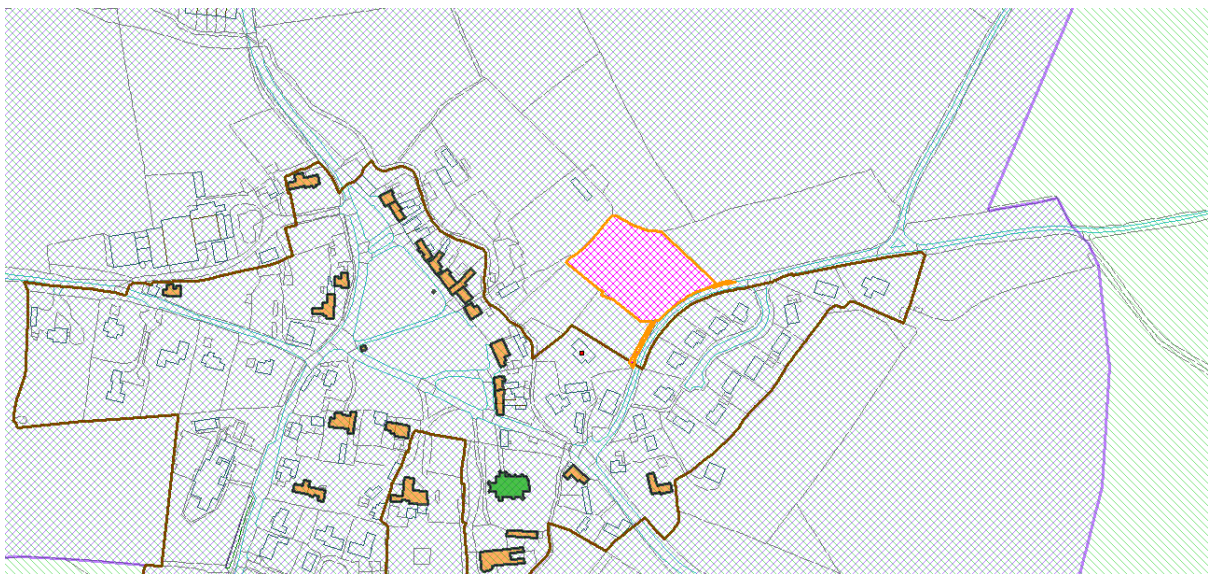
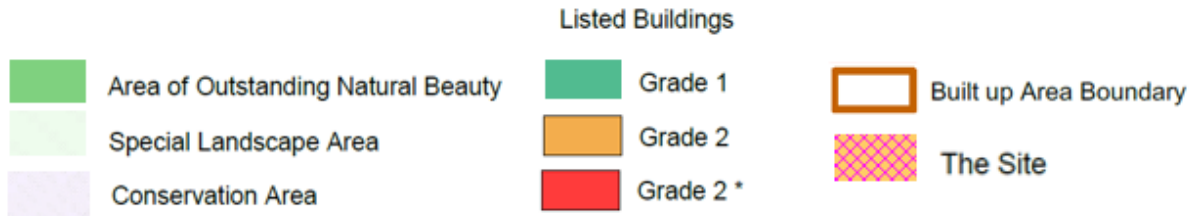
1. The proposed development, by virtue of its location, scale, density and layout, would be inconsistent with the open countryside and edge-of-settlement character, harmful to the character of the Special Landscape Area and setting of the Hartest village, contrary to Policy CS11 and CS15 of the Babergh Core Strategy (2014) and paragraph 170 of the National Planning Policy Framework 2019.
2. The proposed development, by virtue its location and poor pedestrian connectivity, would be car dependent which would not promote healthy living or sustainable transport, would not constitute sustainable development nor improve the social and environmental conditions in the district, contrary to Policies CS1 and CS15 of the Babergh Core Strategy (2014) and paragraphs 8, 17, 91, 103, 117 and 122of the National Planning Policy Framework 2019.

This page is intentionally left blank

Application No: DC/17/04049

Parish: Hartest

Location: The Paddocks, Lawshall Road



This page is intentionally left blank

Agenda Item 6b

Committee Report

Item 6B

Reference: DC/19/01708
Case Officer: Lynda Bacon

Ward: Stour.

Ward Member/s: Cllr Mary McLaren.

RECOMMENDATION – GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Description of Development

Planning Application - Erection of 34no. dwellings with associated Public Open Space, Access Roads, Garaging and Car Parking (Revised proposal to that approved under B/17/00950)

Location

Land East Of Church Road , Church Road, Stutton, Ipswich IP9 2SG

Expiry Date: 30/09/2019

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Hopkins & Moore (Developments) Limited

Agent: N/A

Parish: Stutton

Site Area: 1.75 Hectares

Details of Previous Committee / Resolutions and any member site visit:

The application was considered at Planning Committee on 17th July 2019 and Members resolved to defer the application for the following reason.

Members requested the following matters and concerns be discussed with the applicant:

- Needs for size of dwellings proposed
- Size, scale layout and character of development in relation to setting of village.
- Impact of additional bedrooms from “previously approved outline” from highways perspective.
(NB. previously approved scheme was a Full permission)

A Panel of Members undertook a site visit on 29th January 2020.

Has a Committee Call In request been received from a Council Member: No

Has the application been subject to Pre-Application Advice: Yes (Reference DC/18/04218)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a 'Major' application for: -

- a residential development for 15 or over dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

Babergh Core Strategy 2014:

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

CS02 - Settlement Pattern Policy

CS03 - Strategy for Growth and Development

CS11 - Core and Hinterland Villages

CS15 - Implementing Sustainable Development

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

CN06 - Listed Buildings - Alteration/Ext/COU

CR02 - AONB Landscape

CR07 - Landscaping Schemes

CR08 - Hedgerows

HS28 - Infilling/Groups of dwellings

TP15 - Parking Standards - New Development

Other material documents:

Suffolk Adopted Parking Standards (2015)

Rural Development and Core Strategy Policy CS11 Supplementary Planning Document, 2014

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 2: Preparing a draft neighbourhood plan

Accordingly, the Neighbourhood Plan has little 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

Stutton Parish Council

Initial Response: (Dated 14th May 2019) Recommends refusal:

This site is in an AONB and this development would drastically change the visual impact of the area particularly with the new changes to the frontage. The council feels that the proposed double storey dwellings facing onto Church Road are not in keeping with the surrounding area, this is very relevant as no Landscape and Visual Appraisal has been submitted. The green spaces indicated on the plans will not be parish land and the parish council will not be taking over the responsibility for them, and would like to know who will be responsible? The plans do not show any street lighting, the council would like to see discreet bollard lighting included within the plans. The Council would also like to see swift boxes installed on all properties.

Subsequent Response: (Dated 15th Oct 2019) Recommends refusal:

Additional comments: The Council is concerned that the overall appearance and the size of the dwelling in the development are not in keeping with the village.

If the application was agreed the council would like to suggest the following:

- The dwellings facing Church Road should not exceed 1 ½ storey and should be set further back to discourage parking on Church Road, they should also be turned around to face into the development
- If the original hedge on Church Road is removed a new hedge should be replanted to maintain the original landscape
- The colour palette is AONB approved as per management plan
- Pavement should be both sides of access road to aid visibility and help pedestrians.
- Anglian Water should be asked to investigate and comment on the sewage systems and the need to upgrade due to the increase in usage. (Church Road already suffers from sewage overflowing into the road and onto resident's gardens, and the pumping station on Lower Street regularly breaks down.)
- Restrictions on the movement of construction vehicles (to avoid peak times) and wheel cleaning of vehicles on site
- 'Swift Bricks' must be used on all buildings
- The plans should include street low-level street lighting.

Further Response: (Dated 18th Aug 2019) Recommends Refusal:

The council does not believe that the plans are in keeping with the appearance of the village. In particular the properties facing onto Church Road should be single storey to maintain the same level as the other properties on this side of the road. The Council does not believe that the developer has proven the need for so many houses with such a high volume of bedrooms on this development.

The proposed 11 affordable houses do not meet the required 35% of the development as set out by Babergh District Council.

The recent ecological survey shows 'an exceptional population of slow-worm' including observations on breeding pairs. The loss of this habitat would have a negative impact on this protected reptile.

As with previous plans, the Parish Council has would like to see low level 'bollard' lighting included if the plans were to be approved.

Final Response: (Dated 10th Dec 2019) Recommends Refusal:

Comments in relation to the Landscape and Visual Appraisal (LVA) dated 29th November 2019:

The parish Council is disappointed with the unimaginative design of the development considering it is situated in an ANOB.

Whilst the parish council are disappointed that the hedge fronting Church Road will be removed, we welcome the level of detail the LVA provides in relation to the planting regime provided as mitigation for its loss in situ and across the wider site. On this matter, the LVA references paragraph 4.5 of the Preliminary Ecological Appraisal prepared by Southern Ecological Solutions (PEA, March 2019).

We have the following comments on the selection of tree and shrub species detailed in paragraph 2.1.4 of the LVA:

1. The existing hedgerow frontage is in excess of 12 feet tall. The new hedgerow should be allowed to establish and be maintained to a minimum of six feet in order to be in keeping with the character of the Area of Outstanding Natural Beauty (AONB) which is laid out within the LVA (paragraph 6.2.24). We expect this to be conditioned as part of the ecological management plan for the site.
2. The planting of ornamental shrubs/specimen trees is inappropriate for developments within the AONB. We ask that none are planted.
3. Whilst Beech and Lime are present within the grounds of Crowe Hall, they are not common within the village and would feel out of keeping. We do not recommend their planting, but suggest Field Maple *Acer campestre*, Pedunculate Oak *Quercus robur* and Silver Birch *Betula pendula*
4. We welcome the replacement planting of orchard trees. It is imperative that appropriate pairs of trees are selected so that they cross-pollinate. The selection of fruit trees should also include Damsons. These currently form part of the hedge fronting Church Road (not recorded in either of the ecological assessments) and this species is also known to form part of a traditional orchard assemblage.
5. We would like the following native shrubs to be included as part of the planting regime.
 - a. Sallow *Salix caprea* – to provide early season nectar sources for bees and other pollinating insects
 - b. Buckthorn *Frangula alnus* or *Rhamnus cathartica* – both are the foodplant for Brimstone butterflies and are planted across Suffolk as part of an initiative by Butterfly Conservation.
 - c. Guelder Rose *Viburnum opulus* – provides attractive flowers in spring and berries in the autumn
 - d. Hazel *Corylus avellana* – to replace the cobnuts that will be lost as part of the development which likely form part of the traditional orchard assemblage underrepresented by the PEA.
 - e. Spindle *Euonymus europaea* – provides attractive autumn foliage and pink/orange seeds.
6. Attenuation basin – we welcome that the bank profiles will be gentle, but we would like to specify that the edges are sinuous and not square and 'industrial' as is often a feature of these relatively new features in developments.

Integrated swift-bricks (ISBs):The PEA (paragraph 4.16) recommends the incorporation of ISBs into the development. This would be highly appropriate for this proposal given Babergh and the developing Stutton Neighbourhood Plan's commitment to protect and enhance biodiversity. The parish council also

passed a motion that these should be included in all new developments. Stutton Close neighbouring the site is the only location in the village where swifts' nest in the village and has been part of an AONB-funded project to improve their fortunes by providing new nest sites.

This would also accord with best practice guidance by the Chartered Institute of Ecologists and Environmental Managers (CIEEM) <https://cieem.net/wp-content/uploads/2019/06/9.pdf> to whom the applicant's ecological consultant are affiliated.

The parish council would like to see a condition of planning that ISBs are provided on a "one per-house" basis. We are happy to provide guidance to the architects as to how this can be best achieved to ensure an effective blend that suits birds and people.

Lighting: As suggested in our previous responses, the council would like to see the developer include low level street lighting on the development.

National Consultee

Natural England

This development falls within the 13 km 'zone of influence', 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.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

The foul drainage from this development is in the catchment of Brantham 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 connection to manhole 2603. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

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.

Suffolk Wildlife Trust

We have read the up-to-date ecological survey report (Southern Ecological Solutions, March 2019) and we are satisfied with the initial findings of the consultant.

We note that the consultant has requested further internal examination of an elder tree on site for its potential to support a bat roost. In addition to this another seven-visit reptile survey is required as the original survey is now out-of-date. These assessments should be undertaken prior to the determination of this application in order to ensure that the decision is made based on all relevant material considerations and in accordance with ODPM Circular 06/2005 (sections 98 and 99).

At present we have a holding objection to this application due to a lack of information on the potential impacts to protected species. We would be happy to provide further comment once the above survey reports have been submitted.

Further comment: The ecological impact assessment (Southern Ecological Solutions, July 2019) has revealed the site to be of good biodiversity value, with priority habitat and an exceptional population of slow worm, which will ultimately be lost in this area as a result of this development. In light of this new evidence, and other incidental records of particularly high priority species (pers comm), we wish to maintain our objection.

Environmental Agency

No comments.

County Council Responses

SCC Highways Authority

No objections subject to standard conditions.

In response to the deferral of the application to consider, inter alia, the impact of the additional bedrooms now proposed compared to the number previously approved from the highway perspective, The Local Highway Authority advise that SCC policies and industry standards do not mention number of bedrooms; only number of dwellings when it comes to calculating trips and looking at the effect on the highway network. The numbers of previous and proposed bedrooms could equate the increase to approx. 5 dwellings. With a trip rate of 0.6 for a rural community, that equates to 1 car every 20 minutes in the peak hour which will not affect the capacity of the highway network in this location.

SCC Strategic Development

Education:

Based on existing primary school forecasts, SCC will have enough surplus places available at the catchment primary school.

Based on existing secondary school forecasts, SCC will have no surplus places available at the local schools. On this basis, at the secondary school level a future CIL funding bid of at least £111,682 (2019/20 costs) will be made.

Pre-school:

From these development proposals SCC would anticipate up to 3 pre-school children arising. However, there is a predicted surplus of places in the local ward.

Libraries:

A CIL contribution of £216 per dwelling is sought.

The above will form the basis of a future bid to Babergh District Council for CIL funds if planning permission is granted and implemented.

SCC Flood and Water

Have reviewed the submitted documents and recommend removal of their holding objection and approval subject to suggested conditions.

County Archaeological Service

This large development site proposal lies on the edge on a street fronted by listed medieval and post-medieval buildings. A Neolithic axe was located immediately adjacent to the proposed development area (STU 013) and large numbers of cropmarks are recorded in the vicinity (STU 010, 071, 077 and HBK 004). A geophysical survey and trial trenched archaeological evaluation undertaken within the proposed development area, defined features of prehistoric date. As a result, there is high potential for the discovery of additional 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 Fire and Rescue

No objection.

SCC Minerals.

No response received.

Suffolk Police – Designing Out Crime.

No response received.

Internal Consultee Responses

BMSDC Heritage

The Heritage Team has no comments to make in regard to this revised application – other than to say that the Team did not support the previous development, planning application reference no. B/17/00950 – and it continues not to support the scheme for the reasons first given. Please see our original comments.

BMSDC Environmental Protection – Other

I have no objection in principle to the proposed development. However, as the site is in close proximity to existing residential premises, I would advise that conditions 23 (prohibition of burning of waste) and condition 24 (construction management plan) of permission B/17/00950 should also be attached to any new permission.

I would also recommend that condition 14 (details of illumination) of permission B/17/00950 should also be attached to any new permission and would advise that the polar luminance diagram would need to be based on the vertical plane and marked with 5, 1 and 0 lux counter lines in order to assess the potential lighting spill to properties (both proposed and existing).

Finally, I note that a substation is proposed to be located in the north eastern part of the site, in relatively close proximity to both proposed dwellings and existing dwellings in Stutton Close. Although I note a design for the substation has been submitted, I would request that the acoustic details of the substation are also provided in order to establish the likely impact (if any) on residential amenity.

Further to above final comments, I have since had regard to applicant's email, dated 03 June 2019 in respect of the proposed output of the electric substation and the predicted noise level at the nearest dwelling. On this basis, I am of the opinion that noise from the substation is very unlikely to result in loss of amenity at nearby dwellings.

BMSDC – Environmental Management - Land Contamination

Confirm no objection to the proposed development from the perspective of land contamination but request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that specified minimum precautions are undertaken until such time as the LPA responds to the notification. Also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

BMSDC – Environmental Management – Sustainability

Have reviewed the new sustainability statement provided and can confirm that it is satisfactory and there is no objection to this application subject to the comments below.

Very pleased to see the applicant committing to an energy and carbon reduction beyond Part L. The Energy Strategy Statement does refer to Babergh District Council Local plan, Policy CS13 - Renewable/Low Carbon Energy and there is consideration of various forms of low carbon techniques and renewable energy measures. However, cannot find reference to electric vehicle charging, as per Suffolk CC parking guidance all residential property must have access to charging facilities, suggest that all plots have the appropriate wiring, trunking, fuses etc installed during construction to allow the connection of a charge point in the future.

OFFICER COMMENT – This matter will be secured by condition.

Place Services - Ecology

No objection subject to securing:

- a) A financial contribution towards visitor management measures at the Stour and Orwell Estuaries SPA and Ramsar Site in line with the Suffolk Coast RAMS.
- b) biodiversity mitigation and enhancement measures

Summary - We have reassessed the Ecological Impact Assessment (Southern Ecological Solutions, July 2019) and (Reptile Mitigation Strategy, August 2019) provided by the applicant, relating to the likely impacts of development on designated sites, protected & priority habitats & species.

In addition, we have reviewed the updated Landscape Design Strategy (The landscape Partnership Ltd, September 2019).

We are still satisfied that sufficient ecological information is available for determination of this scheme and recommend that Ecology - Place Services consultation response provided on 23rd August 2019 should still be followed. However, we also have the following additional comments to ensure further clarity of the biodiversity requirements for this scheme:

Traditional Orchard:

The revised Landscape Design Strategy (The landscape Partnership Ltd, September 2019) has indicated that a mix of native and ornamental trees will be delivered within the Strategy but has not mention that provision of these trees will include compensation of the remnant Traditional Orchard.

The Ecological Impact Assessment (Southern Ecological Solutions, July 2019) indicates the following in paragraph 4.11:

“The proposal will additionally require the felling of five pear to the west of the site forming a remnant traditional orchard. The existing trees are over-mature, and lacking recent management have a limited future lifespan lacking any intervention. Due to the local value of this declining habitat, new fruit and nut producing trees (such as a mix of pear, apple and cobnut) should be planted within the development landscaping to offset the loss. The number of new trees planted should be in excess of the number removed to provide a biodiversity net gain for the development in accordance with NPPF requirements (MFHLG, 2019). In addition, the area beneath the trees should be managed in a low-intensity way that accords with traditional orchard management; some taller sward areas of grass should be maintained, and any spraying of herbicides should be avoided.”

Therefore, we recommended in our consultation response provided on 23rd August 2019 that the trees proposed as compensation for this Priority Habitat should not be spread across the application site and should instead be grouped within the landscaping scheme. Consequently, it is highlighted that the landscape strategy at reserved matters must indicate that provision of fruit trees in the public open spaces, which is in excess of the number of fruit trees removed to deliver measurable biodiversity net gains. This must include the provision of Damsons, as it has been indicated that this species is present within the hedge fronting Church Road.

The management of the trees should be delivered within the Landscape and Ecological Management Plan or Biodiversity Compensation and Enhancement Strategy, to be secured as a condition of any consent, preferably concurrent with reserved matters.

Wildlife Friendly Lighting Design:

A wildlife friendly lighting scheme has been recommended to be secured as a condition of any consent for this application. This must follow Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2018), the Guidelines for consideration of bats in lighting projects (Eurobats Secretariat, 2018), as well as, the recommendations provided by the applicant's ecologist (Paragraph 4.32 – 4.33 of the Ecological Impact Assessment - Southern Ecological Solutions Ltd, July 2019). Therefore, it is recommended that a professional ecologist is consulted to ensure that the lighting scheme will not cause adverse impacts to foraging and commuting bats. This should include indication of environmentally sensitive zones should be established within the development, where lighting could potentially impact important foraging and commuting routes for bats. The isolux contour plan should then demonstrate that lux levels and horizontal lighting will be kept as low as possible and directed away from environmentally sensitive zones.

Five conditions are suggested.

BMDSC Strategic Housing.

Initial Response: The affordable units fall short of the national minimum space standards - except the 2 bed 4p houses which are 79sqm and acceptable. We would like to see the 2b 4p bungalow increase to as near 70sqm metres as possible, they are currently 65.58sqm. the 1 bed 2p bungalow are just under 50sqm at 49sqm so are acceptable. The tenure and housing type are acceptable.

There are currently 12 applicants on the housing register with a local connection to Stutton requiring 1 and 2 beds however this scheme should be allocated on a district wide basis and there are 907 applicants with a housing need ranging from 1 to 5 beds. The majority require 1 and 2 beds.

With regards to the layout we would have preferred to see them more integrated into the scheme, they are currently all on one side of the site.

With the open market we would also have liked to have seen less 4 and 5 beds however it is good to see some bungalows in there.

All affordable units should be tenure blind.

Subsequent Response: As previously recommended the affordable homes should be built to the Nationally Described Space Standards 2015 as follows:

1b 2p bungalows @ 50sqm

2b 4p bungalows @ 70sqm

2b 4p houses @ 79sqm

3b 5p houses @ 93sqm

From the measurements provided on the previous plan it the 1b 2p bungalow fell slightly short of these requirements at 49.98sqm and the 3b 5p house at 86sqm. The 2 bed bungalows and 2 bed houses met the minimum space standards. The revised plan received on 30th September shows an increase in size for the 3b 5p houses that now meet the minimum space standards. The proposed sizes for all the affordable units are acceptable.

The layout shows the affordable homes in one main area of the site – we would have preferred that they were more integrated into the scheme to create a more cohesive environment however we accept the scheme layout as proposed.

BMSDC Public Realm

Public Realm have no specific comments on the public open space within the proposed development at Stutton - noting that the landscaping is indicative only at this point. The open space appears to serve the residents of the new development and a local solution to the future maintenance of this open space should be sought. These are not areas that the District Council would seek to acquire or maintain in the future as the open space has a purely local function.

Suffolk Coasts & Heaths Project

Initial Response: The proposed development site lies within the nationally designated Suffolk Coast & Heaths Area of Outstanding Natural Beauty (AONB). As such, the proposals must accord with national and local policies relating to the AONB. In determining this application, the Local Planning Authority has a duty to pay due regard to the purposes of the AONB (S. 85 Countryside and Rights of Way Act, 2000): to conserve and enhance the area's natural beauty. Alongside national policy, the proposals should also accord with the landscape policies set out in the relevant development plan and appropriate saved policies. The proposal should take into account the objectives as set out in the AONB Management Plan to which Babergh District Council is a signatory and should seek to positively contribute to the purposes of the AONB designation.

While the principle of developing this site has already been established through the approval of application B/17/00950 in April 2018, the AONB team has a number of concerns about the revised proposal which are set out below.

The AONB team considered that the current proposal required further amendments and raised a holding objection.

Subsequent Response: This response is focused only on matters related to potential impacts of the nationally designated Suffolk Coast & Heaths Area of Outstanding Natural Beauty.

In our previous responses, the AONB team identified the need for the following:

- a) A revised Landscape and Visual Impact Assessment for the revised residential development off Church Lane
- b) Modifications to the site entrance to reduce the urbanisation of Church Road.
- c) The relocation of the short lengths of footpath at the site entrance back from the highway edge (as they do not link into any other footway) and separate them from the highway with short mown grass verge as the entrance.
- d) Substitution of ornamental planting with native planting at the site entrance to help conserve the natural beauty of the AONB and contribute to landscape quality.

At a meeting in November with the case officer and representatives from Hopkins and Moore, the potential to integrate the principles in the Suffolk Coast & Heaths AONB Use of Colour Guide into the scheme design was also raised.

We welcome that the choice of colour for the rendering on units 1, 2 and 33 fronting Church Road has been modified based on the principles embedded in the Suffolk CAOAST Coast & Heaths AONB Use of Colour in Development Guide.

We welcome that a Landscape and Visual Appraisal (LVA) has also now been commissioned and submitted to support the proposed application.

Overall the AONB team considers that the reduced ridge heights and smaller building unit footprints along the Church Road frontage, setting the line of the development back off the road frontage into the site, the changes to the render colour and the proposed frontage planting will go some way towards mitigating the visual impact of the proposed developed in the vicinity of Church Road.

While the 2019 LVA concludes that impacts on the wider AONB will not be significant it recognises that the implementation of the scheme will result in the wholesale change of character in the vicinity of the site. While the change will be localised, the proposal will result in the loss of character towards the southern end of Church Road. The character in this part of the AONB will be altered permanently from greenfield to an urbanised residential character.

If the LPA is mindful to approve the above scheme the AONB recommend the following measures are secured by way of condition:

- i) A detailed landscape scheme should be submitted for approval by the LPA which sets out the species, numbers to be planted and a maintenance/aftercare schedule. All new boundary planting should be native to help conserve and enhance the natural beauty of the AONB. Page 5 of the LVA references orchard planting along the pedestrian link to Lower Street. This has not been shown on drawing 19826-TLP-PA01 and should be included in any detailed landscape strategy produced.
- ii) A commitment to assist with undergrounding overhead cables along Church Road as stipulated on page 5 of the 2019 LVA
- iii) Currently no lighting is being proposed as part of this scheme. Drawing 19826-TLP-PA01 however refers street lighting under the Furniture section in the legend. If lighting is to be installed as part of this schemes, then a lighting strategy should be submitted to the LPA for approval, which should pay regard to the AONB's Position statement on lighting.

BMSDC Arboricultural Officer.

No response received.

BMSDC Waste Strategy Team.

No response received.

BMSDC Communities.

No response received.

BMSDC Planning Policy.

No response received.

B: Representations

At the time of writing this report at least 60 objections have been received from 57 property addresses.

Views are summarised below:-

- Air/ground source heat pumps should be the only primary source of heating all the dwellings.
- Large 'generic' two storey houses are unacceptable and incongruous with Church Road
- The special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty demonstrably outweigh the benefits of these developments when considered against the Framework as a whole (and also where specific policies within the NPPF nevertheless indicate that development should be restricted).
- Increase in traffic volume on narrow lane, pollution
- Highway safety, pedestrian safety, insufficient parking
- Lack of infrastructure to meet demand, including school places
- Removal of the existing frontage hedge is contrary to CS14 and CS15 conditions (I) and (ii).
- 12 affordable houses should be provided to be policy compliant
- Plot 32 has no architectural merit, no garden to speak of, the largest frontage of the plots bordering the road, no harmonisation with the street, the village, the AONB and the county, a brick wall as the view from the road, the distinction of contravening Policies CS11 and CS15
- Density – reduction in smaller houses and increase in larger houses
- Loss of amenity land
- Insufficient information has been provided
- Traffic assessment inaccuracies
- Previous objections remain the same and apply to amended proposals.
- Plot 32 is a private garden for a flat, which is against boundary with neighbour and is not required, area should be structural planting and public to protect amenity.
- If there are any doubts about flooding, the development should not be approved.
- Saddened by lack of community consultation by developer
- Large development will alter character of the village
- More starter homes are required
- Increase in property size and bedroom count
- Overshadowing and loss of light
- Essential that trees and ancient hedgerows should be retained.

(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: B/0077/84/OUT

Erection of offices and workroom for a mail order service and the making of covered

DECISION: REF 13.04.1984

buttons and belts.

REF: B/17/00950

Erection of 34 dwellings and associated access, landscaping, and parking. Construction of road and pedestrian access to Church Road and Lower Street. As amended by drainage documents received 4 September 2017; energy report received 7 September 2017 and highway documents received 8 September 2017.

DECISION: GTD
20.04.2018

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site comprises an irregularly-shaped parcel of land measuring 1.75 ha. The site is located outside of, but enclosed by, the defined settlement boundary of the village of Stutton, which is identified as a Hinterland village within the Holbrook functional cluster. The application site sits within the Dedham Vale area of Outstanding Natural Beauty (AONB) and is located to the north of a number of Grade II listed buildings along lower street.
- 1.2. The application site forms an area of enclosed land, formerly in horticultural use, located between Church Road, Lower Street and Stutton Close. The site is private land with no public access. The site is level, albeit that it slopes gently towards the south-western corner, and is within the buffer zone of an area of archaeological potential. There is no defined vehicular access into the site although there is a narrow track accessed from Stutton Close, which currently allows some limited access on to the site.
- 1.3. The surrounding development is of mixed character and comprises historic houses and cottages, 1950s through to 1980s-style development, some of which comprises bungalows and houses, including former local authority-owned homes. The boundaries of the site are varied. To the west the boundary comprises an overgrown elm hedge, to the north the boundary of the site is well vegetated with a mixture of hawthorn, holly and laurel with rear gardens and housing development beyond. On the eastern and north-eastern sides of the site the boundary is defined by a low picket fence resulting in clear views into the site from neighbouring properties and rear gardens. To the south the boundary is defined by an overgrown hawthorn hedgerow and trees (holly and sycamore).
- 1.4. The local character of the site and its immediate environs is comprised of the historic lane of Lower Street, the overgrown elm hedgerow along Church Road, the remnant fruit trees, modern development along Stutton Close and Church Road and the cluster of historic buildings to the south of the site, all of which influence the character of the site.

2.0 The Proposal

- 2.1. The application seeks full planning permission for the erection of 34 dwellings, including 11 affordable and 23 market dwellings. The proposal is a revision to the 34-dwelling scheme

previously approved in April 2018. The number of dwellings, including affordable units, is unchanged, however the mix of market housing is different.

The approved mix comprises: affordable - 4 x 1 bed units, 5 x 2 two bed units and 2 x 3 bed units; market - 3 x 1 bed, 11 x 2 bed and 9 x 3 bed units.

The proposed mix as *originally applied for comprised*: affordable – 4 x 1 bed units, 5 x 2 bed units, 2 x 3 bed units; market – 3 x 2 bed units, 11 x 3 bed units, 8 x 4 bed units and 1 x 5 bed unit.

In response to the deferral of the application by Planning Committee on 17th July 2019 the application has been amended to reduce the size of 4 No. proposed units from 3 bed units to 2 bed units. The proposed mix as *now amended comprises*: affordable – 4 x 1 bed units, 5 x 2 bed units, 2 x 3 bed units; market – 7 x 2 bed units, 7 x 3 bed units, 8 x 4 bed units and 1 x 5 bed unit.

The application now proposes the following bedroom mix as a percentage of all market units, in comparison to the approved scheme and the original (now superseded) proposal:

No. Beds	Approved - 72 beds		Superseded – 96 beds		Proposed – 92 beds	
1	3no.	13%	0no.	0%.	0no.	0%.
2	11no.	48%	3no.	13%	7no.	30.5%
3	9no.	39%	11no.	48%	7no.	30.5%
4	0no.	0%.	8no.	35%	8no.	35%
5	0no.	0%.	1no.	4%	1no.	4%

- 2.2. The proposed access from Church Road is unchanged from the previous scheme. The internal cul-de-sac arrangement is largely the same as that previously approved. The general layout of dwellings is similar to the previous approval, with clusters of housing located along the Church Road frontage and to the northern and eastern portions of the site. The central north-south axis continues to be set aside as an expansive landscaped public open space corridor. The approved pedestrian accesses via Lower Street and Stutton Close are retained. Also retained are the previously approved ponds for surface water attenuation and wildlife habitat, located within the central open space corridor.
- 2.3. The existing hedgerow along Church Road would be removed and reinstated along the site boundary to both sides of the new access. The previous scheme proposed hedging only to the southern side of the new access. As per the previous scheme, existing boundary enclosures to the perimeter of the site would, for the most part, be retained. The proposed hedging to the eastern boundary adjacent to 35 – 40 Stutton Close, which was previously approved, is no longer proposed.
- 2.4. The proposed scheme retains the previously approved range of building heights, with taller buildings located mostly within the central section and Church Road frontage of the site. Single-storey dwellings continue to be proposed adjacent to the eastern, northern and north-western boundaries of the site. Notable is the replacement of the barn-style two storey building fronting Church Road (comprising 3 No. dwellings) with a detached two-storey dwelling and a semi-detached pair of dwellings. The approved two-storey terrace north of the site access (comprising 4 No. dwellings) is also replaced with a detached two-storey dwelling and a two-storey semi-detached pair of dwellings.

- 2.5. A full specification of the floorspace and parking provision for each dwelling is shown on the submitted Layout Plan.
- 2.6 The external construction materials include brick, render, timber-boarding and white painted timber joinery. Pantiles and slate are the proposed roofing materials. Driveways and hardstands are finished in a mix of tarmacadam, block-paving and tar-spray and shingle. These materials are largely the same as those previously approved.
- 2.7. The application is amended by further documents received 11th Sept 2019 to reduce the roof pitches on all proposed dwellings along the Church Road frontage, revise window & door styles and add plinths and exposed rafters. The proposed house types to Plots 32 & 33 have been amended and the palette of proposed materials has been widened to include the introduction of render to Plots 1-2 & 32-33, along with black weatherboarding on the lean-to garages for Plots 32 & 34. The scale of the boundary walls/fences along the Church Road frontage has also been reduced.
- 2.8. A new Landscape and Visual Appraisal and an associated Strategy Drawing was received 2nd Dec 2019 together with updated drawings to reflect revised material details. The render colour proposed to the dwellings on Plots 1, 2 and 33 along the Church Road frontage has been amended to a colour to accord with the principles embedded in the Suffolk Coast & Heaths AONB Use of Colour in Development Guide.
- 2.8. Site Area is 1.75 hectares.

3.0 The Principle Of Development

- 3.1 The starting point for assessment purposes is the extant planning permission. The acceptability of developing the site for residential purposes has been established by virtue of the grant of full planning permission in 2018. Residential development at this outside-of-settlement boundary location is therefore accepted.
- 3.2 The proposed revisions to the approved scheme essentially relate to changes to the layout, dwelling design, housing mix and landscaping. In light of the previous permission and the revisions proposed, the key tests for consideration are:
- the impact of the revised layout, dwelling design and landscaping on the character and appearance of the area, including the AONB;
 - the appropriateness of the proposed revised landscaping response;
 - whether the revised housing mix meets a locally identified need;
 - residential amenity impacts resulting from changes to layout and dwelling design.
- 3.3 The proposed vehicle access arrangement off Church Road is unchanged, noting also the absence of an objection from the Highway Authority. The revised layout offers a policy-compliant scheme in respect to parking provision. The scheme changes have no implications for surface water drainage, and conditions relating to this matter, as imposed on the previous permission, can be re-imposed. The same applies to ecological matters, noting a RAMS contribution via condition is recommended, consistent with the previous approval. For these reasons these matters are not considered further in this report.
- 3.4. Locally Identified Need
The Council's 2014 Suffolk-Wide Housing Needs Survey has demonstrated that there is a need for smaller homes, across all tenures. The application proposes no change to the previously

approved affordable housing mix and is therefore acceptable. There is a reduction in the number of smaller dwellings from all being one, two or three-bed market units (as approved) to 61% of the market total; however, the number of two-bedroom units has now been increased from 3 units (superseded scheme) to 7 units (as proposed), and this figure does still represent a fair proportion of the total dwelling number and responds to local need. The continued provision of a good number of single-storey dwellings, 12 in total, responds to the demand for this type of housing generated by an aging population. Although a housing needs survey has not been completed, and therefore there is conflict with Policy CS11 in this regard, the conflict is not deemed fatal to the application. The range of housing types is considered sufficiently diverse and varied, offering an increase in housing choice for future residents.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1. The extant planning permission included an assessment of the location in terms of access to services and facilities. It was concluded that the site is well related to the existing pattern of development for the settlement and in terms of spatial connection, the application site is amongst existing development which has access to the village primary school, shop, public house, church, dentist and bus stop within a maximum 0.6 mile radius (0.9Km); the school is 0.2 miles distant with an alternative pedestrian access via the existing footpath through Stutton Close. Stutton, being a Hinterland village, is supported by the Core village of Holbrook, which provides everyday services and facilities including a post office, doctor's surgery, high school, pubs and shops.
- 4.2. Stutton is, therefore, a more 'sustainable' settlement for development, where some development will be accommodated to help meet the needs within the villages.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1. The proposed vehicle access arrangement off Church Road remains as previously approved and no objection from the Highway Authority has been received.

6.0 Design And Layout [Impact On Street Scene]

- 6.1. The changes internal to the site associated with the road layout are very minor and will be near indiscernible from outside the development. The central landscaped corridor is retained, which is welcomed, as this moderates the visual impact of the housing clusters. The clustering of single-storey development to the north and east of the site continues to be supported at officer level.
- 6.2. The most significant change relates to the presentation of the development to Church Road. It is this element of the scheme that attracts much criticism from objectors. The original (approved) scheme featured a one-and-a-half-storey barn style building and a two-storey terrace of housing fronting Church Road. As noted above, the Church Road frontage would now comprise detached and semi-detached two-storey dwellings with a lower ridge height than originally proposed and with improved spacing between built forms. The location of the front building line remains unchanged, with small front gardens incorporated. There continues to be an absence of vehicle access points, allowing a continuous front boundary treatment to be incorporated.
- 6.3. The change in presentation to Church Road does not result in an adverse streetscape character outcome. It is clearly different to that approved, but it is not deemed an unacceptable design response. The response is arguably more consistent with the spacing and rhythm of buildings on Church Road and offers greater visual relief than the approved scheme. The two blocks of buildings are replaced with individual buildings or dwelling pairs, more consistent with the housing pattern along Church Road. Roof forms and materials are varied, façades are well articulated,

and the overall streetscape result is deemed appropriate. Village and AONB character is deemed to be satisfactorily respected.

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

- 7.1. The most significant landscaping change is also at the Church Road frontage and also attracts objections. Like the approved scheme, the revised development proposes the removal of the prominent frontage hedgerow and replacement with a lower-level hedge. The revised scheme proposes a replacement hedge north of the new access, whilst the previous scheme did not. Officers did not object to the replacement hedgerow approach previously and this position remains unchanged. By incorporating additional replacement hedging, the proposal now provides a more positive response to local landscape character and is supported.
- 7.2. The hedging that formed part of the previous scheme, proposed along the eastern boundary, has been omitted from the current proposal. This is not fatal to the application. This common boundary adjoins the rear garden boundaries of properties fronting Stutton Close. This interface is already domestic in nature and hedging along this boundary offers very little value in landscape character terms. The proposed retention of hedging along the northern boundary is welcomed.
- 7.3. The Ecological Impact Assessment and Reptile Mitigation Strategy provided by the applicant, relating to the likely impacts of development on designated sites, protected and priority habitats and species have been assessed and sufficient ecological information is available for determination of this scheme, subject to conditions.
- 7.4. In response to comments received from Essex Place Services, the applicant has agreed to include compensatory fruit tree planting as part of the proposed landscaping plan for the site, which will be secured by condition.

8.0 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 but request the addition of an advisory note.

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 assessment of whether there is likely to be harm to a designated heritage asset is a matter for the LPA's own planning judgement. This application involves the proposed development of 34 dwellings in an apparently landlocked area of the village. The Council's Heritage Team refer to its previous comments in relation to the approved application, which advise that the issues of heritage concern relate to the impacts of the work on the setting of the various listed buildings situated on Lower Street, which include Bay Tree Farmhouse and the adjoining dwelling, Bay Tree Barn, Ancient House, Tudor Cottage, Wall Adjacent to Lower Street and Rose Cottage.
- 9.2. The application site was historically used as a nursery and the land contributes to the setting of Bay Tree Farmhouse because of the orientation of the property and the direct access to it across

the road. This aspect of the setting is therefore considered to contribute to the significance of the property. The impact of building over it would therefore diminish the setting of the farmhouse, and its barns which, by virtue of their relationship with the farmhouse, may also have played a role in the nursery process.

- 9.3. The impact on the setting of the other listed buildings is less notable, but on balance the level of harm is considered to be low to moderate on the spectrum of 'less than substantial harm' – and this must therefore be weighed against the public benefit of the development. In terms of the Planning (Listed Buildings and Conservation Areas) Act 1990 the development would not preserve the setting of Bay Tree Farmhouse or its barn and the public benefit must be weighed against this degree of impact on the assets.
- 9.4. The NPPF, at paragraph 134, says that, where proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Decision-takers should make this balancing assessment of harm against public benefits and decision-takers should also be mindful of the specific legal duties with regard to the settings of listed buildings set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, taking all of these factors into account, it is necessary to consider the specific benefits of this proposal against the harm to heritage assets that has been identified.
- 9.5. The balancing assessment was carried out in connection with the decision to approve the previous application. In this instance, the public benefit of the proposal is the delivery of 34 dwellings that are of an appropriate housing mix, including the delivery of 11 affordable homes. The proposal would also have inherent social and economic benefits and would meet housing needs and delivery of growth. The outcome of this balancing exercise is that the public benefits outweigh the less than substantial harm, even when that harm is given considerable importance and weight.
- 9.6. The design revisions do not result in any discernible change in respect to the level of harm that was previously identified by officers, which was categorised as being low to moderate. The proposed changes do not detract from the nearby heritage assets to any greater degree than the previously approved scheme.
- 9.6. Whilst related to the issue of Heritage, the County Archaeologists have not recommended refusal but have requested an archaeological investigation condition is imposed.

10.0 Impact On Residential Amenity

- 10.1. The design and layout changes do not result in unacceptable amenity interfaces. Separation distances to neighbouring properties are largely unchanged. Plot 4 is brought closer to the northern dwelling Penlee. However, its orientation to this property, and the proposed siting of first floor habitable windows, are such that direct overlooking is prevented. Adverse visual bulk effects are also avoided by setting the dwelling off the common boundary a sufficiently generous distance. The approved scheme proposed an 11-space carpark adjacent to Penlee, this is replaced with a conventional dwelling arrangement, a significantly improved amenity interface for the occupants of Penlee.
- 10.2. Plot 30 is brought closer to the southern dwelling Rosevine House. However, plot 30 is occupied by a single-storey dwelling and therefore the residential amenity of the occupiers of Rosevine House is adequately respected.

- 10.3. The depth of the rear gardens of the plots that back onto 35 – 40 Stutton Close remain largely unaltered and this distance, coupled with the single- storey scale of development in this part of the site, ensures that the sensitive eastern interface is suitably respected.
- 10.4. The previously approved substation is retained and set back sufficiently from the nearest proposed dwelling and existing neighbouring dwellings as to not cause the potential for amenity concern. As confirmed by Council's Environmental Health Officer.
- 10.5. Officers agree with the Environmental Health Officer's recommendation to re-impose the amenity-related conditions that were placed on the previous permission. These relate to a construction management plan (24), waste burning (23) and details of illumination (14).

11.0 Planning Obligations / CIL

- 11.1. The scheme is liable for CIL contribution.
- 11.2. 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. This would be secured by way of a S.106 agreement.
- 11.3. The scheme provides for the on-site delivery of 11 affordable dwellings. This would be secured by way of a S.106 agreement.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1. The site benefits from an extant permission for the same quantum of development – 34 dwellings including 11 affordable units. The permission expires in April 2021 and could be implemented at the current time.
- 12.2. A thorough assessment of planning policy was undertaken prior to the determination of the previous application in September 2017 and this earlier assessment, albeit in relation to the now superseded NPPF, remains pertinent to the current proposal. The extant permission is a material consideration that is attached substantial weight. The site continues to comprise a sustainable location for housing, well related to the village and served by sustainable linkages to village services.
- 12.3. The Local Planning Authority is aware of its statutory duties and responsibilities in relation to listed buildings and the AONB, notably i) the general duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and ii) the purposes of the AONB (S. 85 Countryside and Rights of Way Act, 2000): to conserve and enhance the area's natural beauty. For the reasons detailed in the previous application, the Local Planning Authority is satisfied that i) the public benefits of the

proposal outweigh the less than substantial harm to heritage assets and ii) NPPF paragraph 172 is not engaged in this application circumstance.

- 12.4. The proposed revisions to the previously approved layout, design and housing mix are considered not to negatively impact landscape, heritage, highway safety, ecology, archaeology, drainage or residential amenity.
- 12.5. Like the previously approved development, environmental harm is moderated, and significant 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:-

- Commencement within 3 years
- Development to be implemented in accordance with submitted details
- As recommended by the LHA
- As recommended by SCC Archaeology
- As recommended by SCC Flood and Water Management
- Sustainability measures; electric vehicle charging details to be submitted and approved
- External lighting strategy, including any street lighting, to be submitted and approved
- Fire hydrants to be provided
- Landscape strategy for hard and soft landscaping (including grouped fruit trees) to be submitted and approved
- Boundary enclosure details to be submitted and approved
- Levels to be submitted and approved
- Tree and hedgerow protection fencing to be installed with details to be approved
- As recommended by Place Services Ecology
- No burning to take place on the site
- Construction Management Plan
- Provision of open space
- Maintenance of open space

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

4 x 1 bed, 2 person affordable rent bungalows @ 50sqm minimum
2 x 2 bed, 4 person affordable rent bungalows @ 70sqm minimum
2 x 2 bed, 4 person affordable rent dwellings @ 79sqm minimum

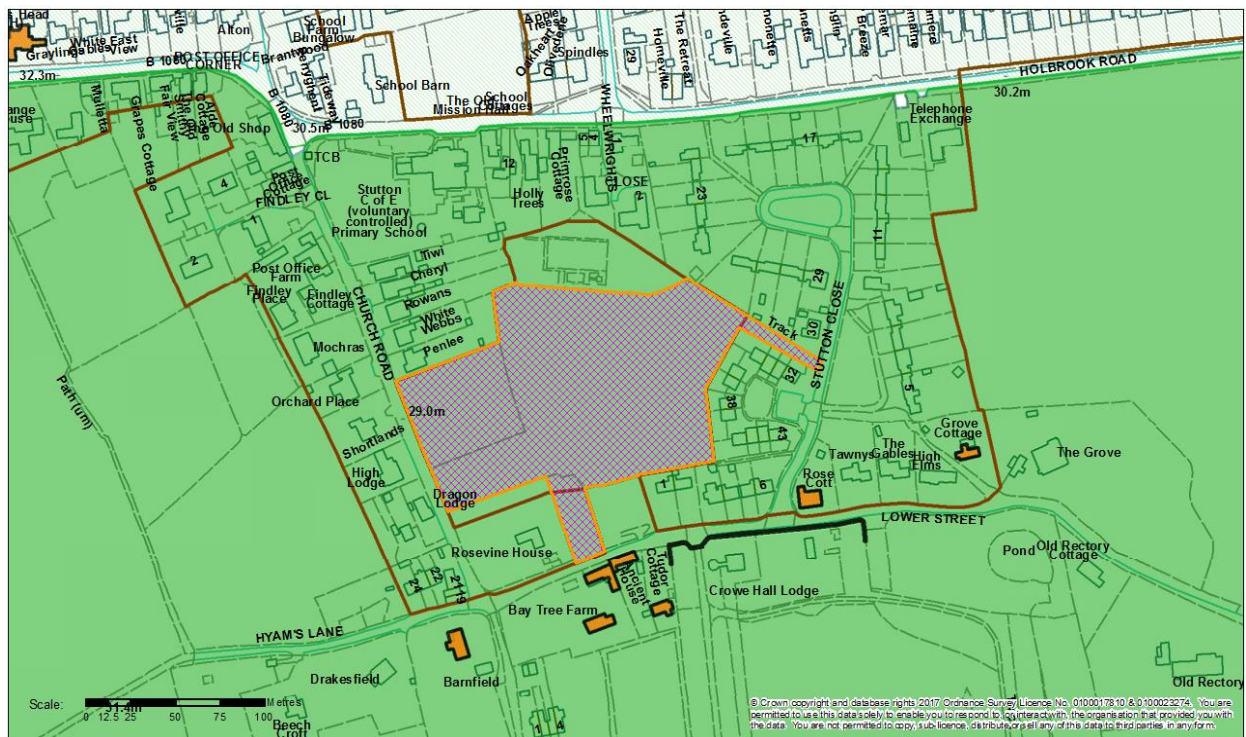
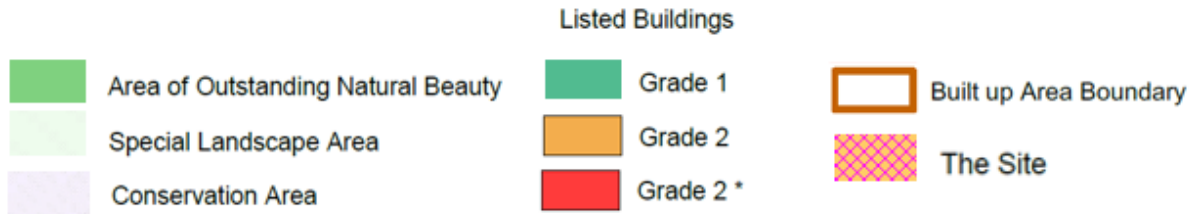
1 x 2 bed, 4 person shared ownership dwelling @ 79sqm minimum
2 x 3 bed, 5 person shared ownership dwelling @ 93sqm minimum

This page is intentionally left blank

Application No: DC/19/01708

Parish: Stutton

Location: Land East of Church Road



This page is intentionally left blank

Agenda Item 6c

Committee Report

Item 6C

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: This application was heard at Planning Committee on the 18th December 2019. Committee Members voted to defer this application until a committee site inspection had taken place so that Members could experience the site and the impact of the proposed development on the surrounding area. The committee site inspection took place on the 29th January 2020.

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 Head of Economy 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. 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. 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 dwelling 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. 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 the proposal 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 need's assessment. This 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. 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, doctors and dental surgery, library, church, village hall, numerous public houses, restaurants, cafes, shops and there are various clubs running throughout the year.

5. 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 parking and turning area.

5.2 Suffolk County Council Highways were consulted on the application and did not raise any objection to the scheme on highway safety grounds.

6. 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. 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". 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.
- 7.3 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. 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. 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
- 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'.
- 9.2 The current application follows a previous application, 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.
- 9.3 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.
- 9.4 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 both 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 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 N.B. 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 N.B. 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. 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. Planning Obligations / CIL

- 11.1. CIL would be collected for this development.

PART FOUR – CONCLUSION

12. 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.

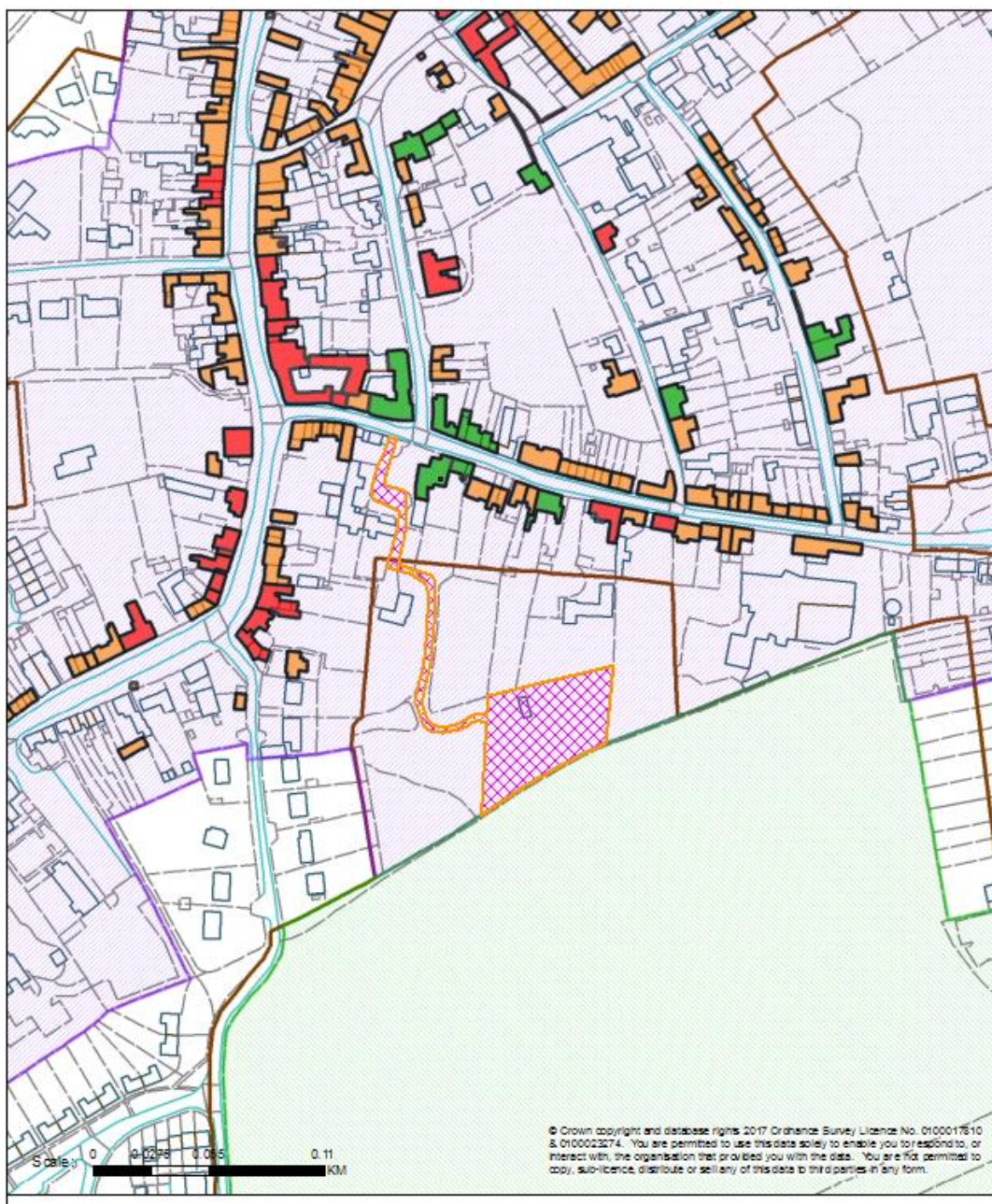
Backland development on the proposed site would considerably erode the historic connection between the core of Lavenham along Water Street and its rural backdrop. While some parts of Lavenham Conservation Area have been subject to backland development, there remains little to the rear of the south of 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/19/04455

Parish: Lavenham

Location: Lavenham Priory Water Street



This page is intentionally left blank

Agenda Item 6d

Committee Report

Item 6D

Reference: DC/19/02315

Case Officer: Jack Wilkinson

Ward: Sudbury North West

Ward Members: Cllr Trevor Cresswell

Description of Development

Full Planning Application - Erection of 5No dwellings, garages and landscaping along with alterations to improve existing junction with the highway.

Location

Land South of High Bank, Melford Road, Sudbury, Suffolk

Town: Sudbury

Site Area: 0.79ha

Conservation Area: No

Listed Building: No

Received: 14.05.2019

Expiry Date: 30.01.2019

Application Type: Full Planning Application - Erection of 5 No dwellings, garages and landscaping with alterations to improve existing junction with the highway.

Development Type: Minor Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr P Llewelyn-Jones

Agent: Tricker Blackie Associates Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan received 31/10/18 referenced PA01 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 application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- The application is of a contentious nature, with concerns raised by locals and respective Ward Members, justifying the need for determination by Planning Committee.

PART TWO – APPLICATION BACKGROUND

History

DC/18/04798 for; “Full Planning Application - Erection of 5No dwellings, garages and landscaping with alterations to improve existing junction with the highway” was withdrawn on 8th January 2019. This was refused for reasons relating to Affordable Housing provision, which the applicant has since sought to address.

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

Development Plan Documents

Babergh Local Plan Alteration No.2 (2006):

- CN01 - Design Standards
- CN06 - Listed Buildings - Alteration/Ext/COU
- HS28 - Infilling / Groups of Dwellings
- TP15 - Parking Standards

Babergh Local Plan Core Strategy (2011 – 2031):

- CS1 - Applying the Presumption in Favour of Sustainable Development
- CS2 - Settlement Pattern Policy
- CS3 - Strategy for Growth and Development
- CS11 - Strategy for Development for Core and Hinterland Villages
- CS13 - Renewable/ Low Carbon Energy
- CS15 - Implementing Sustainable Development in Babergh
- CS18 - Mix and Type of Dwellings
- CS19 - Affordable Housing

National Planning Policy Framework (2019):

- Para 7: Achieving sustainable development
- Para 8: Three dimensions to sustainable development
- Para 11 - 14: Achieving sustainable development
- Para 47 - 50: Determination of planning applications
- Para 124 - 132: Achieving well-designed places
- Para 192 - 197: Considering potential impacts

Other Relevant Planning Documents

Suffolk Adopted Parking Standards (2015)

Rural Development & Core Strategy Policy CS11 SPD (2014)

Suffolk Design Guide (2000)

Previous Committee / Resolutions and Any Member Site Visit

Officers presented the application to Members on 17th July 2019 requesting a Member Site Visit, at the express request of Cllr Jan Osbourne. Members resolved to undertake site inspection which was carried out on 31st July 2019.

The item was presented to Members on 11/09/2019. Members deferred to enable Officers to consider alternative access to the development, pedestrian connectivity and heritage harm.

Pre-Application Advice

None.

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

Strategic Housing

No objection subject to the following:

Rented – 1 home required:

- 1 x 2 bedroom 4 person house @ 79sqm

There is currently a high registered housing need for Sudbury of 275 applicants. Therefore if delivered on site the recommendations would be for an affordable rented dwelling either a two (2b 4p) or three-bedroomed house (3b 6p)

Environmental Health – Land contamination

No objection.

Local Highways Authority (LHA)

Original response (before deferral):

No objection subject to conditions:

No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01 and with an entrance width of 4.5m. Thereafter the access shall be retained in the specified form.

Before the access is first used visibility splays shall be provided as shown on Drawing No. 0110 Rev.P01 and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

The use shall not commence until the area(s) within the site shown on Drawing No. PA04 Rev.A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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 gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

The access driveway shall be constructed at a gradient not steeper than 1 in 8.

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 and shall be retained thereafter in its approved form.

*Following deferral of the application on 11/09/2019, Officers reconsulted the LHA. Comments are presented here verbatim:

“Footway construction details provided on Drawing No. PA10 Rev. A are commensurate with current guidance. Therefore, SCC would have no objections to the implementation of the new pedestrian link. Providing a gradient of 1:20 may require substantial engineering works, details of which would need to be agreed within a S278 agreement along with the footway construction itself, should planning permission be granted for DC/19/02315”.

Arboricultural Officer

No objection subject to a condition requiring a detailed Arboricultural Method Statement

SCC Archaeology

No objection subject to two standard pre and post commencement conditions This site lies in an area of archaeological potential recorded on the County Historic Environment Record, the site lies to the southeast of the find spot of an Iron Age coin (HER no. SUY 009) which is indicative of further occupation remains in the area. It also overlooks the River Stour in a valley side location above the floodplain which was topographically favourable for early occupation. Although there are no recorded heritage assets within the site itself, this area of the valley side has not been the subject of previous systematic investigation, but offers high potential for the discovery of previously unknown important features and deposits. The proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits and below ground heritage assets that 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.

Place Services (Ecology)

No objection.

Natural England

No comment.

BDC Planning Policy

No comment.

Heritage

Objection quoted verbatim as follows:

Firstly, the Heritage Team agrees that there is no conclusive proof that the development site had a historic functional relationship with the mill. However, neither does there appear to be conclusive proof to show it never has. Given the articulation of the mill and the site, the Heritage Team considers that there is a reasonable likelihood that they did at some point and would therefore have concerns if this potential link was lost.

Secondly, the Heritage Team considers that isolation does make a contribution to the significance of the mill. The mill was historically isolated within the landscape and was clearly built to be within a rural environment. While its setting has been increasingly suburbanised in the C20, its sense of isolation has not been entirely lost.

A medium (moderate) level of less than substantial harm to a designated heritage asset because the proposed development would sever the likely historic link between the listed building and its land and dilute its sense of isolation, which contributes to its significance.

Sudbury Town Council

Objection based upon unsafe access onto Melford Road, no pedestrian footway on Melford Road and an incomplete ecological report which appears not to mention the presence of bats or several bird species.

B: Representations

11 no. objections were received relating to the following:

- Affects Local Ecology/Wildlife
- Boundary Issues
- Building Work
- Conflict with local plan
- Development too high
- Dominating/Overbearing
- General dislike of proposal
- Harm to Listed Building
- Health & Safety
- Impact on Property Value
- Inadequate Access
- Inappropriate in a Conservation Area
- Increase in Anti-Social Behaviour
- Increase in Pollution
- Increased Traffic/Highways Issues
- Landscape Impact
- Loss of Open Space
- Loss of Outlook and Privacy
- Noise
- Overdevelopment of site
- Overlooking
- Harm to trees
- Visibility issues
- No pedestrian crossing

- Flooding

PART THREE – ASSESSMENT OF APPLICATION

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

1.0 The Site and Surroundings

- 1.1 The 0.79 ha application site is located at the northern outskirts of Sudbury Town Centre, adjoining the defined Built Up Area Boundary (BUAB) for Sudbury (a Town / Urban Area). The site is currently undeveloped meadowland with long grass and natural boundary features.
- 1.2 To the immediate north are domestic properties (including Highbank which is a Grade II Listed dwelling house) with generous curtilages. There are also several TPO trees located north outside of the defined red line outline of the proposal site. To the east and south are further domestic properties which form part of the outer area of Sudbury Town Centre, and the defined BUAB. These established residential dwellings vary in single and two-storey form, design, and layout. To the south are further domestic dwellings along Melford Road. Melford Road forms the western boundary of the site, providing sole vehicular access to the site. The area is predominantly residential owing to its edge of town centre location, flanked on three sides by residential dwellings, and access. The site is also served at a pedestrian level by Melford Road, via established footpath links. The site is closely related to the services, facilities and amenities of Sudbury, and wider connecting areas.

2.0 The Proposal

- 2.1 “Full” Planning Permission is sought for the erection of a residential development of up to 5 new dwellings including 1 no. affordable unit with garages, landscaped areas and upgraded vehicular access.
- 2.2 Key elements of this are as follows:
 - Reconfiguration of an existing access point from Melford Road, associated internal road including turning / manoeuvring and parking areas.
 - Two-storey detached dwelling units with associated front and rear garden space and off-street parking arrangements, including double bay detached garaging for each. The scheme denotes 4 no. 4 bed units and 1 no. 2 bed unit, all with 4 no. parking spaces.
 - Retention of mature trees / hedgerows along boundaries, and enhancement through further landscaping throughout the site.
 - Devoted pedestrian footpath link to serve the development, linking east to Canterbury Road.

3.0 The Principle of Development

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2 The National Planning Policy Framework (NPPF) of 2019 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 3.3 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.
- 3.4 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.
- 3.5 As required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be apportioned according to their degree of consistency with the NPPF. The closer a policy 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 CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development; this policy is also consistent with the NPPF and given full weight. Policy CS11 also accords 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. This policy is also afforded a full weighting.
- 3.7 Policy CS2 'Settlement Pattern Policy' designates Sudbury as a Town / Urban Area. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. As a matter of planning judgement this approach is not entirely consistent with the NPPF, which favours a more balanced approach to decision-making; this has been further reflected in recent appeal decisions affecting the Council. 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 The operation known as the "tilted balance" (under Paragraph 11(d) of the NPPF and Policy CS1) engages where the most important policies for determining an application are out of date. This does not apply here: the Council can demonstrate a deliverable housing land supply of 5.67 years and taken in the round the most important policies for determining the application are up to date.

3.9 It is clear the site is adjoining the edge of a Town / Urban Area for which Policies CS1 and CS2 accommodate. As Policy CS11 pertains to development within Core and Hinterland Villages or at their edge, Policy CS11 is not engaged in this instance.

3.10 Consideration against other development plan policies.

3.11 The site is located in the countryside and is in conflict with CS2. As such, the principle of development must fall on the negative side of the 'balance' albeit the significance of that conflict is lessened given the reduced weight to the policy. In light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.

3.12 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 criteria within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity 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. What follows is, therefore, an overarching summary of the key points.

3.13 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected with the surrounding settlement via the local highway and bus network, with good pedestrian linkage to Sudbury Town Centre. Therefore, residents would not be solely reliant on the private motor vehicle, in order to access opportunities for employment, recreation and leisure.

3.14 This report considers the landscape setting of the site and surroundings later, including heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;

- The proposal would provide work for local contractors during the construction period, thereby providing a short term economic gain through local spend within the community. (criterion iii of CS15).
- The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
- During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
- The proposed dwellings 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 of CS15).

3.15 The provision of employment during the construction period would provide a short term economic gain. Whilst this does not weigh heavily in favour of the development, it also does not result in any adverse impact to the economy. However, given the proposal is for 5 no. dwellings this would be minimal and is only given limited weight.

For these reasons, it is also considered that limbs (vii), (xviii), (xvi) and (xix) of policy CS15 are complied with where relevant.

3.16 Summary of Assessment Against Policy CS15

- 3.17 Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and, whilst a number of the criteria are met, it is not possible to conclude that the development accords with policy CS15 as there are a number of criteria within policy CS15 that the proposal is either silent on or which the development does not comply with. In this regard, the proposal can only be treated as being partly in compliance with Policy CS15.
- 3.18 Whilst the site is technically located outside of the defined BUAB and would not find support through CS1 or CS2, its 'edge of settlement' relationship to a key Town / Urban Area is considered to be acceptable in this instance.

4.0 Nearby Services and Connections Assessment of Proposal

- 4.1 The application site is located within close access of Sudbury Town Centre and its abundant services, facilities and amenities. These include; Schools, Public Houses, Supermarkets, Restaurants, Town Hall, Playing Fields, Leisure Facilities and Shops. There are routine public bus services connecting the site to the wider area, along with train links.
- 4.2 Public transport accessibility from the site is good with bus stops available on Melford Road, which is within walking distance from the site. The bus routes connect Sudbury to the surrounding areas of Ipswich, Bury St Edmunds and Colchester. The accessible bus network provides a viable option for residents to commute to other settlements for employment, education and healthcare etc. As such, there is the opportunity for residents to choose more sustainable modes of transport than the private vehicle.

5.0 Design and Layout

- 5.1 Policy CN01 seeks to encourage good design and layout in new development.
- 5.2 Policy HS28 states that planning applications for infilling or groups of dwellings will be refused where; the site should remain undeveloped as an important feature in visual or environmental terms; the proposal, in the opinion of the District Council, represents overdevelopment to the detriment of the environment, the character of the locality, residential amenity or highway safety.
- 5.3 Paragraph 127 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development. This is further emphasised by Policy CN01.
- 5.4 Appropriate design is proposed for the new build units given the location. The scheme adopts similar aesthetic details of existing residential dwellings along Melford Road and surrounding estate streets, and therefore harmonises with the character and form of the area. Certainly, the existing houses of two-storey form establish the principle of two-storey new build here. It is also noted that the area is visually unconstrained, with varying design precedent offered within the area. Such variance can in some instances attract a more expressive design, however, the scheme responds appropriately to the existing visual character.
- 5.5 Officers acknowledge that the irregular shape of the application site is naturally going to attract a break in the settlement pattern, however, the layout works effectively in which is a unique parcel of land set within a residential area. The development pattern

and street scene along Melford Road would remain largely unbroken, with suitable domestic footprints enabling effective use of land. The materials palette is as follows:

- **Roof** – Clay pantiles (Natural Red)
- **Walls** – Bricks (Soft Red) / Render (French Grey)
- **Windows** – Coated Aluminium (White)
- **Roofline** – Painted Timber (White)
- **Rainwater Goods** – Stainless Steel

5.6 A material factor in the overall consideration of the application is the impact of built form on the site in the form of 5 no. dwellings. The site is readily capable of accommodating such increase, without undue harm to the character, landscape or indeed residential amenity experienced by occupants of neighbouring property.

5.7 The proposal offers suitable design and an effective layout, offering an efficient and practical use of the land which provides uplift to what is currently an under-utilised plot of residential land in a sustainable location. Officers consider the design to be sympathetic to the character of the surrounding area. Despite the inevitable urbanising effects of development on site, Officers consider that there is a good degree of betterment for the area through the design and layout cues proposed, reflecting Policies CN01, HS28 and the NPPF.

6.0 Heritage

6.1 Policy CN06 seeks to protect the character and appearance of buildings of architectural or historic interest, including the setting of Listed Buildings.

6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.

6.3 Paragraph 192 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.4 Paragraph 193 states; *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.

6.5 Paragraph 193 - 196 of the NPPF states that where a development proposal will lead to harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.6 Paragraph 197 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.7 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
- 6.8 The Council's Heritage Team have offered formal comment, identifying a moderate (medium) level of less than substantial harm to a designated heritage asset because the proposed development would sever the likely historic link between the listed building and its land and dilute its sense of isolation, which contributes to its significance.
- 6.9 Following deferral of the application on 11/09/2019, Officers have considered the design merit of the proposal relative to wider area. In addition, Case Law handed down from the High Court carries material context.
- 6.10 Officers acknowledge the 'moderate' level, and in consideration of CN06, the obligations of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and finally Paragraphs 193 – 197 of the NPPF. The harm caused to the mill is considered against the public benefits materialising. The 'balancing exercise' is discussed at paragraph 15.

7.0 Residential Amenity

- 7.1 Policy HS28 states that planning applications for infilling or groups of dwellings will be refused where; the layout provides an unreasonable standard of privacy or garden size.
- 7.2 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.3 The amenity impact of the works is considered fully, and there is little before Officers to suggest the scheme would result in a materially intrusive development, which would hinder and oppress the domestic enjoyment and function of adjacent property, to an unacceptable level. Officers do not consider that the site is overdeveloped by virtue of the quantum of development shown on the proposed plans, demonstrating sufficient amenity space and parking provision.
- 7.4 The site is readily capable of accommodating the units in a manner that will not unduly compromise the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings. More specifically, suitable distances between dwellings can be achieved to ensure no unacceptable loss of daylight, sunlight, or overlooking to the existing residents would ensue.
- 7.5 Built form visible from a private vantage point does not necessarily result in adverse private residential amenity harm. Officers note that objections raised do not relate to adverse character affects either, therefore the real extent of public harm caused is considered insignificant. Inner site privacy is retained and enhanced through divisional

fencing, and this extends outwards retaining neighbour privacy further. The enclosures included in the scheme are suitably set out.

- 7.6 There is little before Officers to suggest the scheme would generate residential amenity harm worthy of refusal, and in the absence of such evidence to suggest so, Officers are of the sound opinion that the scheme reflects local and national planning policy. The scheme reflects the essence of Policy HS28 and Paragraph 127 of the NPPF.

8.0 Site Access, Parking and Highway Safety Considerations

- 8.1 Policy TP15 requires development to be delivered with safe and sufficient highways access and function.
- 8.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that the principle should not be interpreted to mean anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).
- 8.3 The site has been assessed by the LHA, who are content that safe and sufficient access / egress can be delivered, subject to conditions. Additionally, they are satisfied with the general parking layout shown and consider sufficient manoeuvring space is provided such that vehicles may enter and leave the site in a forward gear, without severe detrimental impact.
- 8.4 Parking on site is offered in accordance with the Suffolk Parking Standards (2015) such that enough spaces are to be provided that future residents will be able to avoid on street parking.
- 8.5 Officers acknowledge the highway safety concerns raised by third-party objections. In this regard, careful consideration has been paid to the inner site layout ensuring pedestrian, cyclist and vehicular conflict is minimised. Visual obstruction is not created as a result of development. Finally, each plot is afforded sufficient parking space as depicted on the proposed plans. The design response in this regard is endorsed by Officers. Furthermore, the scheme is unlikely to present 'severe' adverse highways impact resulting in unacceptable congestion or obstruction.
- 8.6 The most important highway concern for 3rd party objectors appears to relate to visibility. The Applicant has opted to submit a detailed visibility drawing (reference: 619490-mlm-zz-xx-dr-c-0110-p01) to demonstrate the sight lines for the proposed access. LHA Officers have scrutinised the access arrangements and have concluded that the scheme provides good visibility, above and beyond the minimum LHA requirements. It is necessary to consider the 30mph speed limit along the site entrance and splay stretch of Melford Road, which would normally attract a minimum 43m line of sight requirement in both directions. In this instance, the plans show that 90m (more than double) is achievable. This is a compelling factor in the overall consideration of whether a vehicle can enter the highway with sufficient visibility. Certainly, from assessment of the plans, the LHA comments, and the nature and extent of the access / egress, Officers are of the opinion that the proposed access arrangements are acceptable.

- 8.7 Following deferral of the application on 11/09/2019, the applicant has submitted an additional plan referenced PA10A. The plan shows a devoted pedestrian footpath link linking the site directly to the established pedestrian network, via Canterbury Road. This is a welcome response to the concerns raised, including those expressed by 3rd parties. The LPA have reconsulted the LHA, who have again supported the application in light of the appropriate levels of pedestrian connectivity. The works set out would be secured through LPA planning condition and S278 agreement with Suffolk County Council.
- 8.9 The LHA have assessed the proposal, and support the scheme subject to the imposition of planning conditions which include; details of visibility splays, loading / unloading and manoeuvring / parking provision, internal estate road layout, gradient details, and finally surface water discharge management. There is nothing before Officers to suggest an LHA compliant scheme could not be delivered, reflective of Policy TP15.
- 9.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**
- 9.1 Paragraph 170 of the NPPF seeks to conserve and enhance biodiversity and the natural environment, among other things.
- 9.2 The scheme presents a limited impact on arboricultural value. The removal of trees and overgrown vegetation as existing is not a matter which Officers raise concern with, inside site. It is noted that existing natural features to boundary edges are retained. TPO value is recognised nearby north, however this is outside of the defined red line outline.
- 9.3 Guidance on the conservation of protected species is given in ODPM Circular 06/2005. At Paragraph 99 the Circular advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. However, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place before the permission is granted.
- 9.4 An Ecological Report was submitted with the application. Bearing in mind the advice in the Circular and notwithstanding that it might well be possible to mitigate the impact on any protected species should they be present, the survey enabled assessment including the possible effect(s) of the development on a protected species. Consequently, the scheme follows the aims of Paragraph 170 of the NPPF.
- 9.5 Place Services (Ecology) were consulted given the site's location within the wider 'zoned' area. 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 the site is identified as falling within the zone of influence for the Stour and Orwell Estuaries SPA and Ramsar site, a S106 to secure a contribution towards the Suffolk RAMS is required.
- 9.6 The Service identified that the scheme could be supported subject to the implementation of recommendations within submitted ecological survey report and

Habitats Regulation Assessment. The site has been habitually assessed, with no unidentified species being listed. No other protected or priority species were identified on site, and Officers are of the sound opinion that a full and thorough ecological assessment has been undertaken. There is little before Officers to suggest that habitual harm or displacement would occur as a result of development.

9.7 Natural England (NE) were also consulted however no comments were expressed.

8.0 Land Contamination

8.1 No issues are identified within the submitted land contamination studies and the Environmental Health Officer (EHO) is satisfied that development could go ahead without the need for further investigation or remediation.

9.0 Flood and Water

9.1 The site is not located in a vulnerable flood zone area; therefore the risks of flooding are considered to be low. Given that the application is considered 'minor', on site attenuation and surface water management / disposal is not considered by the Lead Local Flood Authority (LLFA) during the determination process. These matters are brought to the attention of the applicant, who is required to comply with Part H (Drainage and Disposal) of the Building Regulations 2010.

9.2 The surface water run-off onto the highway has been assessed by the LHA, and Officers concur with these findings insofar as the sites sealed surfaces are adequately managed. Foul and surface water drainage function is a matter for Building Regulations approval. The scheme does not present concern in this regard, and there is little before Officers to suggest a flood and water compliant scheme could not be delivered.

10.0 Sustainability of the Proposal

10.1 Policy CS1 requires development proposals to be considered in line with the presumption of sustainable development. In order to be considered 'in step' with CS1, the scheme would need to accord with the overall thrust and momentum of sustainability and connectivity, with limited harms, which this proposal demonstrably does 'on balance'. Development that improves the economic, social and environmental conditions in the District will be approved where possible. The three objectives of sustainable development, in the context of the proposed development, are assessed in detail below:

10.2 Economic objective: The provision of up to 5 no. dwellinghouses will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services, facilities and amenities. The New Anglia 'Strategic Economic Plan' (April 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built.

10.3 Social objective: In respect to the provision of new housing, the development would provide a benefit in helping to meet the current housing shortfall in the district through the delivery of additional dwellings, although officers this is a modest contribution at best. The scheme will provide 1 no. 2 bedroom unit allocated for affordable housing, helping to ensure that a vibrant and sustainable community is provided.

- 10.4 The matter of the sustainability of the site in terms of access to local services and facilities has been discussed under Section 4.
- 10.5 Environmental objective: The site is located amongst an established area on the outskirts of Sudbury Town Centre, and is within suitable walking distance to a range of local services, facilities and amenities discussed above.
- 10.6 The visual appearance of the proposal set amongst the backdrop of the locality is endorsed by Officers, in providing betterment and uplift to this part of Melford Road, through appropriate design and layout. The design of the scheme enhances the environmental character, without undue landscape, biodiversity or ecology harm, making effective use of land, as underpinned by respective industry professionals.

11.0 Affordable Housing

- 11.1 If a planning application is for 10 dwellings or more, or a residential site over 0.5ha in size, Affordable Housing contribution is required. The application site exceeds 0.5ha, engaging Affordable Housing contribution.
- 11.2 The Strategic Housing Officer (SHO) has provided comment on the nature of the proposal, including the mix and tenure of the proposed residential units. Having considered the registered housing need in Sudbury, the SHO has recommended the following:

Rented – 1 home required:

- 1 x 2 bedroom 4 person house @ 79sqm

- 11.3 There is currently a high registered housing need for Sudbury of 275 applicants. Therefore if delivered on site the recommendations would be for an affordable rented dwelling either a two (2b 4p) or three bedroomed house (3b 6p).
- 11.4 The SHO has resolved to conclude that the scheme is acceptable, conforming to the requirements of Paragraph 63, and the essence of Policy CS19.

12.0 Planning Obligations

- 12.1 As noted above, the application engages affordable housing and ecology contributions. Officers consider it necessary to secure delivery (as per the recommendations of the SHO and Ecologist) through a S106. This is a robust legal arrangement, enforceable by the District.
- 12.2 The scheme would generate pooled CIL funds. The recommendation is made in full view of the comments expressed in relation to; education, pre-school provision, play space provision, transport issues, libraries, waste, supported housing, sustainable drainage systems, archaeology, fire service and superfast broadband.

PART FOUR – CONCLUSION

13.0 Planning Balance

- 13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be

made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 13.2 The NPPF contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 13.3 A recent Planning Appeal in Waverley Borough Council relates expressly to 'edge of settlement' development, even if the Council is able to demonstrate a five-year housing land supply (as per the case here).
- 13.4 Paragraph 33 of the Appeal Decision (reference: APP/R3650/W/18/3193390) states that *"The Government is seeking to significantly boost the supply of homes by ensuring a sufficient amount of land comes forward where it is needed. Paragraph 15 of the revised Framework states that the planning system should be genuinely plan-led. On the evidence before me, the WBLPP1 is up-to-date for the purposes of demonstrating that the Council has a five-year supply of deliverable housing sites, notwithstanding doubts that were expressed by the appellant. However, the spatial strategy acknowledges that it will not be possible to accommodate the necessary growth within existing development boundaries"*.
- 13.5 In essence, sites which present as 'edge of settlement', provide a 'close functional relationship' to the settlement boundary, or which are spatially unable to be accommodated within the defined settlement boundary limits, should be granted unless material considerations indicate otherwise, irrespective of whether the Council is able to demonstrate a five-year housing land supply, or not.
- 13.6 Further consideration must also be afforded to a Planning Appeal in Wingerworth (reference: APP/R1038/W/17/3192255) which states at paragraph 53; *"it is important to note that the presence of a five year supply of housing land is not a ceiling and the provision of general needs housing is a significant material consideration in light of national policy to significantly boost the supply of homes"*.
- 13.7 The Inspector goes on to say at paragraph 73 that; *"Although I have concluded that there is a five year housing land supply in the District, based on the standard methodology, this is not a ceiling and the provision of general needs housing is a significant material consideration in the light of national policy. In addition the provision of 40% affordable housing is a very significant material consideration weighing in favour of the appeal scheme"*.
- 13.8 The NPPF and Policy CS1 require development to be approved that accords with an up to date development plan, and without delay. The proposal accords with the 'most important' policies applicable to the proposal, is in a sustainable location on the edge of the settlement boundary, within walking distance of a good range of local services. The proposed development is spatially well related to the area, adjoining the settlement boundary.
- 13.9 Paragraph 59 of the NPPF states; *"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and*

variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

- 13.10 In recognition of CN06, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and finally Paragraphs 193 – 197 of the NPPF, the scheme does create a degree of harm from a heritage perspective. In ‘weighing up’ the public benefits of the scheme against the ‘medium level’ harm caused by development, the balance would fall in favour of approval owing to; effective use of land, ecology enhancement, landscape improvement, sustainable location and housing units (including affordable provision).
- 13.11 In determining this application Officers are mindful of the specific duty imposed on the local planning authority with respect to the need to have special regard to the desirability of preserving the listed building or its setting, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Full consideration has been given to the comments received from the Heritage Team. The level of harm to the above heritage assets is noted to be a medium level of less than substantial harm.
- 13.12 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In consideration of the contribution towards the Council’s housing targets, provision of affordable housing and economic and infrastructure benefits and biodiversity net gain, it is considered that these material considerations would none the less outweigh the medium level of less than substantial harm to the heritage assets, even where a considerable importance and great weight is applied to the desire to keep the affected asset from harm.
- 13.13 Officers have therefore applied the balance required by Paragraph 196 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the listed buildings Act and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the medium level of less than substantial harm, having given considerable importance and weight to the harm identified.
- 13.14 The design ethos is welcomed, and given the proposed conditions set out, the scheme could be sensitively finished in appropriate materials which would soften the immediate impact of development. Officers are of the sound opinion that a tonally acceptable appearance could be generated, with the overriding public benefits cited.
- 13.15 A recent High Court ruling handed down by Judge Belcher provides material context, at paragraph 34:

“In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm. It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial, but it is equally the case that there will be a number of types of harm that will fall into less than substantial, including harm which might otherwise be described as very much less than substantial (R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin)”.

- 13.16 Clearly, in balancing the level of harm against the benefits, it is evident that the scheme is largely 'in step' with local and national planning policy, and that the benefits far outweigh the harms, when applying sound and logical planning judgement.
- 13.17 There is little before Officers to suggest the scheme conflicts to an unacceptable level in terms of; design and layout, heritage, residential amenity, landscape, ecology, highways, flood and water, land contamination or sustainability. These key outcomes are appropriately safeguarded, and conditioned / legally bound where justified.
- 13.18 In articulating the proposal amongst planning policy, the 'tests' of sustainability within the NPPF are principally engaged. Whilst the LPA is able to demonstrate that it has an adequate 5 year housing land supply, the Council still need to provide homes in sustainable locations. Sequentially, the proposal represents an appropriate proposal for residential development and would deliver sustainable development, furthering the overarching thrust of Policies CS1, CS2, and CS15 of the Core Strategy, and providing net gains to the three objectives of sustainability in accordance with the NPPF (which notwithstanding the Development Plan is a compelling material consideration). The application is therefore recommended for approval.

RECOMMENDATION

That authority be delegated to the Acting Chief Planning Officer to grant planning permission subject to the prior completion of a S106 Legal Agreement on terms to their satisfaction to secure the following heads of terms:

- Affordable Housing (1 no. 2 bedroom 4 person house @ 79sqm set on Plot 1)

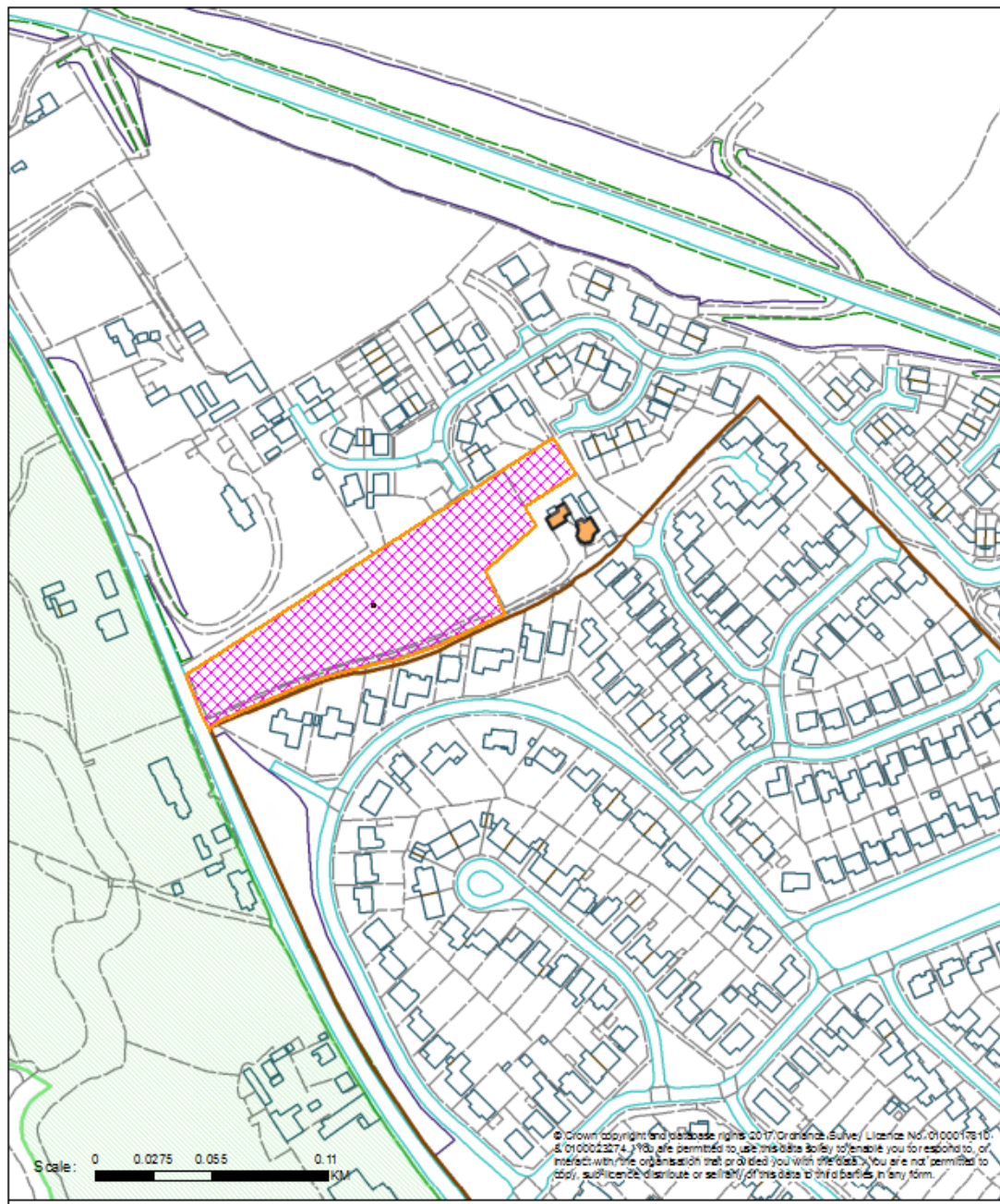
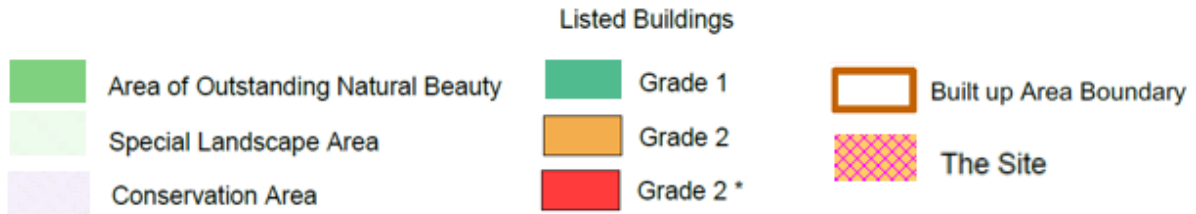
and that such permission be subject to the conditions as summarised below and those as may be deemed necessary by the Acting Chief Planning Officer:

- Standard time limit
- Approved plans
- Archaeology (post investigation)
- Archaeology (post investigation)
- Levels (FFL and FGL)
- Highways – access layout
- Highways – no visibility splay obstructions
- Highways – manoeuvring / parking
- Highways – estate roads and footpaths
- Highways – access gradient (first 5m)
- Highways – access gradient
- Highways – surface water discharge
- Materials
- Fenestration
- Arboricultural method statement
- Landscaping scheme
- Ecology mitigation
- Biodiversity enhancement
- Lighting design
- Pedestrian link (prior to occupation)

Application No: DC/19/02315

Parish: Sudbury

Location: Land south of High Bank Melford Road



Agenda Item 6e

Committee Report

Item 6E

Reference: DC/19/03445

Case Officer: Elizabeth Flood

Ward: South East Cosford.

Ward Member/s: Cllr Leigh Jamieson.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Erection of 37no. dwellings (which includes 14no. affordable housing and 4no. shared ownership) including creation of vehicular access road and public open space.

Location

Land On The South Side Of, Whatfield Road, Elmsett, Suffolk

Expiry Date: 06/02/2020

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Heathpatch Ltd

Agent: Wincer Kievenaar Architects Ltd

Parish: Elmsett

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

Major planning application of more than 15 dwellings.

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

Saved Policies in the Babergh Local Plan (2006):

- CN01 Design Standards
- CR07 Landscaping Schemes
- HS28 – Infilling or groups of dwellings
- TP15 Parking Standards – New Development

Elmsett Neighbourhood Plan 2019:

- EMST1 Spatial Strategy
- EMST2 Housing Development
- EMST5 Housing Space Standards
- EMST6 Housing Mix
- EMST11 Heritage Assets
- EMST12 Development Design Considerations
- EMST9 Protection of Important Views and Landscape Character

Supplementary Planning Documents

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

Neighbourhood Plan Status

The Neighbourhood Plan is currently at:-

Stage 7: Adoption by LPA. Accordingly, the Neighbourhood Plan full 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

Recommend refusal, represents overdevelopment where the infrastructure serving the existing community is severely substandard. No identified need for the development proposed. Development fails to take into account the emerging JLP or Neighbourhood Plan. Contrary to Policies EMST1 of the Elmsett Neighbourhood Plan and SP03 of emerging JLP. The roads into the village are single track in places and an increase in traffic will increase the risk of accidents. There is a limited bus service in the village. Recommend condition should the application be recommended for approval.

National Consultee

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.

Historic England:

On the basis of the information available to date, we do not wish to offer any comments.

Anglian Water:

Recommend conditions.

County Council Responses

SCC Travel Plan:

No comment

SCC Highways:

We have reviewed the Transport Statement and the data supplied with this application; the summary of our findings are as follows:

The proposed visibility splays for the development are sufficient for this application. The proposal for 37 dwellings would create approximately 21 vehicle movements within the peak hour (1 vehicle every 3 minutes).

Although the development is providing a footway link to the footway network in the village, there is a minimal bus service and in a rural village location so there will be a reliance on the use of private cars. The development would not have a severe impact on the highway network or safety (NPPF para 109) therefore we do not object to the proposal.

SCC Archaeology:

No grounds to consider refusal of permission to achieve preservation in situ, recommend conditions.

SCC Floods and Water Management:

Recommend approval subject to conditions

SCC Fire and Rescue:

Recommend conditions relating to fire hydrants

SCC Development Contributions:

CIL	Education
- Primary school expansion	£132,768
- Secondary school expansion	£136,428

- sixth form expansion		£22,738
CIL	Early years expansion	£66,384
CIL	Libraries	£7,992
CIL	Waste	£0
S106	Education	
- secondary transport costs		£28,800
S106	Highways	-

Internal Consultee Responses

Heritage:

The Heritage Team considers that the proposal would cause:

A low to medium level of less than substantial harm to a designated heritage asset because the proposed development would eliminate the last remaining connection between the listed building and the open countryside.

The proposal is for the erection of 37 dwellings in the setting of the Grade II listed The Chequers. The concern relates to the impact of the proposed development on the significance of the listed building.

This application follows a previous application for the erection of 42 dwellings on this site. The heritage officer commented on the application that the development would eliminate the last remnant of the historical isolated position of the listed building, and would reduce its prominence in the streetscape, thereby causing harm to its significance.

This scheme proposes a reduced number of dwellings, and the layout has been amended. The frontage and the area adjacent to the boundary with The Chequers would now remain open. These amendments better preserve the prominence of the listed building in the streetscape. The level of harm previously identified has, therefore, been reduced.

However, there would still be harm inherent to the principle of development on this site, as it would eliminate the connection between the listed building and the open countryside, an aspect of its setting which currently contributes positively to its significant.

Therefore, the Heritage Team considers that the proposed development would still cause a low to medium level of less than substantial harm to the significant of The Chequers, due to the negative impact on its setting.

Strategic Housing:

With an ageing population, both nationally and locally, new developments should include properties suitable for older people and these, together with all other homes on the site, should, wherever possible, be built to Lifetime-Homes standards or equivalent current standard at the time.

There is a strong demand for one and two-bedroom flats/apartments and houses. Developers should consider flats/apartments that are well-specified with good size rooms to encourage downsizing amongst older people, provided these are in the right location for easy access to facilities. Older people have also

expressed their desire for chalet bungalows of one and a half storey. This may include sheltered or extra care housing where appropriate. Should this application be granted the recommended affordable housing provision is as follows:

Affordable rent tenure:

- 4 x 1bed 2person bungalows @ 50 sqm
- 4 x 2bed 4person houses @ 79 sqm
- 3 x 3bed 6person houses @ 102 sqm

Shared ownership tenure:

- 2 x 2bed 4person houses @ 79 sqm
- 1 x 3bed 5 person house @ 93sqm

Environmental Health – Sustainability:

We do not object to the application but request a condition is included to secure the required 10% energy reduction from renewables as per policy CS3

Environmental Health – Land Contamination:

No objection from a land contamination perspective.

Environmental Health – Noise/odours:

No objection subject to conditions.

Public Realm:

The Public Realm Team have no objection to this development on Whatfield Road, Elmsett. We note the inclusion of public open space within the development and the traditional layout to create the impression of a 'Tye.' It would be expected that a local management solution is put in place for the management of this 'Tye' as it clearly is intended to be for the benefit of the occupiers of the houses on the development rather than for the wider community. It would not be expected that the Council's Public Realm Team would be asked to maintain this open space in the future.

Planning Policy:

The site is located adjacent to the Elmsett settlement, which is progressing through the emerging Joint Local Plan as a Hinterland area and not encouraged to grow significantly. The proposal is relatively large for the existing modest character and context of the settlement. It is clear from the submitted drawings the proposal would significantly erode the existing pattern and form of linear development form in this immediate context. Equally, it is apparent there are historic buildings within the immediate area, which the site in question is part of their setting value and merit. Significant weight should be given to the environmental and character aspect of the settlement.

The proposal represents an incongruous and suburban development approach in a rural settlement where the existing built form begins to filter into rural open countryside

B: Representations

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

Views are summarised below:

- School and pre-school are at capacity
- Inadequate highway infrastructure
- Loss of views
- Noise during construction
- Lack of public transport
- Elmsett has already seen significant new development
- No proof provided that additional houses are required in the village
- Not in accordance with the Elmsett Neighbourhood Plan and JLP
- Result in overlooking and loss of privacy to neighbouring properties
- Detrimental to the setting of the Grade II listed building The Chequers
- Inadequate drainage solution
- Land is required for agriculture
- Site was previously been refused planning permission
- Lack of broadband

(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/18/02316 Planning Application - Residential **DECISION:** REF
Development comprising 42 No. dwellings, 14.12.2018
incorporating 35% affordable homes,
creation of new vehicular access and public
open space.

There is a **current appeal** with the Planning Inspector in relation to the above application.

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site is located on the southern side of Whatfield Road, in the village of Elmsett. Elmsett is defined as a ‘Hinterland Village’ in the Babergh District Local Plan Core Strategy 2014. The village settlement boundary aligns with the site’s northern boundary noting that it runs along Whatfield Road and to the rear of the adjacent mobile home park.
- 1.2. The site comprises Grade 3 agricultural land, forming part of a larger arable field. Part of the site has direct frontage to Whatfield Road. A hedgerow extends virtually the entire length of the site’s road frontage.
- 1.3. To the south is agricultural land. To the east is a combination of residential and commercial development, including a Grade II listed building known as the Chequers, single-storey mobile home park known as Chequers Park, a commercial nursery and a conventional housing estate ‘Sawyers’. To the northwest is residential development fronting Whatfield Road. Immediately west

is agricultural land. Directly opposite the site, on the northern side of Whatfield Road, is double-storey residential development.

- 1.4. The site is not in, adjoining or within proximity of a Conservation Area, Special Area of Conservation or Special Landscape Area. Elm Farmhouse, Grade II listed, sits approximately 50 metres northwest of the site.
- 1.5. There are no footpaths along Whatfield Road adjacent the site. The nearest bus stops are located at the junction of Whatfield Road and Mill Lane, approximately 170 metres to the west.

2.0 The Proposal

2.1 Full planning permission is sought for the erection of 37 dwellings. 18 of the dwellings are proposed as affordable. This is a decrease of five dwellings from the previously refused planning application and an increase of four in the number of affordable dwellings.

2.2 Key elements of the proposed site layout are as follows:

- Single access point from Whatfield Road to serve the development, located midway along the site's Whatfield Road frontage. The internal road would have footpaths each side. From this road there would be shared surface access roadways and drives serving the individual or groups of houses.
- Incorporation of a feature 0.253ha green public open space area central to the site and additional public open space to the front on either side of the access road and an attenuation basin adjacent to 1 and 2 The Chequers.
- Mix of single-storey, one-and-a-half-storey, and double-storey dwellings.
- A mix of detached, semi-detached and terraced houses is proposed.
- Dwelling types comprise 1 x 5 bed; 10 x 4 bed; 14 x 3 bed; 8 x 2 bed; 4 x 1 bed units.
- Total of 88 car spaces, with 10 spaces set aside for visitors
- Affordable housing cluster concentrated toward the eastern end of the site.
- Hedgerow placement proposed to the Whatfield Road frontage.
- "Alms house" designed dwellings to front the central green space.
- Housing style generally follows the Suffolk vernacular with red brick and render finishes with clay pantile pitched and hipped roofs. Boarded cart lodges are a feature.
- Retention of hedges on the east and west boundaries. These will be supplemented by new tree planting.

3.0 The Principle Of Development

- 3.1 Babergh benefits from a five plus year land supply position as required by paragraph 73 of the NPPF. The tilted balance at paragraph 11(d) of the NPPF is not engaged in that respect. There is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant policies of the Core Strategy generally conform to the aims of the NPPF. Where they do not, they will carry less statutory weight.
- 3.2 The Elmsett Neighbourhood Plan was adopted on the 10th December 2019. The Neighbourhood Plan conforms to the NPPF and has full weight as part of the Development Plan. Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that when there is conflict between the Local Plan and a Neighbourhood Plan this must be resolved in favour of the policy which is

contained in the last document to become part of the development plan. As such the Elmsett Neighbourhood Plan would outweigh the Local Plan if there is any conflict.

- 3.3 Policy EMST1 of the Elmsett Neighbourhood Plan states that (inter alia) *The Neighbourhood Plan area will accommodate development commensurate with Elmsett's designation as a Hinterland village in line with Core Strategy Policy CS11. The focus for new development will be within the defined Built up Area Boundary as defined on the Proposals Map. Proposals for development located outside the Built-Up Area Boundary (BUAB) will only be permitted where it can be satisfactorily demonstrated that there is an identified local need for the proposal and that it cannot be satisfactorily accommodated for within the BUAB/ Settlement Boundary.*
- 3.4 The site is located outside of the BUAB as defined within the Elmsett Neighbourhood Plan. No independent evidence of local need has been provided. The application instead relies on the Parish Survey undertaken as part of the Elmsett Neighbourhood Plan to prove that there is a need for additional houses within the village. While the survey did find a need for smaller/ starter homes and family homes the survey also indicated that the vast majority of respondents wished to see fewer than 50 additional dwellings being built in the village in the next 20 years. The Neighbourhood Plan, in Policy EMST2, allocates sites for an additional 60 dwellings; while Policy EMST6 ensures that larger developments provide for smaller dwellings. As such it is considered that any local need identified within the Parish Survey has been satisfactorily dealt with by the Neighbourhood Plan and in the absence of additional information the applicant has failed to prove that there is a local need for the development, contrary to Policy EMST1.
- 3.5 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 the following: Paragraph 77 and 78 - 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.
- 3.6 Policy CS2 'Settlement Pattern Policy' designates Elmsett 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.
- 3.7 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.

- 3.8 As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages.
- 3.9 The site is surrounded by the settlement boundary along Waldingfield Road to the North, East and West. The site is an edge-of-settlement location where the criteria set out at Policy CS11 engage.
- 3.10 Policy CS11 states that development for hinterland 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.
 - (b) Additional hinterland village criteria:
 - i) Well designed and appropriate in size / scale, layout and character to its setting and to the village;
 - ii) Adjacent or well related to the existing pattern of development for that settlement;
 - iii) Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;
 - iv) Supports local services and/or creates or expands employment opportunities; and
 - v) Does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster.
- 3.11 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.
- 3.12 The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are considered throughout this report. A key element of CS11 is the requirement to meet a proven local need. As set out in paragraph 3.4 no local need has been proved. As such the development is contrary to Policy CS11.
- 3.13 Policy CS15 sets out how the Council will seek to implement sustainable development. A number of criteria set out at CS15 have already been considered in this report, those that have not are considered further below.

- 3.14 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well-connected in highway connectivity terms, with Hadleigh and Ipswich easily accessible. As acknowledged above, pedestrian connectivity in the village is not high and the proposal will generate vehicle trips. This said, as noted above, the village has many of the day-to-day services expected in a hinterland village of this size. Employment opportunities are available in nearby centres.
- 3.15 Policy CS15 sets out criteria relating to economic benefits, supporting local services, sustainable design, and the creation of green spaces, minimising waste and surface water run-off and promotion of healthy living. The proposal responds favourably to these matters as relevant.

4.0 The locational context of the village and the proposed development

- 4.1. Elmsett has a limited range of services including a shop, primary school, public house, churches, village hall and recreation ground. The site is approximately 5 km from Hadleigh which has a good range of services including secondary education.
- 4.2 There is a very limited bus service to Hadleigh and Ipswich from Elmsett. While there are sufficient services within Elmsett for limited day-to-day needs, the occupiers of the new dwellings are likely to be highly reliant on private vehicles for most journeys.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1 Paragraph 109 of the NPPF states that development may be prevented or refused on highway grounds where the impact on highway safety is unacceptable. The access will be off Waldingfield Road at the centre of the site. Suitable visibility splays can be provided. It is also proposed to provide a footpath to the front of the site which could link to a footpath being provided through another development.
- 5.2 Saved Policy TP15 of the Local Plan seeks to ensure that parking provision for new development complies with the Parking Standards. Parking would be above Suffolk Parking Standards, including 10 visitor parking spaces. The Highway Authority has not objected to the proposal subject to conditions.

6.0 Design And Layout

- 6.1 The character and layout of the proposed development is traditional in the Suffolk sense. Dwellings are largely centred on the two green public open spaces. The remainder of the development layout is conventional and not out of keeping with the surrounding development pattern. The density is low, set at fewer than 20 dwellings per hectare. The scale of development has been carefully considered, with a good proportion of bungalows incorporated, picking up on the nearby scale of development. Taller built form adjoins the central open space area, where greater building height can be more readily absorbed.
- 6.2 The previous application DC/18/02316 was refused partly because the development was considered not to represent a well-designed development, of an appropriate size, scale, layout and character in relation to its setting and to the village. The application has been revised, decreasing the number of houses by five dwellings and providing a further public open space to the front of the site and adjacent to the listed building. As such it is considered that the previous reason for refusal has been adequately overcome.

6.3 The proposed green public open space areas will complement the network of local green spaces identified in the ENP, noting that the proposal will occupy an existing gap in green space provision, located midway between the Green (3) and the Green at Mill Lane (7) (refer Local Green Space plan in the draft ENP). Given the importance of the public open spaces to the acceptability of the design it will be necessary to secure their ongoing retention via a s.106 should the application be acceptable.

7.0 Housing Mix and Housing Space Standards.

7.1 Policy EMST6 of the Elmsett Neighbourhood Plan states that *In new housing developments of 10 or more homes, a minimum of 47% of the development should be one or two-bedroomed dwellings, unless it can be satisfactorily demonstrated that such provision and other site requirements would make the development unviable or where such provision is demonstrated to not be in accordance with the latest available housing information for the Plan area.*

7.2 The development provides 12, one and two-bedroom dwellings (32%) and 25, 3, 4 and 5 dwellings (67%), this does not comply with Policy EMST6. In addition, the affordable housing mix does not meet the mix needed as shown by the housing register and requested by the Strategic Housing Officer. No evidence has been provided to show that the development would be unviable if 47% of the dwellings were 1 and 2-bedrooms or that there is a local need for a different mix of housing. The development is therefore contrary to Policy EMST6.

7.3 Policy EMST5 of the Neighbourhood Plan states (inter alia) that all new dwellings shall achieve appropriate internal space through adherence to the latest Nationally- Described Space Standards. Dwellings should also make adequate provision for the covered storage of wheelie bins and cycles and meet the current adopted car parking standards.

7.4 The dwellings are generally of a generous size and all exceed the space standards for the number of people they are designed for, however the 3-bedroom affordable houses are smaller and would provide for fewer occupants than the Strategic Housing Officer has requested. All the market dwelling have garages, the majority of which have storage space which could be used for cycles or wheelie bins. A condition could be included on any permission to ensure that dwellings with smaller garages or communal parking include a shed within the private garden which can be used for cycles and wheelie bins. As such, the development complies with Policy EMST5 of the Elmsett Neighbourhood Plan.

8.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

8.1 The NPPF emphasises as a core principle the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

8.2 Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.

8.3 The Planning Practice Guidance advises that *'The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape'*.

- 8.4 Policy CS11 envisages that there will be some development in the countryside; the key question is whether the character impact of the development is reasonably contained.
- 8.5 The Elmsett Neighbourhood Plan designates of an Area of Local Landscape Sensitivity (ALLS) east and south-east of the village. The site is not located in, or near, to the ALLS, a positive landscape consideration.
- 8.6 The immediate impact upon the physical, landscape character of the site itself is modest, with no hard built frontages abutting open landscape. The rear hard built frontage does not align with a natural boundary and this is unfortunate however a good landscaping screen would be provided.
- 8.7 The subject land forms a visual gap on the south side of Whatfield Road. Existing residences frame both sides of the site, immediately to the west and east. The infilling of the visual gap is not unacceptable in a landscape sense. Infilling is a well-established and acceptable planning outcome, particularly where the rhythm and spacing of proposed development is respectful of the surrounding development pattern, as is the case here. A 'rounding off' effect in urban design terms is a commonplace village outcome. In addition, the application includes public open space to the front of the site, acting as a Green, this is a feature seen elsewhere on Whatfield Road and helps to assimilate the development into the wider landscape.
- 8.8 From Whatfield Road, the site provides for medium distance views to open countryside. This view is identified as an Important View by Policy EMST9 which states that *Any proposed development should not detract from the key landscape features of these views*. The accompanying Important Views Assessment (October 2018) states that the key landscape features are the screening of the tree belts and woodland. While the tree belt and woodland to the rear of the site would not be lost, the view of these landscape features would be completely lost from Whatfield Road. Due to the internal layout of the development, there would be limited views from within the public areas of the development of the wider landscape. As such the development is contrary to Policy EMST9.
- 8.9 Saved Policy CS15 of the Core Strategy seeks to protect and enhance biodiversity. Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to *'have regard to the Habitats Directive in the exercise of its functions.'* For a Local Planning Authority to comply with regulation 9(5), it must 'engage' with the provisions of the Habitats Directive.
- 8.10 An Ecology Report supports the application. The biodiversity enhancement measures recommended in the ecology report can be secured by planning condition. A RAMS financial contribution is sought and this can be secured via condition. This approach is consistent with Natural England's advice.

9.0 Land Contamination, Flood Risk, Drainage and Waste

- 9.1. Criteria xi and xii of saved Policy CS15 require development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate.
- 9.2 The site is in Flood Zone 1. The application is accompanied by a flood risk assessment and infiltration reports. These reports have been reviewed by the SCC Flood Officer who has no objections subject to conditions.

9.3 A Phase 1 Desktop Contamination Report supports the application. Environmental Health raises no objection to the proposed development from the perspective of land contamination. The proposal complies with criterion vii of Policy CS15 insofar as it relates to land contamination.

10.0 Heritage Issues

- 10.1 Policy EMST11 of the Elmsett Neighbourhood plan states that to ensure the conservation and enhancement of Elmsett's heritage assets, proposals should: preserve or enhance the significance of the heritage assets of the village.
- 10.2 The development is located adjacent to the Grade II listed building, The Chequers. The previous planning application on the site, DC/18/02316, was partly refused due to the detrimental impact the development would have on the listed building. The current application has replaced the closest dwellings to The Cheques with the attenuation basin, providing a green space around the building.
- 10.3 The heritage officer has stated that: *These amendments would better preserve the prominence of the listed building in the streetscape. The level of harm previously identified has therefore been reduced. However, there would still be harm inherent to the principle of development on this site, as it would eliminate the connection between the listed building and the open countryside, an aspect of its setting which currently contributes positively to its significance. Therefore, the Heritage Team considers that the proposed development would still cause a low to medium level of less than substantial harm to the significance of The Chequers, due to the negative impact on its setting.*
- 10.4 As the Heritage Officer has identified a level of harm to the listed building, it is necessary to consider if this is outweighed by the public benefits of the scheme. These include additional dwellings including 18 affordable dwellings (47%) and smaller dwellings and bungalows. While the benefits of additional housing are decreased as the District has a five-year land supply and there is no evidence of local need for the development, there is a District need for affordable housing which this development would support.
- 10.5 Given the low to medium level of harm to the listed building which the Heritage Officer has identified, (and this is a reduction in the harm previously identified), it is considered that the level of harm is outweighed by the public benefits of the scheme, principally the 18 affordable dwellings.

11.0 Impact On Residential Amenity

- 11.1. Paragraph 127 of the NPPF sets out a number of core planning principles to underpin decision-taking, including seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 11.2 The nearest dwellings to the development will be The Chequers and units within the Chequers mobile home park. Given the location of the attenuation basin and public open space there will be little impact on neighbouring amenity from the development on The Chequers. Four of the mobile homes on Chequers Park will back on to the site. As these will back on to bungalows or parking areas, there will be no loss of privacy or overbearing impact on to the mobile home park. As the mobile homes may be less well insulated than conventional housing, there may be an impact on noise during construction. A construction management plan, including hours of working, would therefore be required should the application be supported.
- 11.3 The internal amenity for future occupiers of the development itself is of a sufficient standard, with all dwellings afforded reasonable levels of private open space and appropriate aspect/outlook.

Private open space is complemented by the generous public open space area that can be used for informal recreation - a significant amenity benefit. Solar and daylight access levels are adequate, and whilst there will be a level of intervisibility between properties, appropriate privacy is afforded to each plot.

12.0 Planning Obligations

- 12.1. A s.106 agreement would be required to ensure that the affordable housing was delivered. In addition, given its importance for the overall layout of the development and the setting of the listed building, the s.106 would need to deliver and retain the public open space.

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1 The development would provide a high standard of design and layout, with generous public open space which would result in an attractive development. In addition, the development would provide 14 affordable houses which is above the policy requirement and would provide an important resource for the wider district. While the development would have a moderate-to-low level of harm to the adjacent listed building this is considered to be outweighed by the public benefits of the 14 affordable houses.
- 13.2 The development would provide short term economic benefits during construction and longer term economic and social benefits through the occupiers using local services and community facilities. Elmsett provides a reasonable range of facilities, although occupiers of the development would be reliant on private vehicle for many day-to-day trips.
- 13.3 Planning law requires that applications for planning permission be determined in accordance with the development plan. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The newly-adopted Elmsett Neighbourhood Plan (December 2019) allocates sites for sufficient new development to provide for local need. The site is outside the BUAB of Elmsett and was not allocated for development as part of the Elmsett Neighbourhood Plan. There is no evidence that the site is required for a local need. As such the development conflicts with an up-to-date development plan.
- 13.4 In addition the development conflicts with the Elmsett Neighbourhood Plan in relation to housing mix and loss of important views.

RECOMMENDATION

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

- i) The proposed development would be outside of the Built Up Area Boundary of Elmsett, as defined by the Elmsett Neighbourhood Plan and it has not been adequately demonstrated that there is an identified local need for the proposal. As such the development is contrary to Policy EMST1 of the Elmsett Neighbourhood Plan (2019) and Policy CS11 of the Babergh Core Strategy (2014).

- ii) The proposed development would result in the total loss of Important View 10 as defined by the Elmsett Neighbourhood Plan, to the detriment of the landscape character of the village. As such the development is contrary to Policy EMST9 of the Elmsett Neighbourhood Plan.

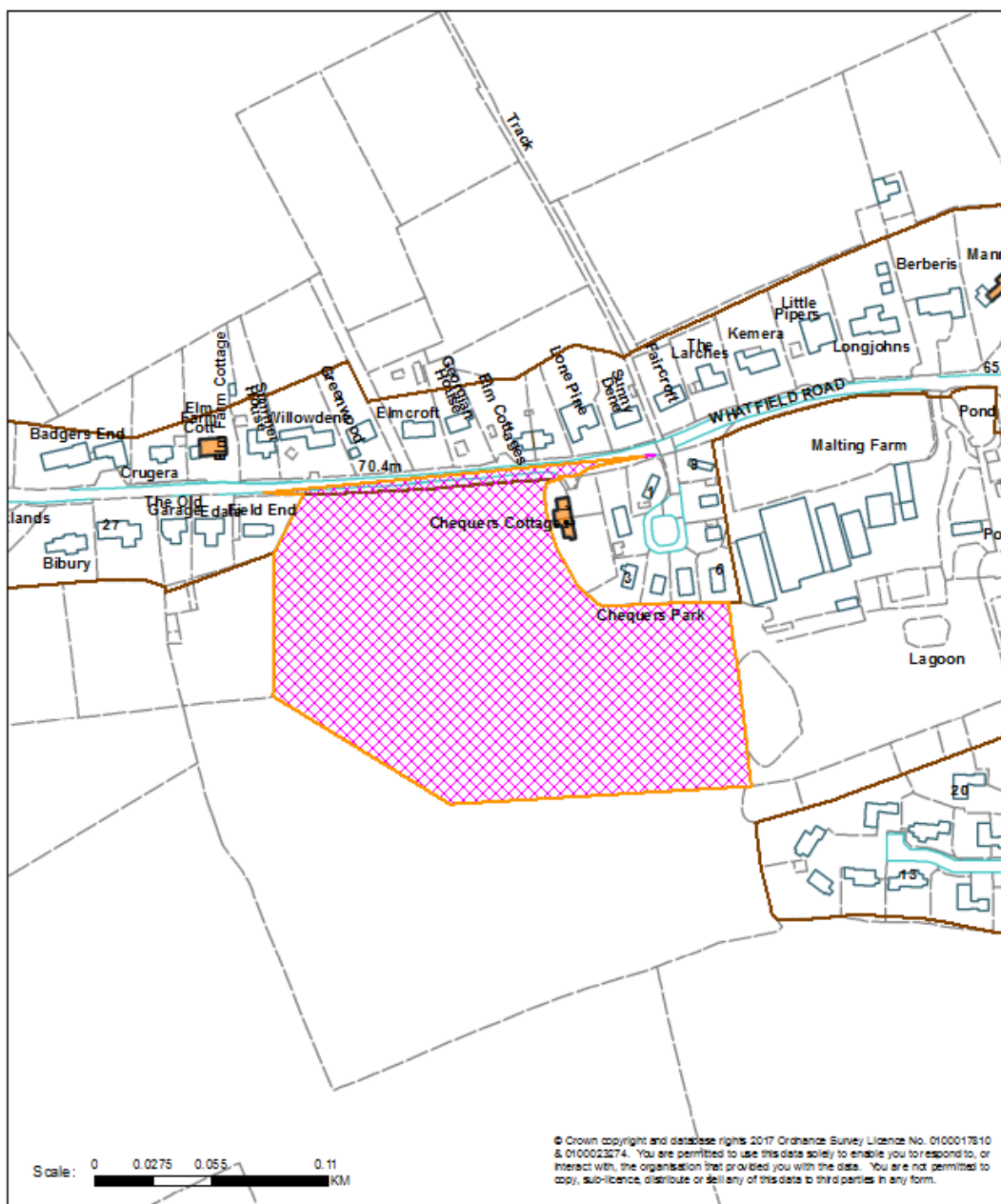
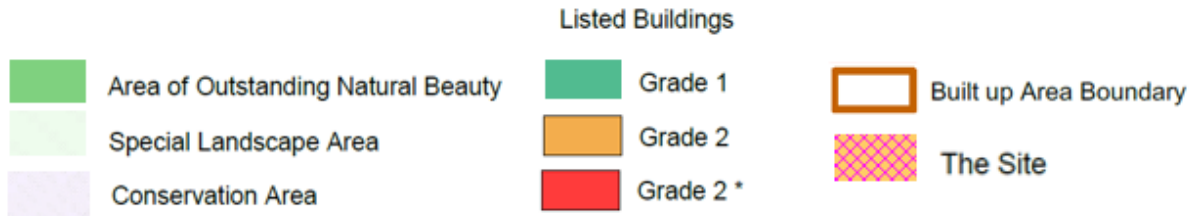
- iii) The proposed development would not provide 47% one and two bedroom dwellings and no evidence has been provided to show that the development would be unviable or that such provision would not be in accordance with the latest available housing information for the Plan area . As such the development is contrary to Policy EMST6 of the Elmsett Neighbourhood Plan.

This page is intentionally left blank

Application No: DC/19/03445

Parish: Elmsett

Location: Land on the South Side of Whatfield Road



This page is intentionally left blank

Agenda Item 6f

Committee Report

Item No:

Reference: DC/19/05417

Case Officer: Averil Goudy

Ward: Box Vale.

Ward Member/s: Cllr Bryn Hurren.

RECOMMENDATION – REFUSE HOUSEHOLDER PLANNING PERMISSION

Description of Development

Householder Planning Application - Erection of a single storey rear and side extension.

Location

Manna Wood Farm, Stackyard Green, Monks Eleigh, Ipswich Suffolk IP7 7BD

Expiry Date: 14/02/2020

Application Type: HSE - Householder Planning Application

Development Type: Householder

Applicant: Mr John Olley

Agent: N/A

Parish: Monks Eleigh

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 applicant is employed by Babergh District Council.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

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

CN01 - Design Standards

CN06 - Listed Buildings - Alteration/Ext/COU

HS33 - Extensions to Existing Dwellings

Neighbourhood Plan Status

This application site is not within a Neighbourhood 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

Town/Parish Council

Monks Eleigh Parish Council

It was agreed unanimously to have no objections to this planning application.

Internal Consultee Responses

Heritage Team

I consider that the proposal would cause a medium level of less than substantial harm to a non-designated heritage asset because the proposed extensions would result in an overly complicated and disjointed arrangement that would detract from the simple form and relative status of the historic core of the building.

The application proposes the erection of a single storey rear and side extension on Manna Wood Farm, an unlisted timber-framed and thatched dwelling. The heritage concern relates to the potential impact of the proposal on the significance of Manna Wood Farm, which I consider to be a non-designated heritage asset.

Manna Wood Farm can likely accommodate some increase in footprint without harming its significance. However, the proposed extensions are not considered appropriate, due to their design and articulation.

The historic core of the building is characterised by its traditional, simple rectilinear planform. The proposed extensions would result in a concentration of varying architectural forms within a relatively small area, in combination with the existing C20 extension, that would give the rear section of the building a convoluted and overly complicated form, out-of-keeping with the simple planform characteristic of the historic core. The articulation of the side extension is considered particularly inappropriate. It would appear disjointed and disconnected from the historic core and read more as an outbuilding awkwardly abutting the existing dwelling, rather than an organic expansion to the building.

Additionally, the style of the proposed porch is not considered appropriate. The design of the porch would give it a status out-of-keeping with the building as a whole, but especially on an ancillary extension. The historic core of the building has traditionally been, and should therefore remain, the principal architectural element of the building, even if the main entrance is now in an extension. A large porch on a modern extension, as proposed, would appear at odds with this and relegate the perceived importance of the historic core.

The harm would be cumulative in combination with the existing C20 rear lean-to extension, which already detracts from the significance of the building due to its inappropriate form.

Due to the design of the existing rear C20 extension, I consider that it would be difficult to achieve a suitably designed extension(s) in this area without first significantly altering or removing all/part of the existing extension.

In conclusion, the application does not meet the policies within the NPPF, or the Local Plan. Therefore, I do not support the proposal. As per para.197 of the NPPF, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

B: Representations

No local or third party representations have been received for this proposal.

PLANNING HISTORY

REF: B/0275/75/FUL	Erection of double garage and construction of a vehicular access, as amended by plans received with letter dated the 28th April 1975	DECISION: GRA 16.05.1975
---------------------------	--	------------------------------------

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. Manna Wood Farm is a two-storey detached dwelling situated on a modest plot. The dwelling is set back from the highway of Stackyard Green and benefits from a moderately sized access/parking area to the south. The dwelling is situated in a small cluster of dwellings along Stackyard Green, located outside of the defined settlement boundary of Monks Eleigh. The wider surrounding area is agricultural fields.
- 1.2. The dwelling is thatched, and Heritage note that it is timber framed. The dwelling is part rendered and part brickwork and has an existing 20th century rear and side lean-to extension. The dwelling is not a listed building but has been classified by the Heritage Team as a non-designated heritage asset.
- 1.3. The nearest neighbours are Manna Wood House to the northeast, Olivers to the southwest and Stackwood Cottage, a Grade II listed building, to the south, which is also thatched.

2.0 The Proposal

- 2.1. The proposal seeks the erection of both a single storey rear and a single storey side extension to Manna Wood Farm.
- 2.2. The proposed side extension would have a ridge height of approximately 4.47m, with an eaves height of 2.48m. It would extend 3m from the side (northern) elevation of the dwelling and 2m from the rear (eastern) elevation, with a total width of 5.26m. In addition, the side extension will have a porch which would measure a further 1.2m x 1.83m. The extension will create additional living space, in the form of a shower room and utility room. The materials to be used are timber weatherboard cladding for the walls and plain tiles for the pitched roof.
- 2.3. The proposed rear extension would have a ridge height of approximately 3.7m, with an eaves height of 2.3m. This element would extend from the rear (eastern) elevation of the host dwelling by 1.2m and be approximately 3.63m in width. The proposal will create an extension to the existing garden room. The materials to be used are glazing panels for the walls and slate for the pitched roof.

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, which requires proposals which accord with an up to date development to be approved without delay. However, various factors affect whether a development plan can be considered 'out-of-date'.
- 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. Policies should be given weight according to their consistency with the NPPF.
- 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. Policies CN01, CN06 and HS33 of the Babergh Local Plan 2006 and policy CS01 of the Babergh Core Strategy 2014 are the most relevant policies for assessing this application. Full weight is given to these policies as they are consistent with the aims of the of the National Planning Policy Framework 2019 in terms of achieving sustainable development.
- 3.5. The principle of development in terms of an extension(s) to Manna Wood Farm is acceptable, subject to compliance with the detailed requirements of policies CN01, CN06 and HS33 which are considered below.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1. Not Applicable – The proposal relates to an extension to an existing dwelling, therefore an assessment regarding this is not applicable.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1. The existing site access and parking arrangements will not be changed by this proposal. There are no works planned to take place within the highway, so it is considered that the proposal is acceptable in this regard.

6.0 Design And Layout

- 6.1. The proposal seeks the erection of both a single storey rear and a single storey side extension to Manna Wood Farm.
- 6.2. Section 12 of the NPPF requires inter alia that local planning authorities seek to promote and reinforce local distinctiveness as well as design. Paragraph 127 of the NPPF states that decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character.

- 6.3. Babergh Local Plan Policy HS33 states that planning permission to extend a dwelling will be granted if, inter alia, the scale, mass, external materials and architectural details of the proposed extension blend in with those of the dwelling and its wider setting.
- 6.4. Manna Wood Farm has a simple form, characterised by its traditional, narrow form, only one room in width, with traditional thatched roof extending down over the porch on the northern elevation. To the rear of the dwelling is an existing single storey side and rear lean-to extension with a tiled roof. The existing extension is considered inappropriate in its form and layout.
- 6.5. The proposed side extension would protrude from the north eastern corner of the existing rear extension. It would appear disjointed and disconnected from the building; viewed as an outbuilding awkwardly abutting the existing dwelling. The modern materials proposed are not considered to compliment the traditional host dwelling, which instead would detract from the attractive thatched and rendered element.
- 6.6. The proposed porch on the side extension is out of keeping with the building. The addition of a pitched porch on an extension to the dwelling would become a significant architectural element and would not be viewed as subservient to the existing main entrance to the dwelling. It would add an additional pitched element juxtaposed with the existing traditional thatched roof.
- 6.7. The proposed rear extension is more modest in design and scale. However, the rear extension would introduce an additional roof pitch, different to the existing thatched house, its existing extension and proposed side extension. The rear elevation when viewed as a whole from the rear garden would appear convoluted and incongruous.
- 6.8. The proposed extensions do not represent a natural extension to the property. Instead they appear disjointed and as 'awkward add-ons', lacking any harmony or relation to the existing dwelling. The extensions would result in several varying architectural forms, in particular the roof styles. The rear section would appear convoluted and overly complicated, out-of-keeping with the simple characteristics of the dwelling.
- 6.9. The proposals are not considered to be visually attractive as a result of good architecture and neither are they sympathetic to the local character, contrary to the requirements of the NPPF. Furthermore, the proposals fail to be of appropriate form and detailed design having regards to the host dwelling. The materials proposed are also out of keeping with the host dwelling. As such the proposal is also contrary to Local Plan Policy CN01.

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

- 7.1. n/a

8.0 Land Contamination, Flood Risk, Drainage and Waste

- 8.1. n/a

9.0 Heritage Issues

- 9.1. Manna Wood Farm has been identified by the Councils Heritage Team as a non-designated heritage asset. Non-designated heritage assets have a degree of significance meriting consideration in planning decisions, but which are not formally designated heritage assets.

- 9.2. Paragraph 197 of the National Planning Policy Framework (2019) states that: “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 9.4. The Councils Heritage Officers have assessed the application proposal and consider that it would result in a medium level of less than substantial harm to a non-designated heritage asset because the proposed extensions would result in an overly complicated and disjointed arrangement that would detract from the simple form and relative status of the historic core of the building.
- 9.5. The Heritage Team considered that the proposed extensions would result in a concentration of varying architectural forms within a relatively small area, in combination with the existing 20th century extension, that would give the rear section of the building a convoluted and overly complicated form, out-of-keeping with the simple planform characteristic of the historic core.
- 9.6. As such, given that the proposal would result in medium level of less than substantial harm to a non-designated heritage a balanced judgement has to be made as required by paragraph 197, which will be considered in the planning balance section below.
- 9.6. Local Plan Policy CN06 repeats the aims and objectives of the NPPF, stating: “proposals for the alteration (including part demolition), extension or change of use of buildings of Special Architectural or Historic Interest (including curtilage structures), or for the sub-division of, or new work within the curtilage or setting of a listed building should in this case (amongst other things):
- preserve the historic fabric of the building, and ensure that all proposals to remove by demolition, or alter any part of the building are justified in terms of preserving the special character of the building and will cause the minimum possible impact;
 - retain all elements, components, and features which form part of the building’s special interest and respect the original scale, form, design and purpose of the architectural unit;
 - be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting;
 - use materials and components which are natural or handmade, and which complement or harmonise with those on the building and the area. This will include lime plasters and lime mortars; natural clay or slate roofs; bricks; handmade timber windows and doors.”
- 9.7. This building as a non-designated heritage asset is considered to have historic interest so as to require assessment under this policy.
- 9.8. The proposed extensions are considered to be out-of-keeping with the existing design and form of the dwelling. The awkward articulation of the side extension fails to respect and harmonise with the existing built form, introducing a disconnected and disjointed addition. In failing to respect the character of the non-designated heritage asset the proposal reduces the significance and perceived importance of the historic core. The materials proposed do not reflect those of the existing dwelling or the local area. Thus, the proposed extensions are considered contrary to Local Plan Policy CN06.

10.0 Impact On Residential Amenity

10.1. The site has no immediate neighbouring properties. The site boundaries are formed by dense mature vegetation, screening any potential views. Due to this it is considered that the proposal will not detrimentally affect any neighbouring amenity.

11.0 Planning Obligations / CIL

11.1. n/a

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

12.1. The application proposals lack any harmony or relation to the existing dwelling and fail to respect its simple and traditional form. The extensions result in several varying architectural forms when viewed from the rear, appearing overly complicated and out-of-keeping with the simple characteristics of the dwelling. The proposal is therefore considered contrary to Local Plan Policy CN01 which seeks to ensure that extensions to dwelling are of an appropriate scale, mass, external materials and that the architectural details blend in with those of the dwelling and its wider setting.

12.2. Manna Wood Farm, having been identified as a non-designated heritage asset, is considered to have historic interest and therefore has been assessed against Local Plan Policy CN06. The proposals would result in an overly complicated and disjointed arrangement which fails to respect the original scale and form of the dwelling. The modern materials proposed would detract from the traditional attractive thatched and rendered element. As such, the proposal is considered to be in direct conflict with Local Plan policy.

12.3. The National Planning Policy Framework (2019) requires for non-designated heritage assets that a balanced judgement is made having regard to the scale of any harm or loss and the significance of the heritage asset. In identifying a medium level of less than substantial harm, it is considered that the proposal reduces the significance and perceived importance of the historic core. The harm is not insignificant and adds to the balance of judgement in refusing the application, having regards to local plan policies and the NPPF.

12.4. The proposal is not compliant with the NPPF and policies within the Development Plan and is therefore not considered acceptable. This planning application is recommended for refusal pursuant to the failure to comply with Local Plan Policy CN01 and CN06 and paragraph 197 of the NPPF.

RECOMMENDATION

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









1. The proposed development would result in a convoluted and contrived form of development which would be out of character with the existing dwelling. The proposed design is contemporary in materials and design and fails to be of an appropriate scale and form. The design fails to respect the character and appearance of the existing dwelling and surroundings. As such the proposal is contrary to the requirements of Local Plan Policy CN01, and Section 12 of the NPPF, having particular regards to the requirements that development should respond to local character and history and reflect the identity of local surroundings, along with seeking to promote or reinforce local distinctiveness.

2. The application proposals are considered to affect the character and significance of the non-designated heritage asset. The proposed extensions would result in varying architectural forms which would give the rear section of the building a convoluted and overly complicated form, out-of-keeping with the simple planform characteristic of the historic core. The application proposal would therefore result in a medium level of less than substantial harm to a non-designated heritage asset because the proposed extensions would appear incongruous and disjointed, distracting from the simple form and relative status of the historic core of the building. The proposal would therefore be considered contrary to the provisions of the NPPF and development plan Policy CN06, which seeks to conserve, and where possible enhance, the historic environment and protect the character, setting and significance of heritage assets. Furthermore in balancing the level of harm and the significance of the heritage asset, as required by paragraph 197 of the NPPF, the balance of the proposal is unacceptable.

Application No: DC/19/05417

Parish: Monks Eleigh

Location: Manna Wood Farm, Stackyard Green

- | Listed Buildings | | |
|---|------------------------------------|--|
|  | Area of Outstanding Natural Beauty |  Grade 1 |
|  | Special Landscape Area |  Grade 2 |
|  | Conservation Area |  Grade 2 * |
| | |  Built up Area Boundary |
| | |  The Site |



This page is intentionally left blank