

# Public Document Pack



<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>WEDNESDAY, 11 MARCH 2020 9.30 AM</b>
<b>VENUE:</b>	<b>MEAD ROOM (ROSE) - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH</b>

<b>Members</b>		
<u>Conservative</u> Melanie Barrett Peter Beer (Chair) Mary McLaren 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

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/19/26 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 26 FEBRUARY 2020**

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.

The provisional date for any site inspections is Wednesday 18 March 2020.

## 6 **PL/19/27 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 5 - 8

An Addendum to Paper PL/19/27 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

### a **DC/19/03126 LAND SOUTH OF TAMAGE ROAD, ACTON, SUFFOLK** 9 - 30

### b **DC/19/02345 KNOWLE HOUSE, CHURCH SQUARE, BURES ST MARY, BURES, SUFFOLK, CO8 5AB** 31 - 44

### **Notes:**

1. The next meeting is scheduled for Wednesday 25 March 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, 25 March 2020 at 9.30 am.

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

### **Introduction to Public Meetings**

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

### **Domestic Arrangements:**

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

### **Evacuating the building in an emergency: Information for Visitors:**

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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/19/27

### **BABERGH DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

**11 MARCH 2020**

### **SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

Item	Page No.	Application No.	Location	Officer
6A	9-30	<b>DC/19/03126</b>	<b>Land South of Tamage Road, Acton, Suffolk</b>	EF
6B	31-44	<b>DC/19/02345</b>	<b>Knowle House, Church Square, Bures St Mary, Suffolk, CO8 5AB</b>	SS

Philip Isbell  
Chief Planning Officer

## BABERGH DISTRICT COUNCIL

### PLANNING COMMITTEE

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

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

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

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

#### DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

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

#### **PLANNING POLICIES**

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

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

National Planning Policy Framework:

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

## **LIST OF ABBREVIATIONS USED IN THIS SCHEDULE**

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

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# Agenda Item 6a

## **Committee Report**

**Item 6A**

**Reference:** DC/19/03126

**Case Officer:** Elizabeth Flood

**Ward:** Long Melford.

**Ward Member/s:** Cllr John Nunn. Cllr Elisabeth Malvisi.

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## **RECOMMENDATION – PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Planning Application - Erection of 100 dwellings, vehicular access, open space and associated infrastructure.

### **Location**

Land South Of, Tamage Road, Acton, Suffolk

**Expiry Date:** 31/01/2020

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Bloor Homes Eastern

**Agent:** Bidwells

**Parish:** Acton

**Site Area:** 3.43

**Details of Previous Committee / Resolutions and any member site visit:** Site visit undertaken 18<sup>th</sup> September 2019.

**Has a Committee Call In request been received from a Council Member (Appendix 1):** Yes

**Has the application been subject to Pre-Application Advice:** Yes BIE/16/00485.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

- Major application above 15 dwellings.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

Babergh Local Plan (2006)

CN01 - Design Standards

CN06 - Listed Buildings

## TP15 - Parking Standards - New Development

Babergh Core Strategy (2014)

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

CS02 - Settlement Pattern Policy

CS03 - Strategy for Growth and Development

CS11 - Core and Hinterland Villages

CS15 - Implementing Sustainable Development

### **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**

Acton Parish Council Recommends refusal. The site is outside the settlement boundary for Acton, the Parish Council has objected to the allocation of the site within the Emerging Joint Local Plan as the site will constitute overdevelopment and stretch already sparse infrastructure to breaking point. The Joint Local Plan is at an early stage and it is inappropriate to approve an application until the issue of the Settlement Boundary is resolved.

The Housing Assessment is based on the wider Waldingfield Ward, the Parish Council request a housing needs assessment based solely on the needs of Acton residents. The Assessment fails to demonstrate that this development meets a proven local need. Attention should be paid to the comments made by the Strategic Housing Officer regarding the mix of housing. Planning Authority is asked to consider the extent to which Acton's housing needs have already been met by the approved planning application for 100 dwellings on land south east of Barrow Hill, Acton.

Transport Assessment is Incomplete and Flawed. No consideration of the need for mitigation required at the junction of the High Street and Sudbury Road. Site is poorly connected by footpath to the centre of Acton and the local facilities. Jenners Way is an unmade right of way which is not suitable for access. Acton is served by busy roads with no footpath access to surrounding villages or safe cycling to and from the village. There are limited bus services including to the Health Centre. There is overnight and weekend parking along long stretches of Tamage Road resulting in a single-track road with limited passing places.

Concern that the run-off from the development will raise the local water table. There is no indication of who will take on the long-term maintenance of the attenuation pool. The development will increase peak hour traffic load at the junction between the A134 Long Melford bypass and Bull Lane. Concern regarding the capacity of the electricity supply, Acton already suffers from Power Outages due to position at the end of the supply line. Further intensification of Jennens Way of historic right of way will render the path dangerous and unfit to use. Other footways in Acton are inadequate. There are no teenage facilities within Acton.

Planning Policy Considerations:

NPPF Paragraph 38 – The impact of 100 new dwellings cannot be mitigated therefore fails sustainable development test. CS3 – 1,050 dwellings to be built in Core and Hinterland Villages – Acton will take nearly 20% of these. CS11 – Planning Authority has to regard the cumulative effect of development, 200 dwellings in Acton will harm the nature of the community and strain local infrastructure. CS13 – The development is not sustainable and requires car ownership. CS15 – fails to respect the local landscape, won't create long term employment, doesn't indicate how to retain, protect or enhance local services and facilities, range of housing fails to consider aging population, fails to propose features for electric vehicles, risk of run-off, lack of safe routes out of the village for cycle/pedestrians limited opportunities reduce the need to travel by car, site is not accessible to people of all abilities.

Should the application be approved the Parish Council request the following:

- Measures to prevent concurrent development at Barrow Hill and Tamage Road
- Highway improvements junction Sudbury Road/ High St
- Financial provision for future maintenance of Jenners Way
- Funding/site for MUGA
- Maintenance of attenuation pond
- Parking on Tamage Road taken into account when considering vehicular access
- Affordable housing be prioritised for Acton residents.

Subsequent comments – The hedge boundary along Tamage Road is the property of Acton Parish Council, the PC wishes to preserve this hedge in its entirety and has not granted any permission for its removal or reshaping. The site is grade 2 agricultural land and worthy of preservation. The site is outside the village settlement boundary and therefore in open countryside. Acton is a Hinterland Village and whilst the current draft Local Plan suggest it is a Core Village questions by the PC who see no justification for changing the village status. Development on the site will dominate the existing village properties and the skyline when entering and leaving the village. The boundary of the site is of an important rural nature and provides easy access to open countryside, forming a quiet lane walk linking to public right of way number 15. Jennens Lane maintains its rural feel and provides a rural walk from centre of the village, leaving Jennens Lane there are clear open countryside views. Walk along Vicarage Lane provides sweeping open views towards Long Melford, these views through and beyond the site are enjoyed as you pass around the site to join the PROW 15 or walk around the edge of the proposed site along Sudbury Road. Walking into the village from PROW 16 clear view down into the village. This walking route and public views and extensive landscape scene are important and worthy of protection from new development.

### **National Consultee**

Highways England – No objections

Natural England – No comments

NHS West Suffolk – 1 GP practice within close proximity of the proposed development. This does not have sufficient capacity for the additional growth resulting from this development and cumulative growth in the area. Require a CIL contribution for the provision of increased capacity at The Long Melford Practice.

Anglian Water – Foul drainage from this development is in the catchment of Long Melford Water Recycling Centre that will have capacity for these flows. The sewerage system at present has available capacity for these flows. Recommend conditions relating to SUDS.

Suffolk Constabulary – Public Open Space should be restricted so prevent vehicles from accessing, attenuation lagoon should be secured by a boundary, some plots have rear parking with restricted

surveillance, plots are affected by long access parks, some plots have garages away from dwellings, lack of gable end windows to provide surveillance.

### **County Council Responses**

Infrastructure – Local catchment schools are Acton CEVC Primary School and Orminston Sudbury Academy. There are no surplus places available at secondary school level therefore expect to apply for CIL funding of £500,236.

The catchment primary school has a capacity of 210 places, current forecast shows that there will not be enough surplus places. The catchment primary school cannot be expanded with its current landlocked site area. Therefore the education strategy is to secure S106 contributions towards the new Child Woods primary school which is expected to be accessible via the Public Right of Way network from this site. The cost would be £399,763.

Pre school – Forecast a deficit of 23 places in this ward which would result in a CIL contribution of £149,364.

Archaeology – No grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. Recommend conditions.

Flood and Water Management – Recommend approval subject to conditions.

Highways – Have reviewed the Transport Assessment and the data supplied with this application.

- The proposed visibility splays for the development are sufficient for this application.
- The proposal for 100 dwellings would create approximately 43 vehicle movements with the AM peak hour, the traffic generation indicates that the cumulative impact with other committed developments will not have an impact on the capacity of the highway network in the area.
- The measures 85%ile vehicle speeds on Tamage Road is 24.6mph and 114 vehicles recorded in the PM peak hour therefore, a low use and speed residential road.
- There are bus stops approx. 500m from the site with frequent bus services.
- There are good pedestrian and cycle links to village amenities and to the village primary school.

It is our opinion that this development would not have an unacceptable impact on highway safety therefore we do not object to the proposal.

Recommend conditions relating to access.

S106 Agreement:

- Footpath 15, which is south of this site, is expected to be improved by the Chilton Woods development. If there has been no commencement on this site, we request a contribution to £12,500 to improve the surfacing of the footpath.
- In recognition of the way rural transport is evolving looking for a £50,000 contribution towards enhancing demand responsive services in the area. In addition raised bus stop kerbs are requested at a cost of £5,00 for construction.

Fire and rescue – Fire hydrants will be required within this development.

### **Internal Consultee Responses**

Environmental Management: Land Contamination – No objections

Public Realm – Public open space is adequate for this development, expect a local management solution for future maintenance of this open space.

Environmental Management: Air Quality – No objections

Environmental Management: Sustainability – Pleased to see the applicant committing to energy and carbon reduction beyond Part L. Cannot find reference to electric vehicle charging facilities. Recommend condition.

Environmental Management: Noise – No objections, recommend conditions to minimise disturbance during the construction phase.

Strategic Housing – The dwelling proposal triggers affordable housing contribution of 35% equates to 35 affordable homes. These would be required on site and allocated on a district wide basis. The open market mix consists of 2, 3 and 4 bedroom homes at 2 storey and 2 ½ storeys. Recommended broad range of homes to include bungalows with less emphasis on 4 bedrooms.

Tenure split should be 75% affordable rented and 25% shared ownership as follows:

27 affordable rented dwelling =

8 x 1b 2p flats @ 50sqm

14 x 2b 4p houses @ 79sqm

5 x 3b 6p houses @ 102sqm

8 shared ownership dwellings =

6 x 2b x 4p houses @ 79sqm minimum

2 x 3b x 5p houses @ 93 sqm minimum

Ecology – No objection subject to securing mitigation and enhancement measures.

Arboriculture – No objection subject to it being undertaken in accordance with the measures outlined in the arboricultural report. The proposal will not have a significant impact upon important trees and requires only the loss of three small sections of hedgerow. Recommend conditions.

Heritage – Application proposes erection of 100 houses of land to the west of Grade II listed Old Vicarage, Acton. Concerns raised over the proposed architecture and choices of brick and tile. Revised application change in the architecture but choice of brick and tiles remained, architectural forms now appear less pastiche, but does not reflect local distinctiveness. Proposed bricks and tiles remained uncharacteristic of the place, do not address CN01. Boundary Treatment for the eastern edge of the site is proposed to be close-boarded fencing, this form of fencing is suburban and unattractive and does easily relate to rural location of development. The proposed scheme would cause a low level of less than substantial harm to the setting and therefore the significance of the Old Vicarage.

Landscape – Recommend condition relating to landscape management.

## **B: Representations**

At the time of writing this report at least 192 letters/emails/online comments have been received. It is the officer opinion that this represents 192 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Acton Primary School is at capacity
- Long Melford Surgery is at capacity
- Inadequate junction between Sudbury Road and High Street

- Parking along Tamage Road results in a single track road
- Inadequate highways
- Inadequate capacity for sewerage and drinking water
- Potential of flooding from attenuation basin
- Inadequate broadband capacity
- Loss of Grade 2 agricultural land
- No need for additional dwellings in the area
- Lack of employment opportunities
- Proposed Chilton Wood School has not been built and has an unsafe pedestrian access
- Over development of the site
- Lack of public transport
- Acton is a Hinterland Village with inadequate infrastructure for the proposed and approved development
- Loss of views
- Impact on Grade II listed building, The Old Vicarage
- Lack of teenage facilities within Acton
- Contrary to Development Plan
- Harm to local character and distinctiveness of the area
- Detrimental impact on biodiversity
- Segregation of affordable houses to one part of the site is against Council policy
- Acton is not located in Greater Waldingfield Ward and use of ward data is inappropriate
- The Council has a 5 year land supply

(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:** BIE/16/01439      Request for EIA Screening Opinion      **DECISION:** PCO

**REF:** BIE/16/00485      Erection of up to 100 No. dwellings      **DECISION:** PCO

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0    The Site and Surroundings**

- 1.1. The site comprises an agricultural field surrounded on all sides by roads. Mature hedgerows and some trees form the boundary of the field. To the North East of the site is Tamage Road and beyond this a 1970s housing estate. Vicarage Lane borders the site on two sides, to the South and East. Accessed off Vicarage Lane is PROW15 and the wider footpath network. A single dwelling Higher Ground is located on this part of Vicarage Lane. To the West of the site is Sudbury Road which provides access from Acton to Sudbury via Newman's Green. Vicarage Lane continues to the East at the junction with Tamage Road. Along this part of Vicarage Lane is situated The Old Vicarage, a Grade II listed building set within extensive grounds.

Except with the boundary with Tamage Road the site is bounded by agricultural land. The built up area of Acton is found to the North of the site including the Primary School and facilities along the High Street. To the North East of Acton is Bull Lane and Acton Place Industrial Estates which provides some employment facilities.

## **2.0 The Proposal**

- 2.1. The proposal is for 100 dwellings comprising of the following:  
Market Housing

15 x 2 bedroom houses  
24 x 3 bedroom houses  
26 x 4 bedroom homes

Affordable Housing

8 x 1 bedroom flats  
18 x 2 bedroom houses ( 6 shared ownership)  
8 x 3 bedroom houses (4 shared ownership)  
1 x 4 bedroom houses

- 2.2 All the houses would meet national space standards. The development would provide a good mix of properties, the majority being smaller 2 and 3 bedroom houses which there is a general need for within the district.

- 2.3 Key elements of the proposed site layout are as follows:

- Single access point from Tamage Road to serve the development. The internal road will have footpaths each side. From this road there will be shared surface access roadways and drives serving groups of houses.
- Incorporation of a 0.34 ha public open space plus a 0.19 attenuation basin in one area at the east of the site.
- Play area provided within the northern part of the public open space.
- Mix of two storey and two and a half storey dwellings.
- A mix of detached, semi-detached and terraced houses and two storey flats are proposed
- Total of 88 car spaces, with 10 spaces set aside for visitors
- Affordable housing cluster concentrated toward the western end of the site.
- Hedgerow placement proposed to the Whatfield Road frontage.
- Housing is generally designed as an Arts and Crafts style.
- 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 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. That 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 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 paragraphs 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.
- 3.3 Policy CS2 'Settlement Pattern Policy' designates Acton 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.
- 3.4 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.
- 3.5 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.
- 3.6 The site is adjacent to the settlement boundary which is located along Tamage Road and Vicarage Lane. The site is an edge-of-settlement location where the criteria set out at Policy CS11 engage.
- 3.7 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.

- 3.8 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.
- 3.9 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. A Housing Need Assessment has been provided which shows that, within the two functional clusters which Acton is located in (Long Melford and Sudbury), there is a local need requirement up to 2031 (which is the end of the JLP period) of 2,177 dwellings. In September 2019 there was planning consent for 1,939 dwellings of which 448 were considered to be deliverable within the next five years. While not all 1,939 dwellings will be brought forward by 2031, using this number provides an additional need for 238 dwellings.
- 3.10 The Housing Needs Assessment also considered the need for affordable dwellings. Up to 2031 there is a local need within the Long Melford and Sudbury functional clusters for 438 dwellings and planning consent for 116 including 54 which are considered deliverable within five years. There is, therefore, a shortfall of 322 affordable dwellings within the Functional Clusters. The Housing Needs Assessment shows that there is a local need for additional dwellings, including a significant need for affordable dwellings which this development will help to deliver.
- 3.11 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.
- 3.12 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 being located close to Sudbury which can be accessed a number of ways. As set out in this report, pedestrian connectivity outside of the village is not high and the proposal will generate vehicle trips.
- 3.13 Policy CS15 sets out criteria relating to economic benefits, supporting local services, sustainable design, and 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.

- 3.14 The site is allocated within the Joint Local Plan for development of approximately 100 dwellings under allocation LA045. The JLP currently has limited weight, however it does indicate the direction of travel. Significant evidence accompanies the JLP which indicate that there are no site specific reasons which would prevent development of the site. The JLP states that there is currently primary school capacity locally as explained further in the report there is no capacity within Acton Primary School but there will be capacity in a school approximately 1.3 miles from the site.

#### **4.0 Nearby Services and Connections Assessment Of Proposal**

- 4.1. Acton is categorised as a Hinterland Village within the Babergh Core Strategy (2014). The village has a limited range of facilities including a village shop, public house, primary school, pre-school, church, village hall and recreational facilities including a children's play area.
- 4.2 Approximately 1.1km North West of Acton are the Bulls Lane/ Acton Place Industrial Estates which comprise a moderately-sized employment site providing a range of buildings. There is no footpath provision from Acton to the Bulls Lane/Acton Place Industrial Estate.
- 4.3 Sudbury is located approximately 2.5km to the south of Acton. There is no direct footpath provision to Sudbury. Nearby footpaths are proposed to be upgraded as part of the Chilton Woods development which is located approximately 2.2km away and will include a new village centre.
- 4.4 There is a reasonably regular bus service between Sudbury and Bury St Edmunds via Acton. With buses approximately once an hour. Sudbury provides onward connections to Colchester and Ipswich.
- 4.5 Acton Primary School is located approximately 460m from the edge of the site. The village shop and pub are located approximately 500m from the edge of the site.

#### **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. A single vehicular access would be provided from Tamage Road, opposite number 40 Tamage Road. In order to provide acceptable visibility splays the existing hedge would need to be removed and a footway would be provided along part of the front of the site which would provide safe crossing points across Tamage Road.
- 5.2. There would be four pedestrian accesses from the site, one along the main vehicular access, two further up Tamage Road and one onto Vicarage Road, which will allow access to Footpath 15 and the PROW network. Generally, the permeability through and out of the site for pedestrian is good.
- 5.3 Saved Policy TP15 of the Local Plan seeks to ensure that parking provision for new development complies with the Parking Standards. The proposed parking will comply with Suffolk Parking Guidance. 19 of the dwellings would have triple parking comprising of a garage and tandem parking in front. Such triple parking is not generally supported by the Highway Authority as the difficulty in manoeuvring vehicles means the garages are not used for parking. However these dwellings will be located on private drives and in most cases have visitor parking close by. As such the Highway Authority have accepted the use of triple parking.

- 5.4 Concern has been raised regarding the junction between the Sudbury Road and High St. Due to the location of the dwellings at this junction there is substandard visibility. However in accordance with the NPPF a highway impact needs to be severe to justify refusal of planning permission on highways terms. The Highway Authority does not consider that the impact of the development on the junction between Sudbury Road and High Street would be severe.

## **6.0 Design And Layout**

- 6.1 Policy CS11 states that new residential development in hinterland villages need to be well designed and appropriate in size / scale, layout and character to its setting and to the village. The overall layout of the scheme is based on a main access road through the development with spur roads and then private drives off. The dwellings have been designed to face along the main access road, the boundary of the site and the public open space. This outward-looking design will mean that rear gardens and boundaries will not be visible from outside of the site. A number of street trees are proposed along the main access road which will soften the impact of the road.
- 6.2 The pedestrian accesses from the site would all be overlooked by dwellings which would improve safety and usability of these. The public open space and attenuation basin is concentrated to the west of the site, the play area is to be provided towards the front of the site, making it accessible from existing housing developments. The public open space would provide access through the site, providing a link between the footpath network to the south of the site and the footpath to Sudbury Road to the North.
- 6.3. 29 of the 35 affordable houses would be located together in the one block at the eastern end of the development. This includes all the social rented dwellings. The remaining 6 shared ownership affordable homes are located in one block elsewhere on the development.
- 6.4 Guidance from Strategic Housing recommends that affordable housing should not be grouped together in blocks of more than 15. There is concern that such a concentration of affordable housing would be easily recognisable, especially with the use of rear shared parking courts which is not a feature seen elsewhere where in the development. There is, however, a benefit in terms of ownership and long-term management of locating the affordable houses in one area of the site.
- 6.5 The general design principles of the dwellings are an Arts and Craft style. Acton is characterised by a mix of dwelling styles and materials. To the north of the site is a large 1970s estate which is characterised by grey roof tiles and red brick with some timber weather boarding. Amongst the historic core of Acton are many infill properties of various designs and materials.
- 6.6 Although the design of the dwellings is not of the Suffolk Vernacular, as Acton does not have strong design characteristics, this is considered acceptable. The estate will have a character of its own which, given the scale of the development and its self-contained nature, is considered an appropriate design solution.
- 6.7 The majority of the properties will be two storeys in height, however four of them are proposed to be 2.5-storey. These properties are located in two pairs and have the potential to look slightly incongruous within the street scene of two-storey dwellings.

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

- 7.1. Policy CS11 states (*inter alia*) that new development must take into account the landscape and environmental characteristics of the village. The site is very well-contained, surrounded by roads on all sides and bounded by mature hedging and some trees. As such, the landscape impact is

significantly lessened. However, there will be some loss of views particularly across the site from Vicarage Lane and Tamage Road. The views from footpath 15 will also alter with built development within closer range.

- 7.2 The existing landscaping is proposed to be retained (much of this is outside the red line site plan) except for where it needs to be removed to improve highway visibility and is supplemented by additional planting. The landscape impact of the proposal is considered acceptable.
- 7.3 Although the Parish Council consider that the proposal will result in the loss of views along a popular walking route along Vicarage Lane and Sudbury Road. It is not considered that the loss of views are considerable. The main view that will be lost is that at the junction of Tamage Road and Vicarage Lane. Further along Vicarage Lane, the mature landscaping restricts views across the site for much of the year and as Vicarage Lane turns towards the East views across the site are to the built development on Tamage Road.
- 7.4 Outside of the village, Vicarage Lane and Sudbury Road are both 60 mph roads with limited verges. They are not especially suitable for pedestrians wishing to access the PROW network using footpath 15. The development will provide an alternative route to footpath 15 via the public open space or the estate roads, making access to the Countryside from the village safer.
- 7.5 The site is an arable field, with limited ecological value, much of which is within the hedgerows which are generally to be retained. The development will include biodiversity enhancement measures.
- 7.6 There are some trees located on the boundary of the site, the arboricultural officer has not objected subject to works being undertaken in accordance with the measures outlined in the arboricultural report. The proposal will not have a significant impact upon important trees.

## **8.0 Land Contamination, Flood Risk, Drainage and Waste**

- 8.1. The Environmental Management Officer has considered the Land Contamination Report and considers that there is no risk from development.
- 8.2 A drainage strategy has been provided which comprises SUDS and an attenuation basin. The Floods and Water management Officer is content with this strategy. Although there is concern from the public that the development could lead to flooding elsewhere in the village, there is no evidence to support this claim.

## **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 nearest listed building is the Old Vicarage which is located on Vicarage Lane approximately 140 metres East of the site. The Old Vicarage is located within extensive grounds with a paddock between the Old Vicarage and the site. There is extensive landscaping to the front of the Old Vicarage and opposite is modern housing.
- 9.2 The Heritage Officer made a number of comments during the course of the application which have resulted in amendments. Of particular concern is the need for landscaping on the Eastern side of the development to protect the Old Vicarage. In addition, the Heritage Officer is concerned that the proposed materials, including the boundary treatment for the development, are inappropriate. The proposed scheme would cause a low level of less than substantial harm to the setting and therefore the significance of the Old Vicarage.

- 9.3 There are only two properties along the Eastern side of the site which are side-on to the Western boundary (plots 32/33 and 34), both of which would have brick walls. The remainder of the properties would face onto the Western boundary. Additional trees and planting would be provided on this boundary. This will provide a reasonable screen between the site and the wider setting.
- 9.4 The use of modern materials has been discussed in Part 6 of this report.

#### **10.0 Impact On Residential Amenity**

- 10.1. The development has been designed to ensure adequate residential amenity within the site and all the dwellings will have private gardens. While Tamage Road would become busier with an additional 100 houses accessed off it, this would not be so significant as to cause a statutory nuisance. The distance between the development and the existing houses would prevent significant overlooking or loss of privacy. The nearest dwellings to the existing houses on Tamage Road would be plots 18 to 33 which would be located a minimum of 16 metres (front to front) from the properties on Tamage Road.

#### **11.0 Education Strategy**

- 11.1 Acton Primary School currently provides 210 places. The current forecast (including places forecast from the Barrow Hill development) shows that there will not be enough surplus places for children from the proposed development. The catchment primary school cannot be expanded with its current landlocked site area, with the adjacent recreation field being in the ownership of the Parish Council. Therefore the education strategy is to secure S106 contributions towards the new Chilton Woods primary school
- 11.2 The Chilton Woods Primary School will be located approximately 2.2km (1.3miles) to the south of the site along an indirect PROW route. It is proposed that the surface of the PROW route is improved to make it suitable for prams and scooters. The route will not be lit.
- 11.3 The use of the new Chilton Woods Primary School for children from the development is clearly not ideal. The distance to the school will result in many more children being driven to school than would be the case with Acton Primary School which is only 460 metres from the site. School catchment areas are likely to need to be revised to ensure that children from the proposed development do not displace children within Acton who are located further away from Acton Primary School.
- 11.4 Planning Officers have explored with Suffolk County Council if Acton Primary School could be extended but the site is considered too small to take additional pupils. Chilton Woods Primary School will be located within what is considered an acceptable walking distance for primary school aged children, (2 miles for children aged under 8 years) along a safe, traffic free route. There is also likely to be some linked vehicle trips with parents dropping off children on the way to work. As such, it is considered that the SCC education strategy, although not as preferable as expansion of Acton Primary School, will be acceptable.

#### **12.0 Planning Obligations / CIL**

- 12.1. A s.106 agreement would be required to ensure the delivery of the on-site affordable housing and public open space. As new schools cannot be funded via CIL, Suffolk County Council has requested funding of £399,793 towards the new Chilton Woods Primary School. In addition, Suffolk County Council has requested s.106 funding towards improvements to the bus service and bus

stops of £55,000 and £12,500 towards improvements to the PROW network, if this is not delivered via the Chilton Woods planning application.

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## **PART FOUR – CONCLUSION**

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### **13.0 Planning Balance and Conclusion**

- 13.1. The overall layout of the scheme is considered to be good, with the properties designed in such a way that they would provide legibility and overlooking. In addition, the four pedestrian accesses would allow easy access through and out of the site. There is a generous amount of open space which would provide links through the site to the village and wider countryside. However, the fact that 29 of the 33 affordable houses would be clustered in one corner of the site with significant rear parking courts is a major detractor from the layout and would make the tenure of this housing very obvious. In addition, the 2.5-storey houses have the potential to appear incongruous within the street scene.
- 13.2. Concern has been raised by the heritage officer regarding the proposed materials to be used for the development, which is considered to cause a low level of harm to the setting of the listed building, the Old Vicarage. As explained in this report, amendments to the design of the scheme has reduced the harm from the possible boundary treatment but the disputed materials remain. The harm is considered to be outweighed by the public benefits of the scheme which include 33 affordable dwellings, safer access to the PROW network, and public open space including a play area.
- 13.3. The site is well contained and therefore the development will have limited landscape impacts. While there will be some loss of views across the site, these will affect the immediate views only.
- 13.4. Acton is a Hinterland Village with limited facilities. As such the occupiers of the dwellings are likely to be reliant on private vehicles for many trips, although there is a reasonable bus service. The fact that primary school children from the development will be within the catchment area for Chilton Woods school rather than Acton Primary School, is likely to increase vehicular trips from the site. However, Sudbury is located within close proximity and provides a good range of facilities. As such, vehicular trips will generally be short.
- 13.5. 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 and the provision of additional public open space and a play area. The minor environmental disbenefits from a development, which would be reliant on private vehicles for many trips, is considered to be outweighed by the fact that these trips would be short, and by the benefits of providing a significant number of new dwellings, including affordable dwellings to the district.
- 13.6. Overall it is considered that the application complies with Policies CS11 and CS15 of the Babergh Core Strategy and Policy CS01 of the Babergh Local Plan. As such the development is considered to be a sustainable development in line with the provisions of the NPPF.

## **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to GRANT 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:**

- Affordable housing

This shall include

- Rented 75%= 27
  - Shared ownership 25%= 10
  - Properties shall be built to current Housing Standards Technical requirements March 2015 Level 1. All ground floor 1 bed flats to be fitted with level access showers, not baths.
  - The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets
  - All affordable units to be transferred freehold to one of the Councils preferred Registered providers.
  - Adequate parking provision is made for the affordable housing units including cycle storage for all units.
  - Commuted sum option available to be paid instead of on site provision should the LPA agree to such request.
- On-site open space and public open space including management of the space to be agreed and requirement for public access at all times.
  - Contribution to build costs at Chilton Woods Primary School of £399,763.
  - Contribution to improvements to the bus service and bus stops £55,000
  - Contribution to improvements to the PROW of £12,500. If not improved via Chilton Woods development

**(2) That the Chief Planning Officer be authorised to BLANK Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Standard time limit (3yrs for implementation of scheme/Outline/Reserved/Section73?)
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- Archaeological investigation
- Provision of fire hydrants
- As requested by the Highway Authority

- As requested by the Flood and Water Officer
- Provision of Electric Car charging facilities
- Biodiversity mitigation and enhancement measures
- Energy and renewal integration scheme to be agreed
- Rainwater harvesting to be agreed
- Construction Plan to be agreed.
- Level access to enable wheelchair access for all dwellings/buildings.
- As requested by the arboricultural officer
- Landscaping management

**(3) And the following informative notes as summarised and those as may be deemed necessary:**

- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles

**(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate ground**



**From:** [Elizabeth Flood](#)  
**To:** [Robert Carmichael](#)  
**Subject:** FW: Consultee Comments for Planning Application DC/19/03126  
**Date:** 02 March 2020 09:51:11

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Dear Rob,

Please find an item for late papers for Babergh Planning Committee on the 11<sup>th</sup> March.

Thanks

Libby

Elizabeth Flood

Principal Planning Officer  
**Babergh and Mid Suffolk District Councils**

Tel: 0784 9078665

Email: [elizabeth.flood@baberghmidsuffolk.gov.uk](mailto:elizabeth.flood@baberghmidsuffolk.gov.uk)

I work Monday, Tuesday, Wednesday and Thursday.

**From:** [publicaccess@baberghmidsuffolk.gov.uk](mailto:publicaccess@baberghmidsuffolk.gov.uk) <[publicaccess@baberghmidsuffolk.gov.uk](mailto:publicaccess@baberghmidsuffolk.gov.uk)>

**Sent:** 26 February 2020 15:58

**To:** Elizabeth Flood <[Elizabeth.Flood@baberghmidsuffolk.gov.uk](mailto:Elizabeth.Flood@baberghmidsuffolk.gov.uk)>

**Subject:** Consultee Comments for Planning Application DC/19/03126

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 3:57 PM on 26 Feb 2020 from Ms Fiona Mullins ([actonparishcouncil@gmail.com](mailto:actonparishcouncil@gmail.com)) on behalf of Acton Parish Clerk.

### Application Summary

**Reference:** DC/19/03126

**Address:** Land South Of Tamage Road Acton Suffolk

**Proposal:** Planning Application - Erection of 100 dwellings, vehicular access, open space and associated infrastructure.

**Case Officer:** Elizabeth Flood

[Click for further information](#)

### Comments Details

Objection to DC/19/03126

100 Dwellings - Agricultural Land at Tamage Rd, Acton.

The Parish Council continues to strongly object to this application. Whilst the Parish Council recognises the need for new housing especially affordable housing it believes that sites within a hinterland village should be carefully selected. Any development must not cause significant harm to the villages rural character or landscape. The local

infrastructure has limited capacity for large scale development. New development must be carefully planned and phased.

Over recent times Acton has produced a reasonable and steady flow of new dwellings. Outline permission has been granted for 100 homes to be developed at land north of the High Street (known as Land South East of Barrow Hill DC/17/02751) with access proposed into the High Street. Preliminary activity at and around this site is currently intense, indicating that build-out commencement is not far away.

Please find below the Parish Council's objection to the latest consultation covering the applicants Housing Needs Report.

**Comments:**

The Babergh District Council's housing needs and site allocations report identifies that there are currently adequate sites available to satisfy demand, both short and long term, for the period of the emerging local plan. The applicant's recent Housing Need Report singles out a small area within the district where policy aims to protect important landscape and the rural character surrounding open countryside, hinterland and core villages. The Bloor Housing Needs Report also appears to underestimate the number of new dwellings coming forward as a result of B/17/01718/ (Chilton Woods). The net result of this build-out will be a community of 1,150 dwellings on the Parish of Acton's boundary.

New development in the open countryside should be restricted to small infill (one or two dwellings) and small developments of affordable housing for local families (5-10 dwellings). The cumulative effect of this application being approved together with the already approved 100 dwellings at the Barrow Hill site will swamp and overwhelm the village and its existing delicate infrastructure. If approved this application will not protect or enhance the rural character of the location and the harm caused cannot be mitigated.

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Babergh District Council and Mid Suffolk District Council (BMSDC) will be Data Controllers of the information you are providing. As required by the Data Protection Act 2018 the information will be kept safe, secure, processed and only shared for those purposes or where it is allowed by law. In some circumstances however we may need to disclose your personal details to a third party so that they can provide a service you have requested, or fulfil a request for information. Any information about you that we pass to a third party will be held securely by that party, in accordance with the Data Protection Act 2018 and used only to provide the services or

information you have requested.

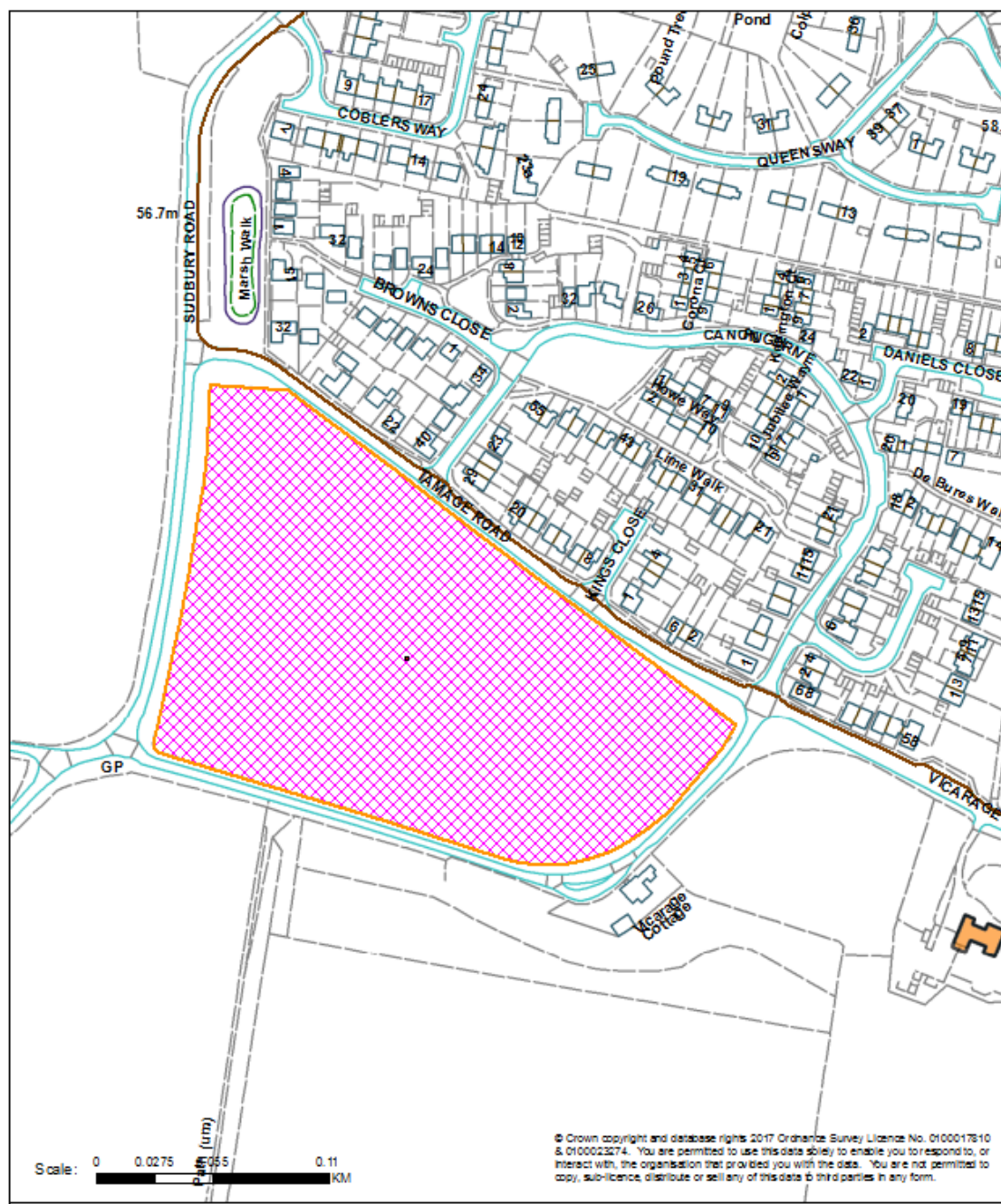
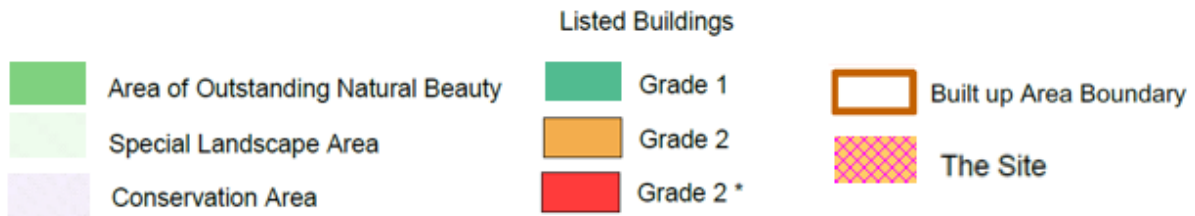
For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website.

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Application No: DC/19/03126

Parish: Acton

Location: Land South of Tamage Road



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# Agenda Item 6b

## **Committee Report**

### **Item 6B**

**Reference:** DC/19/02345

**Case Officer:** Samantha Summers

**Ward:** Bures St Mary & Nayland.

**Ward Member/s:** Cllr Melanie Barrett.

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## **RECOMMENDATION – TO GRANT PERMISSION WITH CONDITIONS**

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### **Description of Development**

Planning Application - Change of Use from a mixed use of residential & bus depot/workshop (sui generis use) to mixed use of B1 (business) and residential -retention of

### **Location**

Knowle House, Church Square, Bures St Mary, Bures Suffolk CO8 5AB

**Expiry Date:** 11/07/2019

**Application Type:** FUL - Full Planning Application

**Development Type:** Change of Use

**Applicant:** Amobox

**Agent:** Pomery Planning Consultants Ltd

**Parish:** Bures St Mary

**Site Area:** 0.28Ha

**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:** Yes with the Planning Enforcement Team

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

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

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

TP15 - Parking Standards - New Development

EM01 - General Employment

### **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**

Bures St Mary Parish Council objects to the application to change the permission for use of the former Chambers Bus garage from Sui Generis to B1, B2 Industrial Use, B8 and residential.

The site at Knowle House, Bures St Mary, was until 2012, the base for Chambers Buses. Chambers was a well-respected village business that had been operating since 1877. The Chambers family lived on site and the business had a good reputation and was a great asset to the village. As a bus garage and workshop there was noise from time to time during the day but was originally at a level in keeping with the sui generis category. However, should a new bus company seek permission to open on such a site today it would be unlikely that it would be allowed. It is therefore a specious argument to refer back to the previous use as a reason for permission for general industrial use under this application.

This application for change of use is in order for the current tenant and any future tenant to carry out work unsuited to a site which is in a residential area in the centre of the village. As a Parish Council we welcome business and enterprise within the village. However, the B2 category is not one that can be accommodated within the conservation area of the village centre and within sight and sound of a Grade 1 listed church and several Grade 2 listed houses. The Planning Portal differentiates between B1 and B2 in B1 being light industry appropriate in a residential area and B2 being general industrial which, in 2019, would be carried out on an industrial estate or at a site away from people's homes.

The current tenant, AMOBOX Dragon Ovens has been carrying out work which falls into the B2 category since opening in the village. The Parish Council sees Amobox as a successful company doing well in its field and would like to see them have a positive future. However, their own website openly admits that their work should not be carried out under the current permission Extract from the website

##### **The Factory**

We undertake all manner (sic) of steel fabrication work specializing in bespoke trailers, made to order.

All manner of steel fabrication work is the cutting and grinding of the metal of vehicles being converted to new uses. There is also the issue of subsequent use of bodywork filler, gluing and spraying with paint. Some or all of these materials are reported to have fumes indicating them to be solvent borne. None of these processes should be happening on this site. It is very important that permission is not given for a business which can cause harm to nearby residents by noise or fumes. B2 permission would mean that this and any subsequent tenant would legitimately be allowed to undertake work which would be detrimental to our parishioners.



We strongly contend that this permission should not be granted.

In addition to the assertions above we would like to point out omissions in the application. Under section 20 Industrial or Commercial Processes and Machinery, NA has been entered as the response. The proposal is asking for permission for industrial processes including grinding of metal. Under 21 Hazardous Substances the answer given is No. The fumes from glue, body filler and paint spraying indicate otherwise.

It is also important to note that giving permission for this change of use would have a damaging impact to the proposed extension to the Dedham Vale Area of Outstanding Natural Beauty.

### **County Council Responses**

#### **SCC – Highways**

No objection subject to standard conditions.

### **Internal Consultee Responses**

#### **Environmental Health - Noise/Odour/Light/Smoke**

##### **Fumes and Odours**

Concerns with regards to fumes and odours from painting, gluing and a fibre glass process have been raised. These processes are small in scale with the paints and floor material glue used on flooring is no different to materials for the same purpose in domestic settings. The levels of paint (which are modern water based paints introduced following the solvent emissions directive) are significantly below levels that would require an environmental permit to control potential environmental impacts and the process has been observed and did not raise concerns of offsite impacts.

No odours or fumes have been observed at nearby premises and are not of a nature that would require special measures to abate a problem beyond normal health and safety duty of care measures to protect the workers carrying out the operation themselves.

A new plasma cutter discussed in the section on noise has the necessary filters to capture the fumes produced from the process.

##### **Noise**

An updated noise assessment has been undertaken by Sharps Gayler following a change in one of the noisier working processes . Following the previous assessment a meeting was held with the applicant, the occupiers and the acoustic consultant to address the concerns raised by environmental protection. One of the actions suggested by the operator was to minimise the on time of the highest noise process of using a hand held circular cutting saw to cut a large rectangular shape opening in the metal side of a container (or similar unit), the business has started using a plasma cutter which eliminates the cutting saw/grinder except for a minimal rounding of corners the four corners of the opening. In addition rattler guns are no longer used on site Noise readings were confirmed for the old and new cutting processes as well as confirmation of noise levels for other processes previously measured within the workshop.

This was witnessed by myself and other officers of the council and I took side by side validation measurements to confirm/validate the consultant's measurements. Following the test to identify the noise levels on individual processes the consultant deployed static sound level meters (SLM) that were left in situ for 7 days to obtain typical working week sound levels. One SLM was deployed inside the workshop and another on the northern boundary of the site. In addition Environmental Protection deployed their

own SLM in a normal daytime habitable area of a residential dwelling for the 7 days when the consultants survey was being undertaken and left for an additionally 5 days without the knowledge of the business operator or their representatives.

Sharps Gayler have updated the BS4142:2014 (+2018) assessment using the additional data and re calculated the time weighted average to produce the Noise rating level as guided by the British Standard methodology to account for the use of the plasma cutter and in consideration of the information from the internal/external noise survey to minimise the uncertainty of the assessment.

The survey has shown that the building structure is only providing 25dB sound reduction compared to the 30dB previously assumed based on the construction of the building.

The Noise Rating level is not the short length maximum noise level produced by a premises or process. Estimations of the on time of each noise element of a work process have been made based on typical operations, observations of the consultant and information gained during the noise survey.

BS4142 requires consideration of any potential uncertainty from measurements, calculations or nature of operation. this is considered in table 2 of the report and states:

There is some residual uncertainty in that activity levels are extremely unpredictable, albeit it is considered that the assessment represents a maximum level of activity based on the current operator, and have now been verified by a survey of internal activity sound levels lasting an entire typical working week. The range of levels used in the assessment, along with internal and e external measurements has been successful in reducing uncertainty from the previous assessment position.

Environmental Protection have undertaken a number of visits to the site and the surrounding area in addition to the 12 day deployment of our own sound level meter. We have no evidence to question the on time of the equipment listed in the report or the statement on uncertainty. As such I am satisfied that the BS4142 assessment has been carried out in an appropriate manner.

The Noise Rating level of typical working is at 0dB above background (including a +3dB penalty for the character of the noise) and as such is not considered to have a significant adverse effect for daytime activities only.

I therefore have the following concerns:

- There is likely to be a significant adverse effect during the evening and night-time hours when background noise levels are in excess of 10dB quieter than daytime.
- Unrestricted B2 use could cause significant loss of amenity from new occupiers of the site.

I have no objection to any B1 use but consider that unrestricted B2 or B8 use should not be permitted.

I therefore have no objections due to noise, or other environmental impacts providing the following conditions (or similar conditions worded to the same effect) are applied should permission be granted.

### Conditions

- The use hereby permitted shall only be open during the following times:

Monday to Friday: 07:30 to 19:30

Saturdays: 08:00 to 13:00

Sundays/Public Holidays: None

- Noisy operations (such as those involving the use of powered equipment such as Aluminium saw, Steel saw, Grinders, Rattle gun, compressors or equipment powered or otherwise likely to emit similar noise levels) shall only be carried out between the following hours:

Monday to Friday: 08:00 to 18:00

Saturdays: 08:00 to 13:00

Sundays/Public Holidays: None

• The B2 use of the premises hereby permitted shall be restricted to the current occupier only.

### **Heritage Team**

The Heritage Team has no comments to make on the above application.

### **Enforcement**

Thank you for consulting Planning Enforcement. I can confirm I have a current Enforcement Case for the site in relation to the change of use from Sui Generis to B2.

### **Economic Development & Tourism**

The Council's Sector Needs Assessment 2017 notes that Babergh has the highest figure for manufacturing employment of 4,980, which represents 15.9% of total employment. VOA business floorspace statistics indicate that industrial floorspace supply (typically associated with manufacturing and related businesses) has decreased in the Ipswich Economic Area (IEA) over recent years. In Babergh between 2001 and 2017, 17k sqm have been lost to other uses, and in 2017 this was around 2.7%pa.

Industrial demand spans all size categories, although the main driver has traditionally been for small to mid-sized workshop units (typically ranging between 5,000sq.ft/465sq.m and 20,000sq.ft/1,860sq.m). Demand is also steady for small industrial premises below 5,000sq.ft/465sq.m which tend to cater for the start-up end of the market. Whilst the Economic Area has a sizeable stock of industrial accommodation, supply has continued to tighten as available stock is taken-up and limited new development has been completed in recent years.

[Although manufacturing is broadly in decline] It should be noted that not all parts of the manufacturing sector are set to decline. New Anglia LEP's SEP outlines that advanced manufacturing and engineering is one of the key growth sectors within the LEP area. The industry is worth £1.5bn GVA per annum to the local economy and employs 24,500 people.

Accordingly, the team considers that the continued use of existing employment premises such as the subject site is an essential part of the availability of premises and the continued prosperity offered by local employers such as this. With suitable conditions, the development can continue to operate from its established premises that enjoy a lawful employment use.

### **B: Representations**

At the time of writing this report at least 18 letters/emails/online comments have been received. It is the Officer's opinion that this represents 13 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Health and safety
- Noise
- Building not fit for purpose
- Fumes
- Highway safety
- B2 use inappropriate in residential area
- Vibrations to neighbouring properties
- Inaccuracies in submitted reports
- Work carried out at the premises in unsociable hours

- Impact on listed buildings and conservation area
- Leaving large front doors open

(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**

<b>REF:</b> B/0005/75/FUL	6 detached dwellings and 1 pair semi-detached dwellings with garages	<b>DECISION:</b> GRA 16.05.1975
<b>REF:</b> B/0006/75/OUT	Erection of 4 flats and 4 garages as amended on the 29th April 1975	<b>DECISION:</b> GRA 16.05.1975
<b>REF:</b> B/0883/79/FUL	Erection of new replacement garage.	<b>DECISION:</b> GRA 05.10.1979
<b>REF:</b> B/0128/76/FUL	Alterations and extensions	<b>DECISION:</b> GRA 07.05.1976
<b>REF:</b> B/0084/79/LBC	Demolition of non-listed building in conservation area - existing garage building.	<b>DECISION:</b> GRA 08.10.1979
<b>REF:</b> BIE/16/01521	Duty call back - 14/09/16 - Change of use from bus depot to auction house	<b>DECISION:</b> ECP 14.09.2016
<b>REF:</b> B//90/00684	ERECTION OF BUS CLEANING PLANT	<b>DECISION:</b> GRA 27.06.1990

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0 The Site and Surroundings**

- 1.1 The application site comprises a large workshop building which includes a wing that is used for office space and living accommodation and an external yard area. The site is in the heart of the village of Bures St Mary. This area of Bures is in the historic core and has many Listed Buildings near to the site and is within the Conservation Area. The properties surrounding the site are largely residential.
- 1.2 The site has an existing use of bus depot/workshop (sui generis). The application site was established as a bus depot by H.C. Chambers and Co in 1877, operating initially with horse drawn buses and carts, before motorised vehicles were introduced in 1918. The Chambers Bus Company is said to be the oldest bus company in the UK. Chambers were acquired by the Go-Ahead Group in May 2012 and the last bus to operate from the Bures Depot returned from its route in June 2012. Chambers continues as a public transport business, operating local routes under its new ownership from their depot is Sudbury.

- 1.3 The Bures depot was HQ for the business for some 142 years and included bus garaging and workshops, which were used to maintain its fleet. Buses were stored on the site when not on routes and were maintained and washed, using a bus washing machine which is still on the site located in the yard. The company's offices were contained within the site and the workshops were fully equipped with inspection pits and specialist equipment, capable of the complete overhaul of a double decker bus, engine removal, coach buildings and painting etc.

## **2.0 The Proposal**

- 2.1 This application has been received following an investigation of the site by the Planning Enforcement Team. This application seeks retrospective planning permission for a change of use of the site from bus depot/workshop (sui generis) and residential to B1 use (business) and residential. The residential unit is attached to the southern wing of the building that is used as offices. The unit consists of a living room, kitchen store and WC at ground floor level and three bedrooms and a bathroom at first floor level.
- 2.2 This unit has been in place for many years and is believed to have been in place before the "Appointed Day" of 1<sup>st</sup> July 1948, when the current Planning system came in to being. It is thus far beyond any enforcement action. There is no defined garden to the residential unit.
- 2.3 Parking for the site is located within the large yard area of the site.
- 2.4 The workshop building is large and sits at the bottom of the hill, with most of the neighbouring properties to the north and east being elevated from the site. The workshop building is a traditional bus depot with large double doors which open onto the public highway. The building is prominent in the street-scene. The workshop is of single skin construction.
- 2.6 The current occupiers of the site started operating at the site in 2017. Amobox carry out conversion of metal containers (similar to shipping containers, but smaller and thinner metal that are purpose made) and motor vehicles into mobile units for catering and entertaining. Normal process is that the container will arrive on site, a hole is cut in the side of the container that will be used as a serving hatch. The container is then fitted out with storage and catering equipment on the site. The containers normally arrive on the site already painted. Some "touching in" where the metal cuts occur is necessary, but painting is not a usual practice on the site. Cutting of wood and metal are practices that are carried out on the site.
- 2.7 The Site Area is 0.28 ha.

## **3.0 The Principle of Development**

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old.

- 3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.
- 3.4 The relevant policies for this application are policies TP15 and EM01 of the Babergh Local Plan 2006 and policies CS01 and CS15 of the Babergh Core Strategy 2014. These policies are given full weight and are consistent with the aims of the National Planning Policy Framework.
- 3.5 Policies EM01 and CS15 seek to ensure that employment is protected and that the local economy is strengthened and diversified. These policies are consistent with paragraphs 80 and 83 of the NPPF which seeks decisions that create conditions where businesses can invest, expand and adapt.

#### **4.0 Nearby Services and Connections Assessment of Proposal**

- 4.1 Bures St. Mary is a small village with good connections to Sudbury which has a wide range of services available.

#### **5.0 Site Access, Parking and Highway Safety Considerations**

- 5.1 The application does not seek a new access. Existing access points are used for the business. The change of use would result in a reduction of traffic movement to that of the previous use as a bus depot which had around 30 buses on the site.
- 5.2 Suffolk County Council Highways have raised no objection to the scheme. They have requested some standard conditions to safeguard parking and turning areas on the site and also details of the bin storage areas.
- 5.3 However, this is a retrospective application and it is not considered necessary for these conditions to be applied to an approval as this use has been in place for at least two years without any issues. The yard area is large and there is sufficient parking on the site for employees and visitors (Members are reminded that the site used to accommodate 30 buses).

#### **6.0 Design and Layout**

- 6.1 No external changes to the building are proposed by this application

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

- 7.1 This is not a constraint of this application.

#### **8.0 Land Contamination, Flood Risk, Drainage and Waste**

- 8.1 This is not a consideration of this application.

#### **9.0 Heritage Issues Including The Impact on The Character and Appearance of the Conservation Area and on the Setting Of Neighbouring Listed Buildings**

- 9.1 The application site is within a Conservation Area and has Listed Buildings within close proximity to the site. There are no external changes included in this application. The site has an existing business use which is historic as a bus depot and workshop. The proposed change of use is to

use the site as a workshop for the conversion of metal containers into mobile food units. The Heritage Team do not consider that this change of use will impact the setting of the Conservation Area or the Listed Buildings.

## **10.0 Impact on Residential Amenity**

- 10.1 Many of the objections from both local residents and the Parish Council relate to impact on residential amenity. Indeed, this issue was raised with the Planning Enforcement Team which lead to an investigation of the site which lead to acknowledgement of the breach of planning.
- 10.2 Noise has been raised as a major concern of local residents. A noise survey did accompany the application and was considered by the Environmental Protection Team. They had these comments to make on the application, "I have some concerns over noise from the proposal. Additionally a complaint has been made about the operation although no nuisance or significant impacts have been proven by officers from Babergh District Council at this time.
- 10.3 The applicant has submitted a BS4142:2014 assessment carried out by Sharps Gayler LLP who are competent acoustic professionals with experience of BS4142 assessments of this nature. The noise survey has identified a generally low to moderate impact of combined noise measured over time as required by the assessment methodology. Short term high noise operations such as the use of grinding and metal sawing equipment are likely to have a more significant level of audibility when openings are being cut into containers and units.
- 10.4 The assessment has shown that the combined noise rating level is below the significant observable adverse effect level (SOAEL) and therefore should be permitted with mitigation. This is further supported when considering the context of the area (large permitted bus depot) with a busy through road giving rise to high ambient noise levels between 08:00 and 18:00 hours (as shown in the noise level data reported in the Appendix of the acoustic report).
- 10.5 However, I am concerned regarding with the following matters due to the close proximity of residential dwellings:
- The hours of operation proposed, particularly with regards to the loudest equipment/activities used in the processes being carried out.
  - I am also concerned with regards to the uncertainty inherent in the BS4142 methodology as applied to a variable operation of this nature (reported in the assessment)
  - The granting of an unrestricted B2 and/or B8 use in such close proximity to residential properties which would permit potentially noisier business to occupy the premises in the future without needing further planning permissions, which could in turn cause significant loss of amenity and potentially cause statutory nuisance.
- 10.6 I therefore have no objection in principle to permission being granted to allow the current occupier of the premises to continue operating but would recommend that permission be granted on a time limited trial basis to allow verification monitoring to occur. Should a higher impact be identified or the impact of the noisier operations be higher than expected consideration can be given to further mitigation options such as relocating those operations within the premises as recommended in the report or looking at creating a room within the old bus depot building where the metal grinding and cutting operations can be carried out with additional sound reduction (if it is practical to do so).
- 10.7 Additionally the permission should be tied to the current operation and not permit unrestricted B2 or B8 use to occur. I have no objection to the B1 element of the application."

- 10.8 Following these comments the applicant has made efforts to reduce noise on the site. Some of the equipment has been changed on the site for more modern equipment that produces less noise. Details of these can be found in the Amobox Company Manual. For example, the metal grinder that was previously used to cut the holes in the side of the container has been replaced by a plasma cutter that is very quiet. The hoover which is used to during this cutting process to collect metal particles has also been replaced with one that is much quieter. One of the noisiest processes is the cutting of metal for fitting the container out and a guillotine has been purchased so that just one quick cut that produces a thud replaces a constant whine from the original cutter. A thick rubber mat has been put in place under the guillotine to catch the cut pieces of metal so that vibration and noise is absorbed by the rubber rather than the metal hitting the floor. A sound booth has been constructed around another piece of cutting equipment with sound insulation on the inside, this helps with containing noise within the booth and not spilling out into the workshop and beyond.
- 10.9 This means that the earlier mentioned “time limited trial basis” condition is no longer required.
- 10.10 During a site visit Planning Officers and a member of the Environmental Protection Team were given a demonstration of the cutting. Sound measurements were taken by both the Environmental Protection Officer and also the Applicant’s Sound Engineer. The results of the measurements were compared at the time and the readings were consistent with each other.
- 10.11 Following this site visit a further Acoustic Survey was carried out by the Applicant Sound Engineer for a week with the sound equipment running within the workshop constantly. The Environmental Protection Officer has reviewed the results of this survey and has concluded, “I have no objection to any B1 use but consider that unrestricted B2 or B8 use should not be permitted.”
- 10.12 Following the advice given by the Environmental Protection Officer (full comments are in the Consultee section of this report), it is considered that the level of noise produced from the site is acceptable in a residential area. Therefore, the original description of the proposal which included B1, B2 and B8 use on the land has been changed to B1 use. B1 use is a general business use class and is considered to be acceptable in residential areas and includes light industrial uses. Although there is some cutting of metal on the site, this is very limited and tends to be short bursts of sound rather than prolonged noise of grinding and sawing because of the new equipment that has been purchased by the Applicant to try and address concerns of the neighbours.
- 10.13 The formal complaint that was raised on noise grounds has been closed by the Environmental Protection Team as there was no noise nuisance evidenced from the noise readings that have been taken from the complainant’s dwelling.
- 10.14 Some objections have also raised the issue of fumes. The Environmental Protection Officer has investigated this aspect of the proposal. He has advised that dangerous substances are covered by other regulations under the control of The Health and Safety Executive. However, during his visits to site he has not experienced any issue of fumes.

#### **11.0 Planning Obligations / CIL (delete if not applicable)**

- 11.1 This is not applicable to this case.

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## **PART FOUR – CONCLUSION**

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## **12.0 Planning Balance and Conclusion**

- 12.1 This application seeks to change the use of a former bus depot and workshop to a B1 use. There are a total of 15 employees on the site. This is considerably less than its former use as a bus depot. Traffic movements have decreased with the current use.
- 12.2 The proposed use replaces another business on the site. Bures St Mary has little opportunity for local employment and therefore a business use on the site is welcomed in the heart of this village.
- 12.3 It is acknowledged that the use of the site as a bus depot is historic and was in use prior to planning regulations. However, another bus company could come in and use the site without any restrictions (albeit that this may appear unlikely). This change of use application gives the Local Planning Authority the opportunity to impose strict working hours on the premises in order to protect the residential amenity of neighbouring properties.
- 12.4 The Applicant has demonstrated sensitivity to the objections raised by purchasing new equipment that has significantly reduced noise spill from the site at his own cost and without being asked by the Local Authority. This has resulted in noise levels that are acceptable in residential areas.
- 12.5 The use provides fifteen jobs and, in the balance of considerations, it is held that the scheme is acceptable and should be approved.

## **RECOMMENDATION**

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

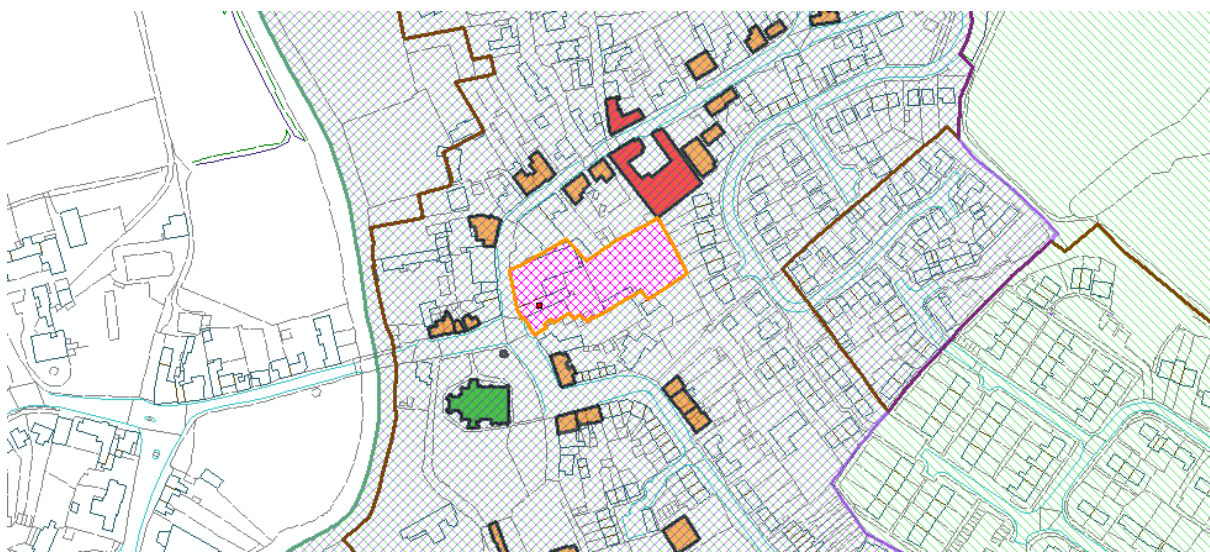
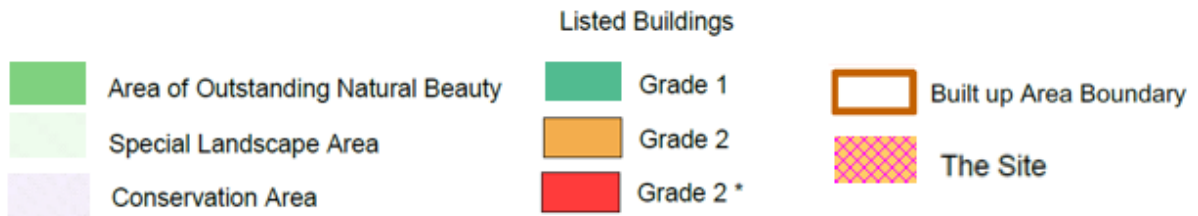
- Approved Plans and Documents
- Personal Permission to the Applicant
- Removal of PD rights to permitted changes of use
- Work procedures to be carried out in accordance with the Amobox Company Manual
- The use hereby permitted shall only be open during the following times:  
Monday to Friday: 07:30 to 19:30  
Saturdays: 08:00 to 13:00  
Sundays/Public Holidays: None
- Noisy operations (such as those involving the use of powered equipment such as Aluminium saw, Steel saw, Grinders, Rattle gun, compressors or equipment powered or otherwise likely to emit similar noise levels) shall only be carried out between the following hours:  
  
Monday to Friday: 08:00 to 18:00  
Saturdays: 08:00 to 13:00  
Sundays/Public Holidays: None

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**Application No: DC/19/02345**

**Parish: Bures St Mary**

**Location: Knowle House, Church Square, Bures**



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