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COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 14 JULY 2021 9.30 AM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

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

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

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 **SUBSTITUTES AND APOLOGIES**

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 **DECLARATION OF INTERESTS**

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 **PL/21/5 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 16 JUNE 2021**

To follow.

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

5 **SITE INSPECTIONS**

In addition to any site inspections which the Committee may consider to be necessary, the Acting Chief Planning Officer will report on any other applications which require site inspections.

6 **PL/21/6 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 5 - 12

An Addendum to Paper PL/21/6 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/21/00745 FORMER SLAUGHTERHOUSE AND LAND ADJ CUCKOO HILL, BURES ST MARY** 13 - 76

b **DC/21/02319 LAND TO THE EAST OF, STATION ROAD, LONG MELFORD, SUFFOLK** 77 - 122

c **DC/21/01958 TANQUERAY, FIDDLERS LANE, EAST BERGHOLT, SUFFOLK** 123 - 136

Notes:

1. The next meeting is scheduled for Wednesday 28 July 2021 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, 28 July 2021 at 9.30 am.

Webcasting/ Live Streaming

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

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

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Claire Philpot, 01473 296376, committees@babberghmidsuffolk.gov.uk

Introduction to Public Meetings

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

Domestic Arrangements:

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

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.



PL/21/6

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

16 JUNE 2020

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	13-76	DC/21/00745	Former Slaughterhouse and Land Adj Cuckoo Hill, Bures St Mary	VP
6B	77-122	DC/21/02319	Land to the East of Station Road, Long Melford, Suffolk	KH
6C	123-136	DC/21/01958	Tanqueray, Fiddlers Lane, East Bergholt	JME

Philip Isbell
Chief Planning Officer

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

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

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

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

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

DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

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

PLANNING POLICIES

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

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

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

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BMSDC COVID-19 – KING EDMUND COUNCIL CHAMBER ENDEAVOUR HOUSE

Babergh and Mid Suffolk District Councils (BMSDC) have a duty of care to ensure the office and the space used by Members of the Public, Councillors and Staff are COVID-19 Secure and safe. But each person is responsible for their own health and safety and that of those around them.

The BMSDC space within Endeavour House has been assessed and the level of occupancy which is compatible with COVID-19 Secure guidelines reached, having regard to the requirements for social distancing and your health and safety. As a result, you will find the number of available seats available in the Council Chamber and meeting rooms much lower than previously.

You must only use seats marked for use and follow signs and instructions which are on display.

The following specific guidance must be adhered to:

Arrival at Endeavour House (EH) and movement through the building

- On arrival use the main entrance.
- If there are other people inside signing in, wait outside until the space is free.
- Whilst in EH you are now required to wear your face covering (unless you have an exemption) when inside in all parts of the building (including the access routes, communal areas, cloakroom facilities, etc.).
- Use the sanitizer inside the entrance and then sign in.
- Please take care when moving through the building to observe social distancing – remaining a minimum of 2m apart from your colleagues.
- The floor is marked with 2m social distancing stickers and direction arrows. Please follow these to reduce the risk of contact in the walkways.
- Do not stop and have conversations in the walkways.
- There are restrictions in place to limit the occupancy of toilets and lifts to just one person at a time.
- Keep personal possessions and clothing away from other people.
- Do not share equipment including pens, staplers, etc.

- A seat is to be used by only one person per day.
- On arrival at the desk/seat you are going to work at you must use the wipes provided to sanitize the desk, the IT equipment, the arms of the chair before you use them.
- When you finish work repeat this wipe down before you leave.

Cleaning

- The Council Chamber and meeting rooms at Endeavour House has been deep cleaned.
- General office areas including kitchen and toilets will be cleaned daily.

Fire safety and building evacuation

- If the fire alarm sounds, exit the building in the usual way following instructions from the duty Fire Warden who will be the person wearing the appropriate fluorescent jacket
- Two metre distancing should be observed as much as possible but may always not be practical. Assemble and wait at muster points respecting social distancing while you do so.

First Aid

- Reception is currently closed. If you require first aid assistance call 01473 264444

Health and Hygiene

- Wash your hands regularly for at least 20 seconds especially after entering doors, using handrails, hot water dispensers, etc.
- If you cough or sneeze use tissues to catch coughs and sneezes and dispose of safely in the bins outside the floor plate. If you develop a more persistent cough please go home and do not remain in the building.
- If you start to display symptoms you believe may be Covid 19 you must advise your manager, clear up your belongings, go home and follow normal rules of isolation and testing.
- Whilst in EH you are required to wear your face covering when inside (unless you have an exemption) in all parts of the building (including

the access routes, communal areas, cloakroom facilities, etc.). Re-useable face coverings are available from the H&S Team if you require one.

- First Aiders – PPE has been added to first aid kits and should be used when administering any first aid.
- NHS COVID-19 App. You are encouraged to use the NHS C-19 App. To log your location and to monitor your potential contacts should track and trace be necessary.

Agenda Item 6a

Committee Report

Reference: DC/21/00745

Case Officer: Vincent Pearce

Item No: 6A

Ward: Bures St. Mary & Nayland

Ward Members: Councillor Melanie Barrett

RECOMMENDATION:

GRANT conditional planning permission subject to first securing a Unilateral Undertaking to secure:

- 1. An agreed partial demolition schedule**
- 2. An agreed partial demolition, rebuild commencement and completion timetable that also enables the Council by way of licence the right of entry to undertake and complete works. Such works in default to become a charge on the land title to enable recovery of such costs as reasonable if unable to otherwise secure them.**
- 3. A secure financial bond that the Council can draw down to undertake such work as may be required itself to implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable. *[any additional reasonable costs to be recoverable]***

Description of Development¹

Variation of condition 2 attached to the planning permission reference B//14/01103/FUL for:

'The erection of 6 no. two-storey dwellings, demolition of existing commercial buildings and hard-standing and construction of private access driveway [scheme to utilise existing vehicular access to public highway.]'

..to allow for amended designs for dwellings on plots 5 and 6.

The variation specifically seeks permission for the substitution of drawings no. 1471.04 [plot 5] and 1471.05 [plot 6] with new drawings.

¹ The description of development remains unchanged by this proposal i.e., the nature of the development permitted has not changed. What the application seeks, in effect, is to vary the current permission to enable a reconfigured development for Plots 5 and 6, under the currency of that permission.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

- The Chief Planning Officer is aware of the controversial nature of the recently undertaken development on this site. Development on plots 5 and 6 has already been the subject of enforcement related appeal². The appeal resulted in the Inspector determining that the dwellings that have been constructed on plots 5 and 6 are not in accordance with the approved drawings and that as a result of the harm³ they are causing they must be demolished.

The current S73 application seeks to radically amend the appearance of the existing buildings on plots 5 and 6 sufficient to overcome the issues identified by the Inspector and thereby avoid complete demolition of the buildings. Were the application to be approved both of the existing buildings would need to be partially demolished and rebuilt to a different design. The Chief Planning Officer is of the opinion that it is in the public interest for this application to be debated ‘in public’ and determined by the Planning Committee.

Discussion of the merits of this proposal will inevitably raise questions about the purpose and effectiveness of enforcement action and the appeal process if a developer can adapt an unauthorised development to avoid having to demolish something that has been shown to be causing unacceptable harm.

The public may understandably question *“Where is the deterrent and public confidence in the planning process from agreeing a compromise?”*

This report must as a result consider the nature of the English planning system and the role of the Council as local planning authority.

Members will be very familiar with the basic tenet that underpins the role of the planning committee, that being - every application must be determined on its individual merits having regard to all material planning considerations.

In essence this means the current application must be looked at afresh and determined on its own merits. Clearly the appeal decision is relevant insofar as it has identified serious issues that are causing such harm as to warrant the demolition of the existing unauthorised dwellings. Members will want to consider whether the proposed modifications to the design will overcome those issues such as to warrant an approval. The modified design may of course raise new issues that may or may not be capable of suitable mitigation.

² See appeal history section of this report at the end of PART TWO

³ Adverse impact on residential amenity, character of Bures St Mary Conservation Area and setting of the listed property - White Horse House [Grade II]

Members must, as with any other application, approach the determination of this application with an open mind.

If Members are of the view that the proposed development is, in and of itself acceptable, then they should approve it.

If, however, Members are of the view that having regard to all material planning considerations the application is unacceptable for sound reasons then they can reasonably refuse it.

It must be acknowledged that there is an extant and commenced planning permission on this site for 2 x two storey dwellings on plots 5 and 6 and that these could be built/rebuilt as originally approved following demolition of the present dwellings on plots 5 and 6 [following the appeal]. The Enforcement Notice does not require the dwellings on plots 5 and 6 to be rebuilt but with an extant commenced permission the original 'a- approved dwellings could be built/rebuilt without further planning permission.

Vincent Pearce appeared as one of the expert witnesses for the Council at the related Public Inquiry.

PART TWO - POLICY AND CONSULTATION SUMMARY

Summary of Policies

The Development Plan

Under section 38 of the Planning and Compulsory Purchase Act 2004, development should be determined with regard to the development plan, unless material considerations indicate otherwise. In accordance with s38(2), the development plan comprises:

- Babergh Local Plan Alteration No.2 'Saved Policies' (June 2006, saved May 2009):

Most important policies for this application are:

- CN01 (Design Standards);
- CN06 (Listed Buildings – Alteration/Extension/Change of Use);
- CN08 (Development in or near conservation areas);
- HS28 (Infilling / Groups of Dwellings);

- Core Strategy & Policies (February 2014):

Most important policies for this application are:

- CS1 (Applying the presumption in Favour of Sustainable Development in Babergh);
- CS15 (Implementing Sustainable Development in Babergh);

Other material considerations in the determination of this application include:

- The National Planning Policy Framework (NPPF) (February 2019);

- National Planning Practice Guidance (PPG) (regularly updated);
- Rural Development and Core Strategy Policy CS11 SPD (August 2014); and
- Bures St Mary Conservation Area Appraisal (November 2007).
- Suffolk Adopted Parking Standards (2015)

Draft Babergh Mid Suffolk Joint Local Plan – Submission Document –(Reg 22) 31 March 2021.

The Submission Document [Draft Joint Local Plan] March 2021 is now a material planning consideration. It is afforded limited weight, and plays no determinative role in the assessment of this application, however.

Neighbourhood Plan Status

There is no Neighbourhood Plan for Bures St Mary and nor is there one in progress⁴

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

[Bures St Mary Parish Council](#)

received 09 March 2021: Objection

please note:

The Parish Council's [Bures St Mary] comments are reproduced verbatim and **in bold blue text**. The report provides officer comments after each key concern raised by the Parish Council and therefore readers attention is drawn to the fact that the Parish Council's full comments are those reproduced in blue. In the interest of transparency in what is a highly charged atmosphere it is considered important to begin dealing with the Parish Council's concerns here rather than subsume them into the wider technical assessment

***“It is imperative that the conditions of the 2015 planning permission regarding contamination and drainage must be proven to be completed by the developer, Stemar, and approved by Babergh District Council before any decision is made on the future of plots 5 and 6.*”**

⁴ <https://www.babergh.gov.uk/planning/neighbourhood-planning/neighbourhood-planning-in-babergh/>
14.04.21

Officer comment:

This point is noted and it is expected that the contamination condition will be satisfactorily discharged by way of a concurrent discharge of condition submission. A verbal update will be provided at the meeting.

The Parish Council's concern in respect of drainage is understood but drainage is also a matter that is the subject of a concurrent discharge of condition application.

Understandably the concern here is that if the current proposed modified buildings for plots 5 and 6 are not approved by the Committee then the existing buildings are required to be demolished by the upheld Enforcement Notice. Currently the drainage regime for plots 5 and 6 is based on the ground level being higher than originally approved.

Consequently, if the existing buildings are demolished and the ground level reduced then the drainage system serving plots 5 and 6 will need to be modified and it is likely that water will need to be pumped up hill to the drainage tank or the drainage tank lowered - but this also serves plots 1, 2, 3 and 4.

If the modified buildings are approved then the drainage system as installed will not require modification. [assuming that all other aspects of the system are satisfactory].

Members are advised that current drainage arrangements are considered acceptable and will continue to be so if the modified house types are approved and implemented.

If the existing buildings are demolished then the present drainage system for plots 5 and 6 will need to be modified and the relevant condition discharged with new arrangements.

The Bures St Mary Parish Council objects to the Application No. DC/21/00745. Members maintain that the enforcement notice should be upheld as stated in point 194 in the Appeal Decision of the Inquiry held 6-9 October and 20-21 October 2020 (APP/03505/C/19/3237898) because they find that the proposed plans do not remedy the significant issues clearly and repeatedly identified by the Inspector throughout the Decision Report,

Officer comment:

In the introduction to this report members are reminded of the context within which a decision must be made and it is not intended to repeat that here.

The Parish Council in effect quite rightly asks will the proposed modifications remedy the breach of planning and they go on to cite reasons why they believe it does not. Certainly that is one of the central questions. Members will also be anxious to ensure that they look at the question to what extent will the proposed modifications remedy or suitably mitigate the planning harm identified by the Inspector. The answers to these two fundamental questions may not be the same.

This is a planning application that must be judged on its own planning merits.

[The Parish Council then sets out why it believes the modified buildings will not remedy the breach]

these being:

Point 40 'There is no justification for the underbuild of between 0.5 and 0.7 on plot 5'

Point 43 'I conclude that an underbuild of between 0.5 to 0.7m is not in accordance with the approved details or otherwise justified.'

The Parish Council does not believe this situation has been resolved in the new plans as even with lower ridges, the underbuild causes the windows to be wrongly placed in the buildings.

Officer comment:

The Parish Council rightly identifies the issue of underbuild [moving soil to adjust slope levels to create a flat plane upon which to build] as being at the heart of the Enforcement Case in so far as the Inspector did agree with the Council that ground levels had been raised without permission. It is this unauthorised activity that has resulted in the buildings on plots 5 and 6 being higher than approved because the ground level from which the build started had been raised.

It is correct to say that the modified buildings will not result in existing ground levels [and therefore floor levels] being reduced. This can only be achieved by the full demolition of both houses [as required by the upheld Enforcement Notice].

That is not however necessarily the whole picture. The proposed modifications will [if approved and implemented] result in buildings that do not exceed the overall height expected had the correct ground levels been used. If the overall height was the key issue, then the modifications do resolve the matter in that sense but by a different route. This issue will be explored in much greater depth later in this report.

Point 66: 'The position of the house is approximately 0.81 m further south than it should be, as a minimum. The siting of the house on plot 5 does not comply with the approved site layout plan.'

The Inspector found this was not a reasonable construction tolerance. (Point 79)

Consequently, the unauthorised siting of Plot 5 remains unresolved in the proposed plans.

The report also identifies in Point 128 that the position of Plot 6 is now considerably different to what was expected and that these changes have been for the worse and serious harm is caused by the incremental change.

The proposed plans alone cannot remediate these breaches of planning control.

Officer comment:

The Parish Council is absolutely correct when it states that the present proposal does not include any adjustment to the ground floor footprints of the existing dwellings plots 5 and 6. The position of the dwelling on Plot 5 drew particular comment from the Inspector with regard to a 0.81m difference between the approved position [closer to the rear garden boundary with the neighbouring dwellings on Cuckoo Hill]

Members will need to consider what harm arises from this unauthorised proximity and whether or not the benefits associated with the current proposed modifications outweigh that harm when compared against demolition of the dwellings and subsequent rebuilding in line with the approved drawings.

Officers suggest the key amenity issues [for neighbouring properties] that need to be considered in terms of the proximity question include [in no particular order]:

To what extent does the 0.81 retained proximity within the latest proposal [compared to the 'as approved' situation] -

1. Unacceptably prejudice the outlook from neighbouring dwellings;
2. Unacceptably prejudice sunlight and daylight levels to neighbouring dwellings
3. Cause unacceptable additional overshadowing of gardens
4. Result in unacceptable overlooking/loss of privacy

These will be explored in this report.

On a visit to the WHH garden, the Inspector reports 'I experienced a strong sense of overlooking and in my judgement a loss of privacy would be keenly felt'.

The Inspector considers in point 139 that such is the sense of intrusion and enclosure, that 'the impact is greatest for White Horse House because of the very direct relationship of the new build to that home and the serious harm to the enjoyment of their garden'.

Officer comment:

Once again, the Parish Council has identified another of the key issues that sat at the heart of the Council's case at the Inquiry. This concern was supported by the Inspector.

Officers believe that the proposed modified buildings will actually improve the levels of privacy within the garden of White Horse House by a reduction in the ability of occupiers of the house on plot 6 to overlook from first floor rear windows even compared to the original permission and with dwellings built at the correct levels. Why so?

The modified buildings will not have rear facing sash windows at first floor level. It was views from these windows that provided the vantage point from which to overlook. A rebuilt dwelling on plot 6 at a reduced ground level following demolition will not produce this benefit to amenity because first floor rear facing windows would remain.

As the proposed dwelling on plot 5 will also have first floor rear windows removed similar amenity benefits will arise in respect of the relationship with 6 and 7 Cuckoo Hill and Eversley.

The report also maintains that any form of soft landscaping would be oppressive and would fail to mitigate the 'strongly perceived sense of overlooking' (point 142).

Officer comment:

It is suggested that this matter be dealt with by condition. Please also see residential amenity section of this report

Point 144: the effect on amenity for existing and future residents of the neighbouring homes on Cuckoo Hill remains unacceptable.

Officer comment

The exploration of all material planning considerations at the meeting and accompanying material will enable Members to assess whether they agree or not with the Parish Council's conclusion and why that is.

Point 162: the house on plot 5 has resulted in overlooking and a harmful loss of privacy for the occupiers of Eversley. The new build also is unneighbourly by reason of its overbearing nature in relation to the outlook and general amenity of residents of the row of dwellings fronting Cuckoo Hill.

Officer comment:

Addressed above

In her overall balance and conclusion, the Inspector highlights the failure of the development to meet the policy aims of the Framework and the Core Strategy. (Point 165)

Lowering the roofs alone, repositioning windows and the insertion of opaque glazing will not address these significant conflicts. The Inspector describes the nature of the scale of the development as overbearing and oppressive. The members agree with the Inspectors findings that this is increased by the lack of appropriate separation distance between the new and the old (Point 126). This lack of respect for the historical setting of White Horse House results in further damage and considerable harm. The proposed plans do nothing to alleviate this identified harm.

Furthermore, to approve this plan, Babergh District Council would be acting counter to their own Refusal of Planning Permission DC/18/00929 which identified the harm resulting from the as built dwellings. This is an extract from that document.

Officer comment:

In drawing her conclusions, the Inspector was comparing the levels of harm between the as built dwellings and the as approved dwellings. The Inspector took the view that there was additional harm created by the as built dwellings over and above that associated with the approved dwellings. Officers do not share the opinion of the Parish Council when it says [the plans] ‘do nothing to alleviate this identified harm’. Both Development Management and Heritage Officers agree that the proposed modifications do appropriately reduce harm and in some ways actually improve the situation when compared to the original permission [with the approved ground levels.]

Again the officer comment here will be expanded and supported with evidence within the assessment part of this report.

In summary the two storey detached houses as built on plots 5 and 6 and as shown on drawing number 1471/21G and 1471.22 are unacceptable for the significant harm they cause to:

(i) the residential amenity enjoyed by the property known as White Horse House

immediately to the south; and

(ii) the character of the Conservation Area; and,

(iii) the setting of the adjacent Grade II listed building - 'White Horse House'

Specifically:

Harm to Residential Amenity

As a result of:

(a) the ground level on plot 6 being raised beyond those previously approved; and,

(b) the consequent rise in finished floor level of the plot; and,

(c) the overall increase in height of the buildings on plots 5 and 6 beyond that

previously approved; and,

(d) the relocation of Plot 5 closer to the southern boundary”

Officer comment:

As this summarises the Parish Council's position no additional comments will be included here.

Internal Consultees

Heritage Team: 13.04.21

“This application is made under Section 73 of the Town and Country Planning Act and concerns the ‘Variation of Condition 2 (Approved Documents) of planning permission B/14/01103/FUL dated 13/02/2015 - Erection of 6 no. two-storey dwellings, following demolition of existing commercial buildings and hard standing, and construction of private access driveway (scheme to utilise existing vehicular access to public highway). To allow alterations to Plots 5 and 6.

The reduction in finished heights as illustrated in the comparison elevations drawing, reference 20/256-07A reduce the buildings to the level initially approved under the 2014 application. The proposal drawings also alter the fenestration of the rear of both properties on plots 5 and 6. This reduction in ridge heights and the simplification of openings, lend the rear elevations of both these properties a more vernacular proportion and character which is considered appropriate in the immediate environment – and given that the Heritage Team raised no concerns with the form or materials proposed under the 2014 application, the harm to the settings of the listed and unlisted buildings adjacent, and to the character and appearance of the Bures St Mary Conservation, Area has now been removed. We therefore raise no objection.”

Enforcement Manager [Simon Bailey] 30.06.2021 [Simon appeared at the related Public Inquiry as one of the expert witnesses for the Council]

“The purpose of the Enforcement Notice issued by the Council against the development of Plots 5 and 6 was to remedy a breach of planning control.

The proposals put forward in the current application are sufficient to overcome the reasons for taking formal enforcement action through the service of an Enforcement Notice and offer a remedy to the breach of planning control identified.

The reasons for issuing the Notice were:

- The works that have been carried out in relation to ‘Plot 5’ and ‘Plot 6’ do not accord with the approved plans, and the Local Planning Authority considers that these works are materially different to those approved.
- data ... indicates the difference between ground level and ridge to be materially higher than the dimensions indicated on the approved elevations drawings.
- data ... indicates the ground levels around the buildings has been materially increased, resulting in the dwellings constructed being substantially higher than indicated on the approved plans.
- Coupled with the difference between the dimensions indicated on the approved elevations drawing, ... the altered ground levels give rise to a difference in the overall height of the dwellings, ..., and that difference results in a materially different overall development which gives rise to adverse impact on the immediate neighbours, the amenity of the area, and the character of the Bures Conservation Area.
- The development as built does not benefit from planning permission, and results in unacceptable harm to the character and nature of the surrounding residential development, the amenity of the area, and the character of the Bures Conservation Area.

At the Inquiry during October 2020, the Inspector agreed with the Council's interpretation of the planning permission granted (ref. B/14/01103) and it's detailed analysis and assessment of the development 'as built'. Notwithstanding that, in the subsequent formal decision the Inspector indicated, at para.188, that the developer could exercise the option to put forward an alternative scheme. That scheme - the current proposals - addresses the concern set out in the Enforcement Notice regarding the height of the dwellings at plots 5 and 6. If approved and implemented, the application scheme would render the two dwellings no higher than that approved under the original approval, ref. B/14/01103. On that basis, the 'harm' arising from the development would therefore be no greater than that which would have occurred had the buildings been constructed in accordance with the approved plans - that degree of 'harm' having been considered acceptable by the Council during the determination of the original application in 2014/15.

The scheme does not address the issue of the position of Plot 5, though that is not specifically referred to in the Enforcement Notice. The positioning of the building was an integral part of the Council's case at the Inquiry and is a breach of planning control which requires appropriate remedy. However, it must be accepted that there is no way to make such an adjustment short of total demolition of the building. It is in this regard that the positioning of Plot 5 differs from the height issue of both plots - the height can be remedied by way of alterations to the properties (an example of which is set out in the current proposals) whereas the location of the buildings cannot be readily adjusted to achieve an appropriate amelioration of the identified 'harm'.

However, other aspects of the proposals serve to further mitigate the planning 'harm' considered to exist from the 'as built' development, including that arising from the incorrect position of Plot 5. The movement of windows from the rear elevations of the two dwellings to side elevations will mitigate overlooking and loss of privacy for existing dwellings. In addition, the reduction in the height of the ridges of the associated garages reduces the mass and bulk of the built form on site and thus improves the overall impact of the development.

On balance, the proposals put forward as an alternative scheme are sufficient, in their totality, to remedy the effects of the breach of planning control identified in the Notice, and the positioning of the Plot 5 building.

Whilst there may be a preference for the two dwellings to be totally demolished, ground levels reduced, and the buildings rebuilt to accord with the original permission, the long-term benefits of the proposals currently presented should not be overlooked in favour of punitive measures.”

Environmental Health – Land Contamination 06 April 2021

Offers no objection, subject to a condition requiring land contamination remediation.

Environmental Health – Noise/Light/Smoke/Odour 11 March 2021

Offers no objection.

County Council Responses

SCC Highways 25 February 2021

Offers no objection.

Members attention is drawn to the fact that whilst SCC as local highway authority has not raised an objection to the proposal from a development management perspective it appears that surface water connections may have

be made from the development into the highway drainage system. This connection was not agreed by SCC as local highway authority and the developer has been required to remove the connection and make alternative arrangements for the disposal of surface water.

Suffolk County Council's Asset Manager [Drainage and Soft Estate] in an email of 16 June 2021 stated:

"It's still not 100% [certain] if this is a purely highway drain or a piped watercourse, but given the amount of connections into the 300mm pipe its likley (sic) to be the latter. However if the site has a pre-existing connection that's irrelevant.

As previously advised we are not accepting new connections into highways drain, but where there is an historic connection into any of our systems we accept or at least tolerate those unless they are foul water or clearly recent unauthorised connections.

As you will be manging the flow rate down as well I can foresee no increased risk of the system being overwhelmed. Jason are you happy for the site to use the existing connection?"

On 17 June 2021 SuDs responded

"If the applicant can provide evidence that no alternative means to discharge exists based on the drainage hierarchy, then [the SudS authority] is happy."

Officer comment:

This suggests that the site is capable of being satisfactorily drained from a technical perspective even though the highway authority will have to accept attenuated flows.

B: Representations

The Council's normal neighbour notification process [97 letters] has triggered a total of 96 letters of objection from 62 properties.

Concerns expressed are summarised thus: [please note all correspondence received can viewed in full on the Council's planning website under the application reference].

Objections

- Overlooking/Loss of Privacy [76]

Officer Comment:

This point is addressed within the officer comments to the Parish Council's comments and is explored in great detail within the assessment part of this report. Officers do however believe the present proposal

includes a significant improvement in terms of reducing the risk of overlooking even compared with the as approved buildings

- Development too high [70]

Officer Comment:

The 'as built' dwellings on plots 5 and 6 have been held to be higher than approved. The original approval now sets the bar in terms of ridge height. The modified buildings will not exceed that height. Objections to the as approved height cannot now influence that decision.

- The plans do not address key issues confirmed by the planning inspector [48]

Officer Comment:

Whilst the proposal does not include a reduction in ground level and does not include adjusting the footprint of the dwelling on plot 5 [both identified as issues by the Inspector] it does provide design benefits to offset these issues such that the end result required by demolition is reached by a different means. This statement will be explored in detail within this report.

If Members are of a mind to see the existing buildings being demolished knowing that the dwellings will then be rebuilt as approved rather than approving the modified proposal with such benefits to amenity as it may include [or not as Members may consider] then the outcome would result in a development on plots 5 and 6 that would directly address the matters identified by the Inspector as causing harm. The resultant development would then be as expected. Having been built, albeit not in accordance with the approved drawings, it has become clear that certain aspects of the approved development will not be welcomed by neighbours. The current modified proposal affords an opportunity to tackle those issues in a way that implementation of the approved scheme cannot.

- Dominating/overbearing [47]

The dwelling on plot 6 will if the modifications are approved have a ridge height that will match that of the approved dwelling at the approved ground level. [rather than the higher ground level and therefore ridge height of the existing 'as-built' version]. On this basis and in view of the significantly reduced eaves height and removal of first floor rear windows the present proposed modified building is not considered to be dominating/overbearing by comparison to the originally approved building.

Whilst the dwelling on Plot 5 is [as built] 0.81m closer to the rear boundary than approved the combination of present separation distance, the lower than as built ridge height and reduced eaves height and lack of first floor rear windows is considered to mean the overall impact will not be dominating/overbearing compared to the as-approved version.

Indeed, officers are of the opinion that the proposed modifications will reduce the presence of the dwellings on plots 5 and 6 on neighbouring dwellings and from Cuckoo Hill.

- Impact to listed buildings [45]

The Council's Heritage Team is satisfied that the modifications of approved and implemented will be acceptable as evidenced when they state:

"..given that the Heritage Team raised no concerns with the form or materials proposed under the 2014 application, the harm to the settings of the listed and unlisted buildings adjacent, and to the character and appearance of the Bures St Mary Conservation, Area has now been removed. We therefore raise no objection"

- Impact to Conservation Area [34]

As above

- Out of character [32]

As above

- Potentially contaminated land [29]

Not an issue with Contaminated Land Officer. Condition 7 resolved for plots 1-4 and new condition recommended.

- Buildings are too close to existing neighbours [26]

Implications discussed above and in report

- Drainage [26]

Please see report

- Landscape impact [24]

The modifications presently proposed will have no greater impact on landscape hereabouts than the approved buildings. The fact that the modified buildings if approved and implemented will have ridge heights compatible with the approved versions and a lower ridge than those 'as-built' may actually permit slightly enhanced sight of tall trees behind the development from certain viewpoints.

- Overdevelopment [21]

Officer comment:

If approved the modifications will not alter the overall approved number of units within Apple Tree Mews. Gardens and parking to plots 5 and 6 remain satisfactory. A refusal on the grounds of overdevelopment cannot therefore be reasonably sustained.

- Inappropriate design [20]

The design is supported by the Heritage Team as appropriate in the context of the as approved development.

- Loss of outlook [19]

Dealt with in the report and earlier.

- Scale [17]

Officer comment:

It is difficult to support a refusal based on inappropriate scale as the as approved buildings were permitted as two storey dwellings. Effectively what is now proposed are 1½ storey dwellings which have a reduced scale. If the criticism is that 1½ storey dwellings are inappropriate in scale compared to the approved and as built two storey dwellings then that is not a view supported by officers.

- Boundary issues [17]

Please see report

- Conflict with Neighbourhood Plan [16]

Bures St Mary does not have a Neighbourhood Plan

- Loss of light [16]

Will be considered under residential amenity section of this report.

- Conflict with District Plan [13]

How? Policy implications will be explored in this report and summarised within the planning balance and conclusions.

- Inadequate Access [13]

No highway objection and the same as originally approved. Access cannot therefore reasonably be used a reason for refusal.

- Building work [12]

The original planning permission resulted in inevitable disturbance, nuisance and disruption for existing nearby residents and road users.

The complete demolition of the buildings on plots 5 and 6 will result in disturbance, nuisance and disruption.

If approved and implemented the proposed modifications may well result in a modicum of less disturbance, nuisance and disruption compared to full demolition and full build as less work will be required.

Clearly had the permission been implemented in accordance with the approved drawings in the first place this subsequent disturbance, nuisance and disruption would not have been required. With the upholding of the Enforcement Notice that is now inevitable at least in the short-term if the problems with the as built dwellings are to be resolved.

- Contrary to NPPF [10]

This point is not accepted in the light of the extant planning permission.

- Residential Amenity [9]

Fully considered in this report.

- Application is lacking information [9]

Officers are satisfied that adequate information has been presented since the submission of the application.

- Health and Safety [9]

A condition requiring the submission of a demolition and construction method statement is recommended if Members are minded to grant planning permission.

- Increased traffic and highways issues [7]

No highway objection.

- Light pollution [7]

No new implications compared to as approved situation.

- Inadequate parking provision [6]

The proposed off-street parking for the buildings on plots 5 and 6 meet current standards.

- More open space needed [5]

The proposal cannot now be required to provide additional open space beyond that previously approved. There was no public open space requirement.

- Loss of open space [4]

The proposal results in no loss of open space over that previously approved.

- Increase danger of flooding [3]

Please see drainage sections.

- Increase in pollution [1]

Demolition and construction works will result in additional noise and dust but the demolition method statement and conditions on construction hours and dampening down of dust will minimise the extent.

- Loss of parking [1]

Not applicable.

- Noise [1]

See above.

Relevant Planning History

B/14/01103/FUL/AS: Approved 13.02.2015

Erection of 6 no. two-storey dwellings, following demolition of existing commercial buildings and hard standing, and construction of private access driveway (scheme to utilise existing vehicular access to public highway)

Non-Material Amendment B/14/01103/FUL/AS: Approved 12.05.2017

Alterations to the approved dwellings, which essentially comprised additional windows and roof lights, bin enclosure details and garden sheds.

DC/18/00929: Refused 02.08.2018

Application under Section 73 of the Town and Country Planning Act - Erection of 6 no. two storey dwellings, following demolition of existing commercial buildings and hard standing, and construction of private access driveway (scheme to utilise existing vehicular access to public highway) - Variation of condition 2 of planning permission B/14/01103 to show the existing [prior to development] and proposed ground and floor levels to properties by substituting drawing number 3368.25 and replace it with new drawing 1471.21e 'Proposed Setting-Out and Landscaping'.

The reason for refusal were based around the following summarised issues resulting from the buildings [as built] not being in accordance with the approved drawings:

1. The harmful effect upon the residential amenity afforded to the occupants of White Horse House, due to the scale of dwellings on plots 5 and 6 [as built] and the proximity between those plots and neighbouring dwellings; and,
2. The harm caused by the dwellings on plots 5 and 6 [as built] to the character of the Bures St Mary Conservation Area; and,
3. The harm to the significance of White Horse House by virtue of the impacts the dwellings on plots 5 and 6 [as built] are having on the setting of that listed heritage asset.

*[summary taken from Council's Statement of Case from the S78 Inquiry [2020]
[Heritage Witness]*

DC/19/01422:

Application under section 73 of the Town and Country Planning Act B/14/01103 without compliance with condition 2 (Approved plans and documents) to allow amendments to plots 1 & 2.

DC/19/01427:

Application under section 73 of the Town and Country Planning Act B/14/01103 without compliance with condition 2 (Approved plans and documents) to allow amendments to plot 3.

Five CLEUD [Certificate of Lawfulness of Existing Use or Development] applications were submitted on 19 September 2018, for each of the permitted six house plots of the implemented permission (Plots 1&2 submitted as one), relevant to planning permission granted in 2015 (B/14/01103/FUL/AS).

Two were refused on 20th December 2018 (Plots 3 and 6) and three were refused on 31st January 2019 (Plots 1&2, 4 and 5).

DC/19/01428:

Application under section 73 of the Town and Country Planning Act B/14/01103 without compliance with condition 2 (Approved plans and documents) to allow amendments to plot 4.

Enforcement Action History

The Council served an enforcement notice, reference 17/00439/NFP, with regard to Plots 5 & 6 on 29th August 2019 immediately following the Planning Committee to determine the separate S73/73A applications for Plots 1-4, on the grounds that Plots 5 & 6 remained unauthorised for not following approved plans and increase in ground levels.

APPEAL History

	Application Description	Babergh DC References	Appeal References	Appeal Decision	
1.	Section 73 of the Town and Country Planning Act - Erection of 6 no. two storey dwellings, following demolition of existing commercial buildings and hard standing, and construction of private access driveway (scheme to utilise existing vehicular access to public highway) - Variation of condition 2 of planning permission B/14/01103 as amplified by submission of covering letter from agent dated 26/3/18 and annotated Proposed Setting Out and Landscaping Plan (1471.21E) and Existing Site Survey Plan (1471.06) all received 26/3/18. As amended by agent's letter dated 21/6/18 and revised plans 1471.21G and 1471.22.	DC/18/00929	APP/D3505/W/18/3215428	<p>The applicant withdrew the planning appeal submitted under S78 against the refusal of planning permission on day 5 of the Inquiry</p> <p>A costs award was made against the appellant in favour of the Council.</p>	
2	Lawful Development Certificate Plots 1&2 Erection of 2 No Houses with gardens and parking	DC/18/04204	APP/D3505/X/19/3221853	<p>The applicant withdrew all five of the lawful Development Certificate appeals also on day 5 of the Inquiry.</p> <p>A costs award was made against the appellant in favour of the Council.</p>	
3	Lawful Development Certificate Plot 3, One three bedroom house with garden and parking, constructed in accordance with permitted drawings 3368:18 Rev G and 3368:21 Rev B	DC/18/04205	APP/D3505/X/19/3221710		
4	Lawful Development Certificate Plot 4 Erection 1No. dwelling with gardens and parking.	DC/18/04206	APP/D3505/X/19/3221857		
5	Lawful Development Certificate Plot 5 Erection 1No. bedroom house with gardens and parking.	DC/18/04231	APP/D3505/X/19/3221927		
6	Lawful Development Certificate Plot 6 One three bedroom house with gardens and parking, constructed in accordance with permitted drawings 3368:18 Rev G and 3368:21A Rev A	DC/18/04208	APP/D3505/X/19/3221712		
7.	Enforcement Notice Plots 5 & 6 – Breach of planning control not following approved plans – increase in ground levels.	17/00439/NFP	APP/D3505/C/19/3237898		<p>This appeal was dismissed and the Enforcement Notice UPHELD.</p>

The Appeal Decision

In her decision dated 27 November 2020 the Inspector appointed to hear the Inquiry and determine the appeals, Diane Lewis BA[Hons] MCD MA LLM MRTPI, dismissed the remaining appeal and upheld the Enforcement Notice requiring demolition of dwellings on plots 5 and 6. [with corrections and a variation].

The following extracts from the Inspector's report are considered relevant to the application now before Members in ways that will be explained subsequently.

- “34. *In conclusion, the site levels plan provides a means of control of the ground levels on the development site and in turn, when read alongside the other approved plans and documents, the finished height of the dwellings on plots 5 and 6. Contrary to the appellant's view, the site levels plan does provide an additional restriction to the height of dwellings above ordnance datum (AOD). The 2015 permission, whether through the description of the development or the approved documents, does not authorise engineering or building operations to materially raise ground levels over and above the adjusted levels shown on the approved plan. The permission does not authorise engineering operations to raise ground levels across the wider site.*
40. *There is no justification for an underbuild of between 0.5 to 0.7 m on plot 5.*
43. *I conclude an underbuild of between 0.5 to 0.7 m on plot 6 is not in accordance with the approved details or otherwise justified.*
72. *On plot 5 the ridge of the house is 1.07 m too high primarily due to an unnecessary increase in ground level and the house is sited too far south by a minimum of 0.81 m.*
73. *On plot 6 the ridge of the house is 0.92 m too high by reason of an unjustified increase in ground level over and above the adjusted level on the approved site levels plan.*
89. *I conclude as a matter of fact and degree that the development is substantially different from the one which has been approved. The dwelling and associated garage does not fall within the scope of the 2015 permission and as a result the development has been built without planning permission.*
119. *The less than substantial harm to the significance of the heritage asset is not outweighed by the public benefits. The failure to preserve the character and the appearance of the Conservation Area is a strong presumption against the development.*
130. *The fabric of the listed building would not be directly affected. The development causes less than substantial harm to the significance of the heritage asset, particularly the architectural value. This harm has*

considerable importance and weight. The public benefits of the development are the contribution to housing needs and associated beneficial use of the land and the slight positive economic effect generated by future residents. Economic benefit during the temporary period of construction is also acknowledged. I attach only a small amount of weight to the public benefits for the reasons set out above. The less than substantial harm to the significance of the heritage asset is not outweighed by the public benefits. A strong consideration against the development results from the detrimental effect on the setting and the significance of the listed building, with the consequent failure to comply with policy.

143. *In conclusion the development does not comply with the broad objective of respecting local context expressed in Policy CS15. There is conflict with Policy CN01 in that the new houses are not of an appropriate scale and form in relation to adjacent development. In the terms of Policy HS28 they represent overdevelopment to the detriment of residential amenity. The identified harm is not able to be overcome by use of planning conditions.*
145. *The appellant suggested that it would be possible to amend the roof design by lowering its height. Rear windows could be lowered or partly frosted to overcome any concerns of overlooking. No details were provided to demonstrate how this would be done and the implications for the internal layout, the design and appearance of the dwellings and the associated garages. The appellant chose not to pursue the matter in evidence at the inquiry through the ground (a) appeal. As accepted by the planning witness an alternative scheme would have to be the subject of a new planning application. There is no obvious alternative scheme for consideration.*
165. *Overall balance and conclusion. The erection of a two storey dwelling and associated garage on plot 5 fails to comply with Policies CN01, CN06, CN08 and HS28 of the Local Plan. There is conflict with Policy CS15 of the Core Strategy. The development fails to improve social and environmental conditions, does not secure sustainable development and is not supported by Policy CS1. The development is not in accordance with the development plan when read as a whole. The scheme is not supported by the Framework by reason of the harm to the significance of designated heritage assets and the failings in design.*
166. *The provision of a new home does not outweigh the conflict with the development plan and the Framework. Consideration of the fallback, the incremental change and other matters do not alter this conclusion. The development is unable to be made acceptable by the use of planning conditions. Planning permission should not be granted for this part of the Land.*

167. *Plot 6 is the more sensitive of the two plots because of the more prominent position on a corner at the entrance to the wider residential site and the very close proximity to White Horse House. Achieving high quality design is essential.*
168. *The residential development on plot 6 relates well to the development on plots 1-4 in terms of use and building design. The traditional type of building elements and use of materials also shows consistency with typical architectural features on residential buildings in the historic core. However, it is the very important relationship to the frontage development on Cuckoo Hill and settlement form where the increase in ground levels and resulting building height have a harmful impact. The new house and garage have an over-dominant presence within the street scene and in local views, even in the absence of development of plot 5.*
169. *The character and appearance of the Conservation Area would not be preserved. Requirements of Policies CN01, CN08, HS28 and CS15 are not met. Less than substantial harm is caused to the architectural and historic significance of the designated heritage asset and this harm is not outweighed by the identified public benefits.*
170. *Similarly, whilst the amount of built form close to the listed building would be less through the development on a single plot, the plot 6 development sits Directly to the north and has the greatest effect on how the listed building is seen within its setting. The conclusion remains that the new build is not of an appropriate scale, form and siting to harmonise with the listed building and its setting, nor would it respect the space and views of the listed building that contribute positively to its setting. There is conflict with Policies CS15 and CN06.*
171. *The development on plot 6 causes less than substantial harm to the significance of the heritage asset. This harm has considerable importance and weight and is not outweighed by the limited public benefits identified. The policy aim in the Framework to protect and enhance the historic environment is not upheld.*
172. *The loss of privacy for the occupiers of White Horse House is primarily due to the potential for overlooking from development on plot 6. In addition, the new dwelling because of its elevated position and relatively substantial scale has a serious impact on outlook and enjoyment of this neighbouring home. The overbearing form and undue enclosure is not so acute for the occupiers of 6 and 7 Cuckoo Hill but nevertheless the amenity for residents of these homes has suffered. Therefore, conflicts with Policies CS15, CN01 and HS28 remain. The objectives in the Framework, to achieve good design and ensure development adds to the quality of the area, are not met.*
173. *Considering plot 6 alone, the differences to the 2015 approved dwelling result in significant harm on all three main issues. The 2015 fallback would be preferable and does not weigh in favour of the development*

that has taken place. The reasons underlying the unacceptable form of development and outcomes are unable to be resolved through the use of planning conditions.

174. *Overall balance and conclusion. The erection of a two storey dwelling and associated garage on plot 6 fails to comply with Policies CN01, CN06, CN08 and HS28 of the Local Plan and conflicts with Policy CS15 of the Core Strategy. The development fails to improve social and environmental conditions, does not secure sustainable development and is not supported by Policy CS1. The development is not in accordance with the development plan when read as a whole.*
175. *The scheme is not supported by the Framework by reason of the harm to the significance of designated heritage assets and the failings in design. Other considerations, including the provision of a new home, are not sufficient to outweigh the serious harm and policy conflicts identified. The development on this part of the Land is unacceptable.*

Conclusion on individual plots

176. *The unauthorised development on each plot is unacceptable and planning permission should not be granted in respect of part of the appeal site or part of the development enforced against.*
177. *This conclusion is reinforced by another possible scenario involving the retention of the as-built house and garage on one plot with subsequent development of the adjacent plot in accordance with the 2015 permission. In order to achieve a high standard of design, development should not be dealt with in a piecemeal fashion but through consideration of a design solution for both plots.*
186. *The issue is whether the compliance period of 6 months is reasonable.*
187. *The appellant is seeking a period of 12 months, primarily to enable an alternative scheme to be prepared, submitted and approved and bearing in mind uncertainties and pressure related to the pandemic.*
- 188. *I agree with the Council that 6 months would be a reasonable time to carry out the necessary works to demolish the two dwellings. Nevertheless, there are factors that indicate extension of the compliance period would be justified and the Council did not resist a period of 9 months. The likelihood is that the appellant would at the least wish to explore options to total demolition by considering alternative schemes. Whilst the possible need for an alternative new scheme for the two plots dates back to the refusal of the section 73 application in August 2018, the appellant would have hoped for success in the appeal(s). In the event a new proposal is to be pursued a period of six months would be sufficient to allow for all statutory procedures to be followed in determining a new application. Additional time would be necessary to carry out remedial works.***

189. *On the other side of the balance serious harm to the local environment and residents' living conditions continues. The harms should be brought to an end as soon as reasonably possible, which argues against doubling the length of the compliance period.*
190. *I conclude that a period of nine months strikes the right balance and the appeal on ground (g) succeeds to this extent.*

Officer comment:

What is clear from the decision and the extracts cited above is that the Inspector did accept that the dwellings on plots 5 and plots 6 [as built] are causing unacceptable harm to Amenity and heritage assets [CA LB] as a result of being materially higher than they should be and that a serious breach of planning control has occurred.

Her decision accepts the remedy is for both properties to be demolished leaving the developer then free to re-build both dwellings but in accordance with the planning permission. It is clear that there is no impediment to the developer implementing the permission he has for 2 x two storey dwellings on plots 5 and 6 that will to all intent and purpose have the same general external appearance as that built albeit from a reduced ground level.

Interestingly the Inspector at paragraph 188 of her report in extending the compliance period for the properties to have been demolished from 6 to 9 months has potentially opened a small window to the developer to 'explore options to total demolition by considering alternative schemes'. The current application is the developers suggested alternative.

This brings us all back to the starting point of judging the present application on its own individual planning merits but with the knowledge that the developer can rebuild in accordance with the extant planning permission. [provided it is built strictly in accordance with that permission]

This in turn then brings the same planning issues that dominated the Public Inquiry:

Namely:

- ***Impact on residential amenity***
- ***Impact on setting of the listed building 'White Horse House'***
- ***Impact on the character of the Bures St Mary's Conservation Area.***

PART THREE – ASSESSMENT OF THE APPLICATION

1.0.1 Introduction

1.0.2 In considering the merits of the latest proposal Members will, amongst other things, want to explore :

- ***Impact on residential amenity***
- ***Impact on setting of the listed building 'White Horse House'***
- ***Impact on the character of the Bures St Mary's C conservation Area.***

1.1.1 Site and Surroundings

1.1.2 The site is located within the village of Bures, within the Parish of Bures St Mary. It falls within the Built-Up Area Boundary (BUAB) of Bures St Mary, as defined in the BDC Core Strategy and Policies (2014).

1.1.3 The site is located to the north of Cuckoo Hill, a key artery through Bures. Bures Train Station is approximately 650m to the west of the site, which provides regular services in the direction of Sudbury and Marks Tey. Regular bus services to Sudbury and Colchester are available from the bus stop adjacent to St Mary's Church, approximately 350m to the west of the site.

1.1.4 Access to the site is from the south via Cuckoo Hill, located to the west of White Horse House and east of Pilgrim's Garage. St Edmunds Lane, a single lane country road, forms the northern boundary to the site. To the west, is Byron House. To the east is Eversley, a two-storey detached building and what appears to be a scrap merchants and 9 Cuckoo Hill. To the south is White Horse House and 6 and 7 Cuckoo Hill.

1.1.5 Prior to its redevelopment for residential purposes the former use of the site was an animal slaughterhouse, which closed in 1980 but continued as a meat processing plant until 1984, and contained a number of commercial buildings which operated for this purpose. Following its closure, the buildings were converted for business use which also eventually closed circa 2009 when the site was put up for sale.

1.1.6 The area surrounding the site comprises primarily residential dwellings interspersed with other uses such as a garage, scrap yard and church. Bures is a small village, bound on all sides with open fields and woodland areas. Houses are typically between one and three storeys and are a mix of traditional and more recent constructions.

1.1.7 Currently plots 5 and 6 are occupied by unauthorised dwellings that have not been built in accordance with the approved details. They are the subject of an Enforcement Notice requiring their demolition.

1.1.8 The appearance, scale and mass of the existing buildings on plots 5 and 6 are as shown in the images below.



figures 2: **Images of the existing dwelling on plot 5**



figures 3: **Images of the existing dwelling on plot 6**

- 1.1.8 The site is within the Bures St Mary Conservation Area.
- 1.1.9 The adjacent property [to the south] named ‘*White Horse House*’ is a Grade II listed building
- 1.1.10 Plots 5 and 6 are adjoining to the south by existing older properties, a commercial garage to the west and new dwellings built as part of the wider six unit ‘*Apple Trees Mews*’ development – of which plots 5 and 6 are part

1.2.1 The Nature of the Application

- 1.2.2 The application is submitted as follows:

“Variation of Condition 2 (Approved Documents) of planning permission B/14/01103/FUL dated 13/02/2015 - Erection of 6 no. two-storey dwellings, following demolition of existing commercial buildings and hard standing, and construction of private access driveway (scheme to utilise existing vehicular access to public highway). To allow alterations to Plots 5 and 6.”

- 1.2.3 As an application under s73 of the principal Act, the description of development has not changed. The application seeks to vary condition no. 2 in order to amend the permitted designs for Plots 5 and 6. Members are therefore only being asked to consider the proposed alterations to the dwellings on plots 5 and 6 and nothing else. It is reminded that the permission was implemented and is extant; plots 5 and 6 are capable of being completed, lawfully, in accordance with the permission that exists. This application proposes an alternative to that permitted scheme (for those plots) but with current ground levels retained.

- 1.2.4 Thus, the proposed modifications, the subject of this application, will retain the present buildings in their current positions in terms of:

- location,
- footprint and
- height of slab/finished floor level

- 1.2.5 An overall reduction in present ‘*as built*’ height will be achieved [if approved] by

- removal of the current roof
- removal of parts of the existing first floor structure.

- 1.2.6 A new roof with a reduced ridge height and pitch will be constructed and parts of the first-floor structure rebuilt and remodelled including the removal of some existing first floor windows and a reduction in chimney heights. The ridge height of rear/front gables will also be lowered to maintain the relationship with the main ridge and the eaves height around the building will be lowered. The consequent reduction in head height at first floor will mean the rooms inside at that level become smaller. Small dormer windows will be built into the slope of the pitched roof to the rear gable. These will replace what are [recently] full

height windows in the rear wall of what is presently a two- storey rear elevation. As a result the current ability to look southwards directly towards existing properties [eg White Horse House, 6&7 Cuckoo Hill and Eversley] from rear first floor windows in the dwellings on plots 5 and 6 will be removed. Impact on residential amenity will be discussed in greater detail later in this report.

1.2.7 The current application also includes a significant reduction in the existing garage roof ridge height [and consequently roof pitch] to plots 5 and 6.

1.2.8 The proposed elevations are shown below.



figure 4: **Proposed rear elevation [south]- plot 5**



figure 5: **Proposed side elevation [east] - plot 5**

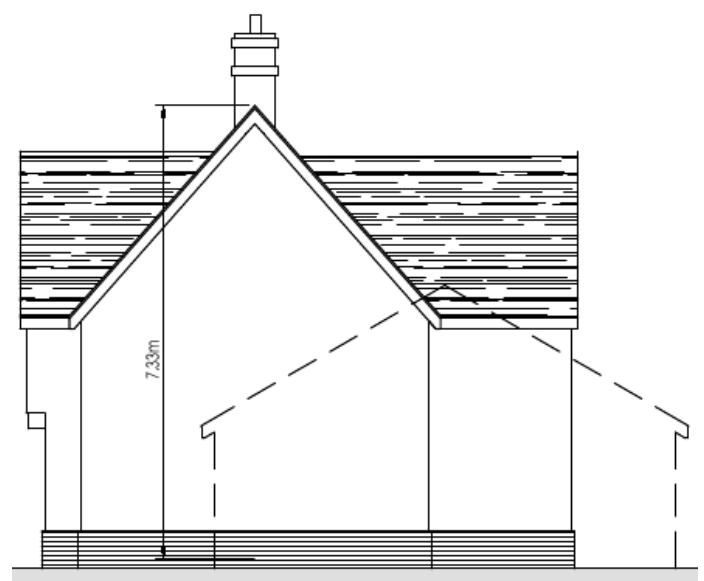


figure 6: **Proposed side elevation [west] - plot 5**



figure 7: **Proposed front elevation [north] - plot 5**

PLOT 6



figure 8: **Proposed rear elevation [south]- plot 6**

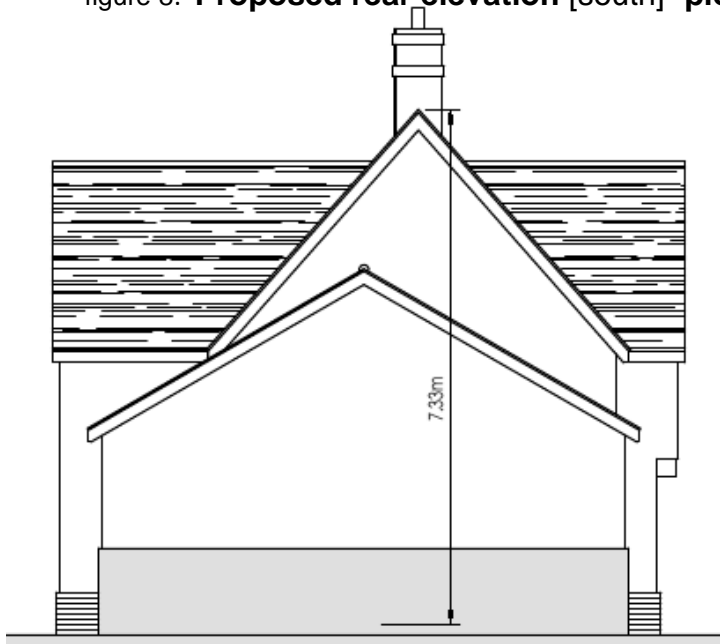


figure 9: **Proposed side elevation [east] - plot 6**



figure 10: **Proposed side elevation [west] - plot 6**



figure 11: **Proposed front elevation [north] - plot 5**

1.2.9 Members will inevitably want to compare what is currently proposed with what has been built and what was approved if for no other reason than to establish a comparison with what can be seen as the ‘fall- back position⁵’

1.3.0 Residential Amenity

1.3.1 Overlooking

1.3.2 As can be seen from figures 13 and 16 below the proposed modifications to the rear elevations result in a reduction in overlooking compared to the as built versions and even the as approved versions as a result of the removal of two sash windows at first floor level in each.

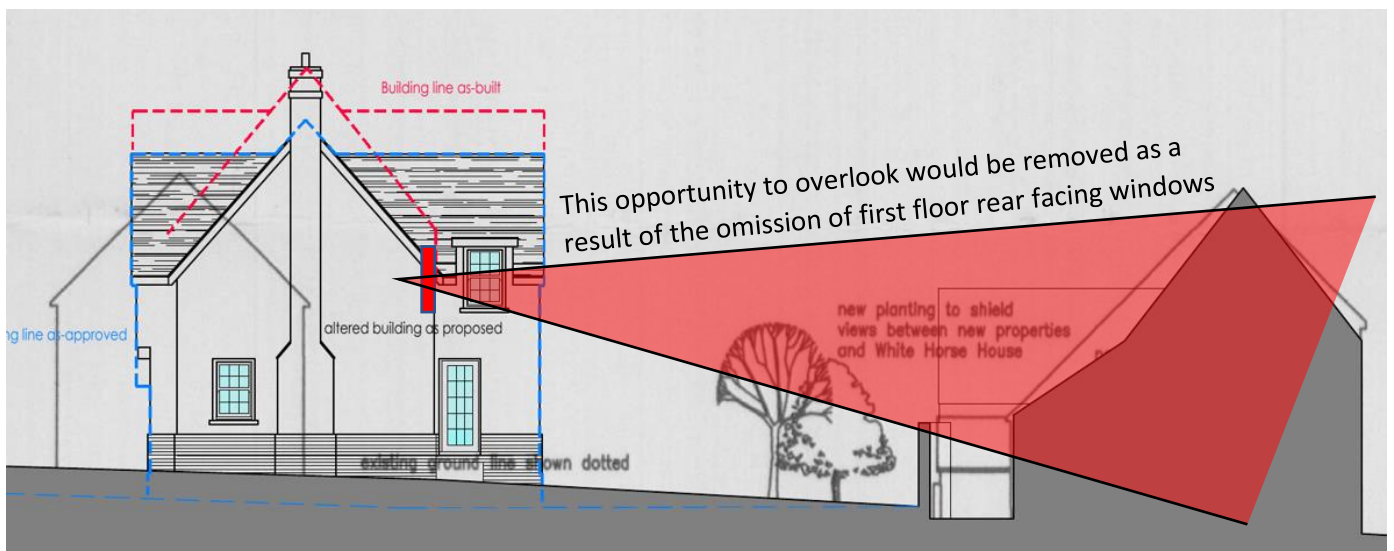


figure 12: **Overlooking reduction. Plot 6 and White Horse House**

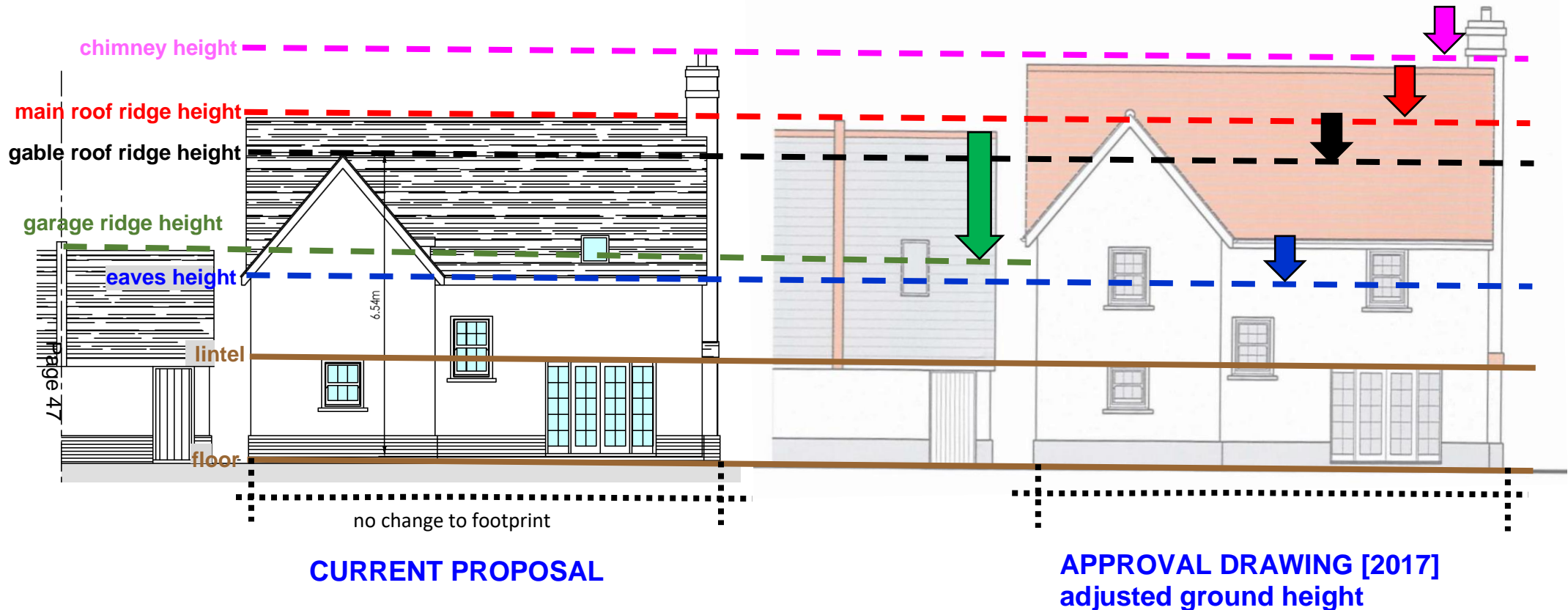
1.3.3 The same benefit applies to those living behind plot 5.

⁵ The extant planning permission for 2 x two storey detached dwellings

figure 13: Comparative Analysis - Rear Elevation - HEIGHTS

note: BDC annotations on submitted/approved drawings

Plot 5



Commentary:

With the proposal to retain the current ground floor structure the finished floor level will not change. The architect is proposing to reduce the ridge height of the main roof to the building on plot 5 to accord with the ridge height expected had the current building on plot 5 been constructed at the required ground level. The proposed modifications go well beyond simply lowering the ridge height of the main roof **[red arrow]**. The diagram above demonstrates the full extent of remodelling/rebuilding that will be required to achieve the appearance now proposed. The diagram on the following page highlights the 'knock-on' changes necessitated by dropping the eaves height **[blue arrow]** by the equivalent ridge height reduction. The rear gable height is also dropped **[black arrow]** to retain the relationship with the adjusted main roof ridge height. The **[green arrow]** reveals just how dramatically the garage roof height is to be reduced if this S73 application is approved.

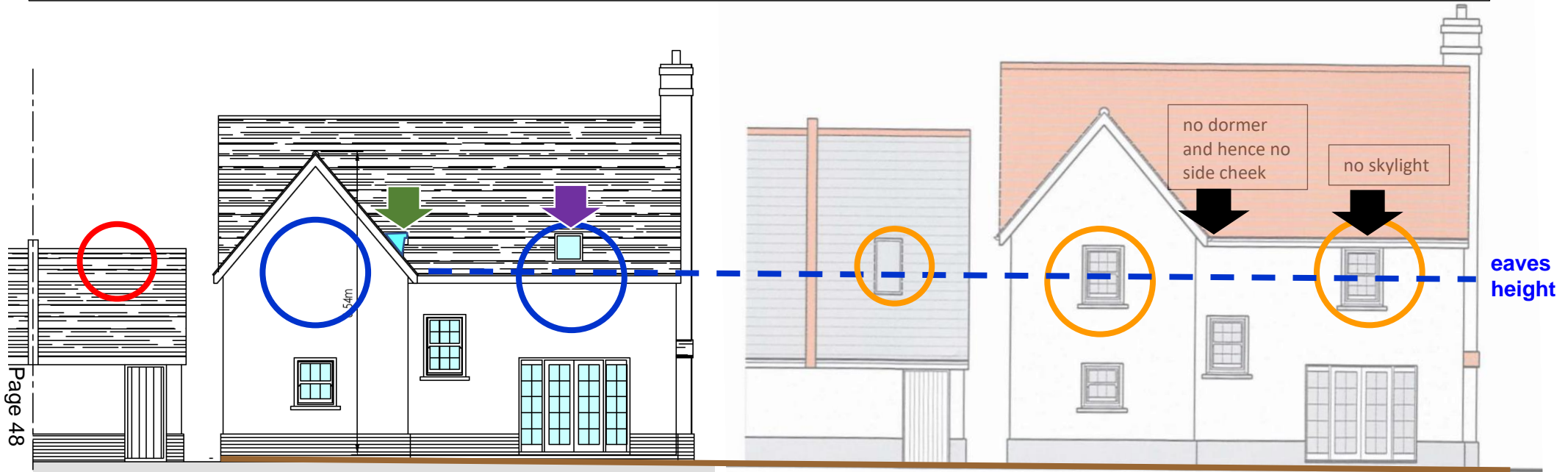


figure x: Comparative analysis - plot 5 (currently proposed modification [left] and 2017 approval [right])

CURRENT PROPOSAL

**APPROVAL DRAWING [2017]
adjusted ground height**

Commentary:

The proposed re-modelling of the rear elevation now includes the removal of two existing prominent full height rear facing sliding sash windows at first floor in the positions shown **[blue circles]**.

Daylight to rooms within what will effectively become attic space in a 1½ storey [from 2 full storeys] at the rear of the dwelling will be provided by a small skylight **[purple arrow]** fixed within the re-modelled roof slope and a modest dormer **[green arrow]** positioned in east facing slope of the re-modelled gable roof. Within the re-modelled garage roof a skylight **[red circle]** has also been removed.

figure 15: Comparative Analysis – Side Elevations - HEIGHTS and WINDOWS [SIDE]

note: BDC annotations on submitted/approved drawings

Plot 5

CURRENT PROPOSAL

APPROVAL DRAWING [2017] adjusted ground height

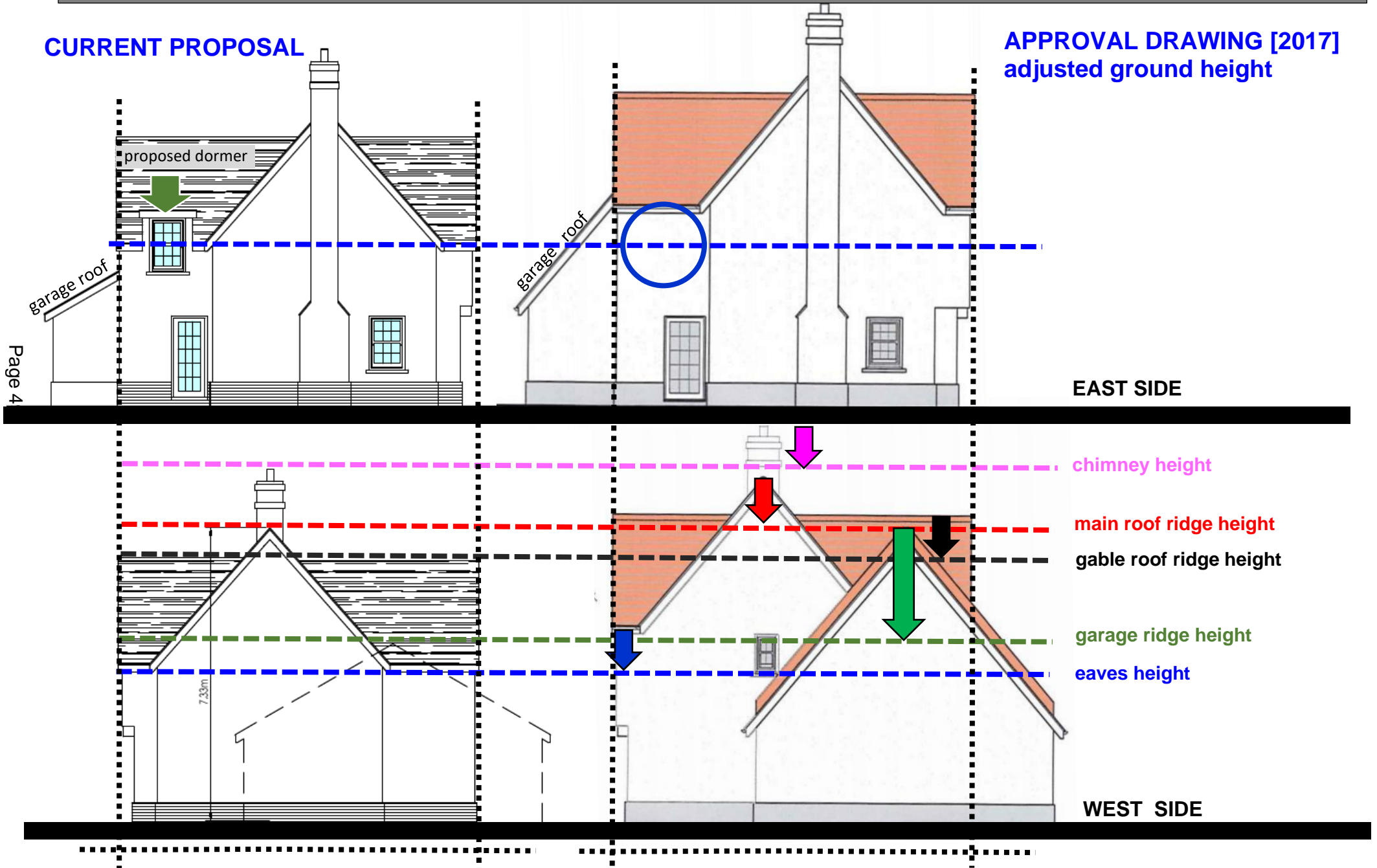
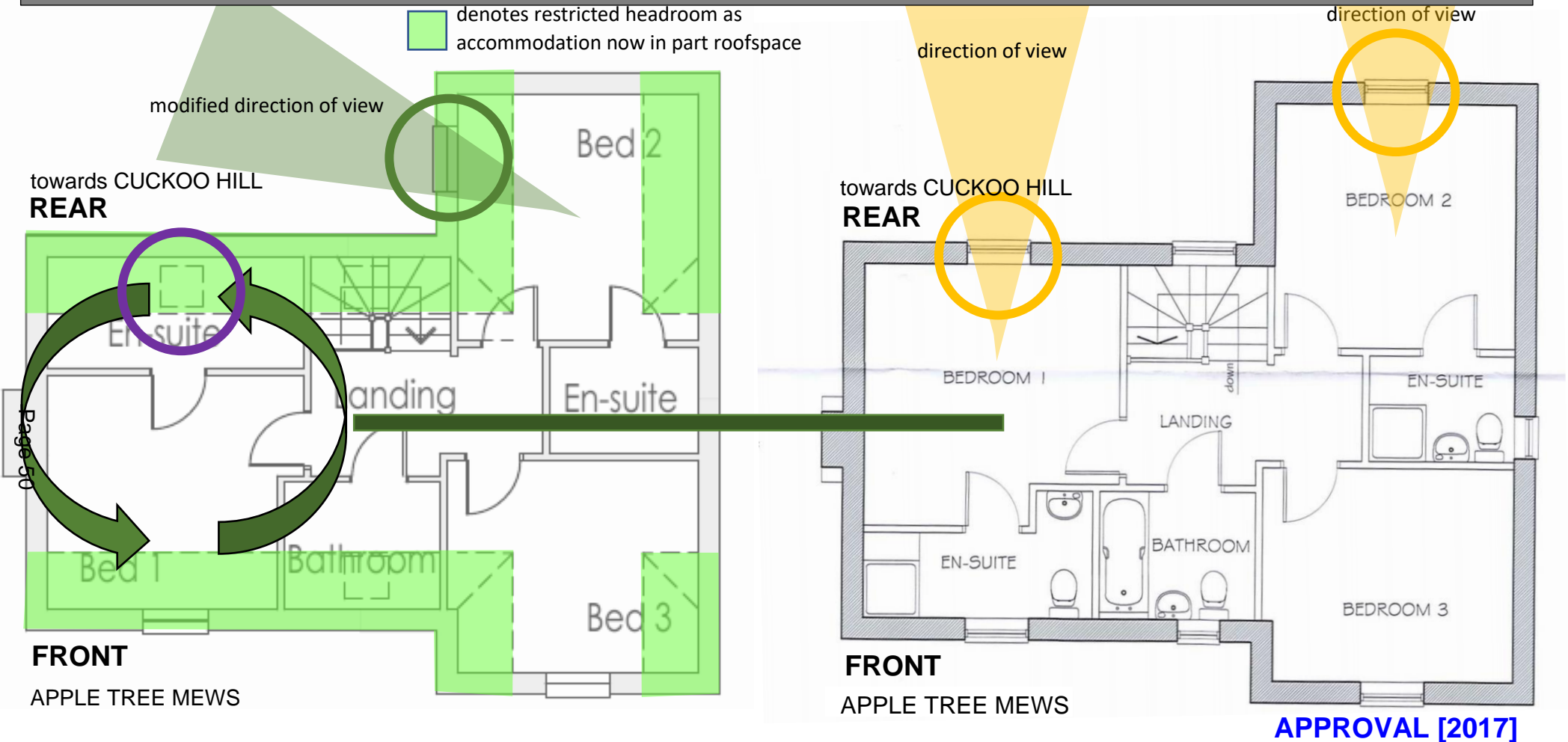


figure 16: Comparative Analysis – Side Elevations - FIRST FLOOR PLAN

note: BDC annotations on submitted/approved drawings

Plot 5



Commentary:

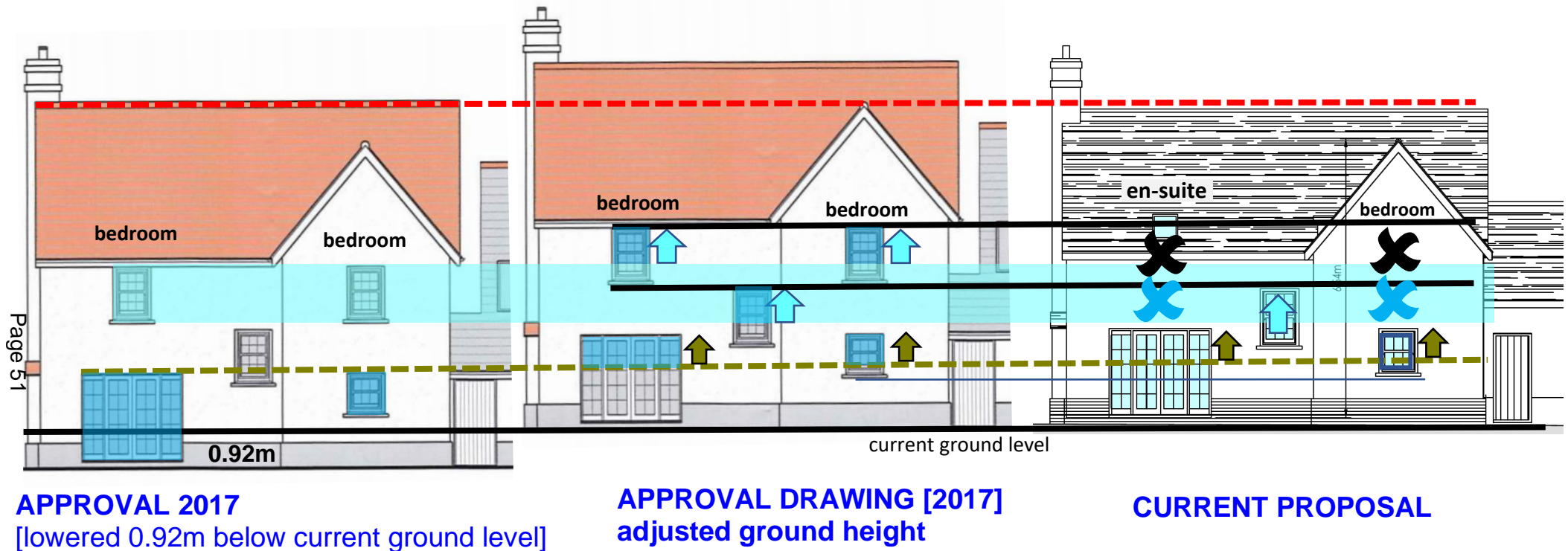
The proposed re-modelling of the first floor plan / layout results in two existing prominent full height rear facing sliding sash windows being removed [orange circles].

Daylight to rooms within what will effectively become attic space in a 1½ storey [from 2 full storeys] at the rear of the dwelling will be provided by a small skylight [purple circle] fixed within the re-modelled roof slope and a modest dormer [green circle] positioned in east facing slope of the re-modelled gable roof. Swapping the approved position of bedroom 1 from the rear to the front and placing the bathroom at the rear avoids a habitable room looking towards Cuckoo Hill. The skylight replaces the full height window in what is now proposed as the bathroom.

figure 17: Comparative Analysis - Rear Elevation – HEIGHTS and WINDOWS including as built approved version set 0.92m below present ground level

Plot 6

note: BDC annotations on submitted/approved drawings



Commentary:

It is proposed to modify the dwelling on plot 6 in the same way as plot 5. It should be noted that dwelling on plot 6 is already a handed version of the dwelling on plot 5.

The three scenarios above describe the building as it should have been built [0.92m below what is now ground level] [LEFT]; the building as approved in 2017 set at the present ground level [0.92m above what it should have been] [MIDDLE] and as now proposed by way of partial demolition, re-build and re-modelling but with the present ground floor accommodation and ground level unchanged [RIGHT]. The striking features to note are the removal of existing first floor rear windows in the current proposal and the reduction in ridge height.

figure 18: Comparative Analysis – CROSS SECTION

Plot 6

note: applicant's architect's drawing

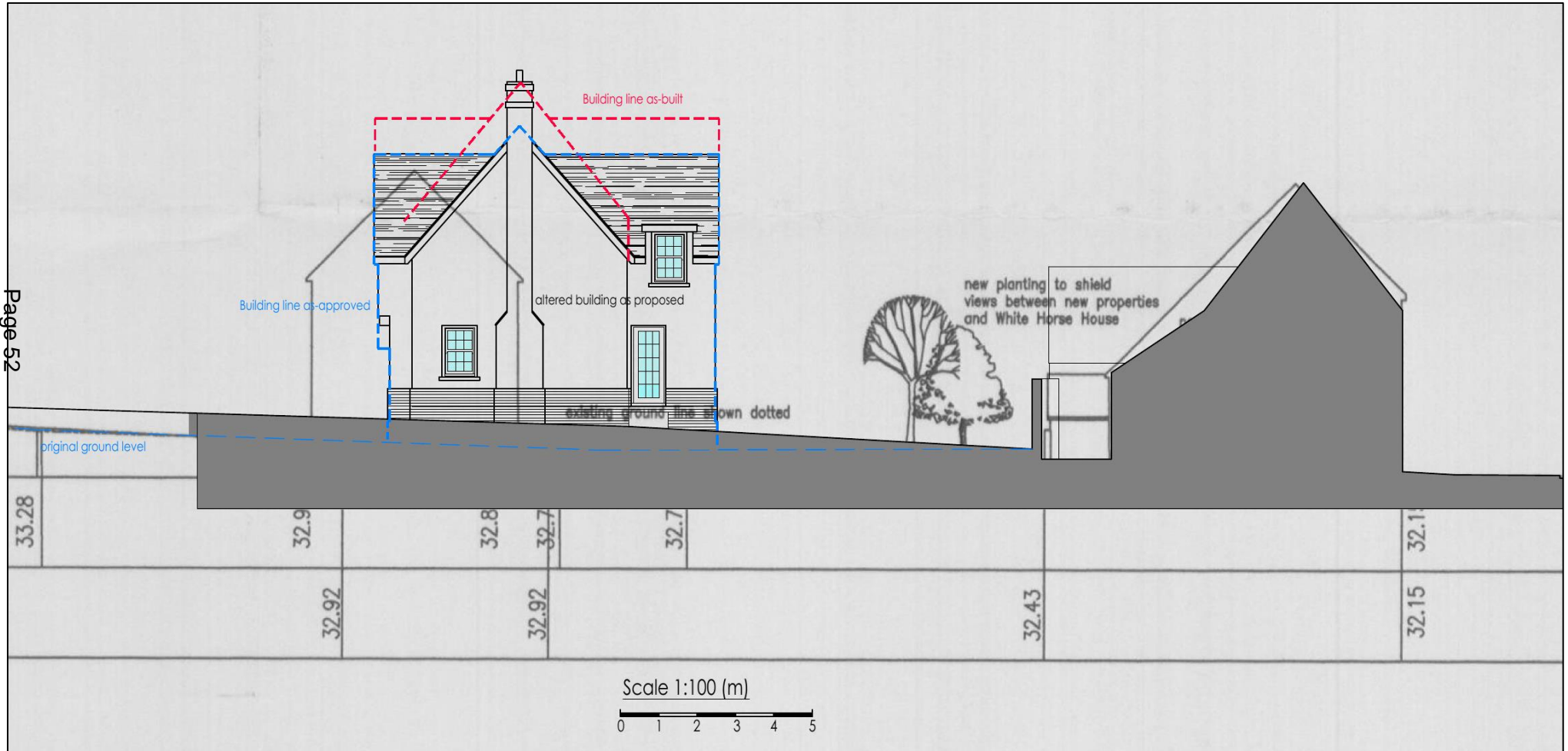


figure 20: Comparative Analysis – CONTEXT

note: applicants architects drawing

Plots 5 & 6

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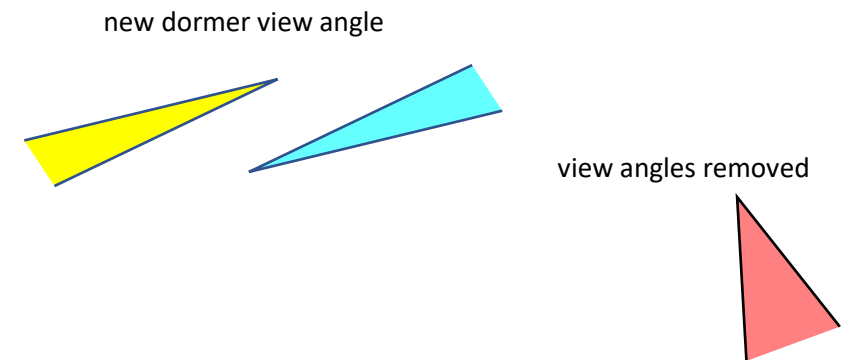


figure 21: Comparative Analysis – As marked up on site

Plot 5

note: applicants architects drawing



figure 22: Comparative Analysis – As marked up on site

Plot 6

note: applicants architects drawing

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This mock-up includes removal of first floor rear window

figure 23: Comparative Analysis – As built and as modified [proposed]

Plot 6

note: applicants architects drawing



figure 24: Comparative Analysis – As built and as modified [proposed]

Plot 6

note: applicants architects drawing

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1.3.4 Relationship between garden level on plot 6 and garden to White Horse House

1.3.5 In considering this element Members will be aware that the occupiers of White Horse House have objected to the height of the boundary fence that has been erected at the foot of the garden to plot 6 and to what appears to be the ability of people within the garden of plot 6 to look directly into the private garden of White Horse House despite the fence which is seen as too oppressive.

1.3.6 The fence in question sits above the existing blockwork boundary wall to White Horse House [albeit slightly set back rather than being directly on top of the blockwork wall] and is therefore considerably higher from the White Horse House side of the boundary than it is above garden level within plot 6.

1.3.7 An images was provided which appeared to show the problem [see below]. Upon closer investigation it is likely that the person in the image was standing on part of the cherry picker in the photograph which provided additional artificial elevation.



figure 25: **Garden boundary from White Horse House**

1.3.8 Officers are looking to arrange a site meeting with the interested parties and the Council to definitively measure the actual height of the fence above respective garden levels and secure agreement as to what those figures are.

1.3.9 Whatever the outcome it is reasonable to expect the garden level adjacent to the top of the fence as measured from within plot 6 to be 1.8m. This can be conditioned.

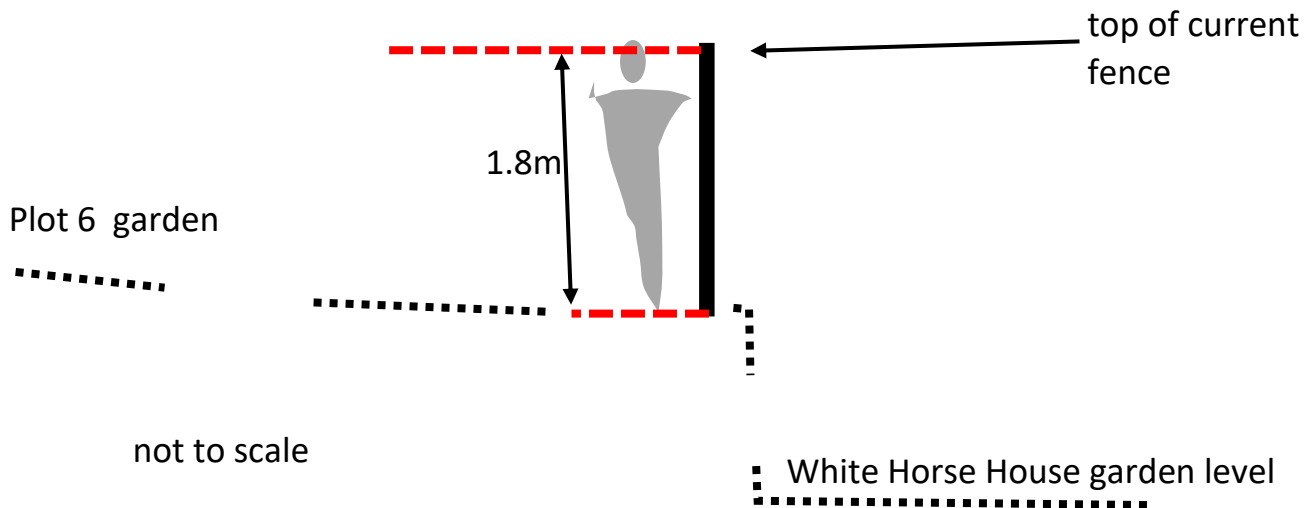


figure 26: **Indicative requirement to ensure privacy to White Horse House garden**

1.3.10 Whether this requires additional garden lowering and some terracing within the garden of plot 6 or not will be reported verbally after accurate current measurements have been taken. The purpose being to get the most recent readings rather than rely on those previously gathered just in case there have been recent adjustments.

1.3.11 In this way it is considered amenity will be protected albeit with a higher boundary fence than might normally be expected where ground levels are broadly similar.

1.3.12 Cracked wall

1.3.13 It appears that the building work on plot 6 may have caused the blockwall boundary wall at White Horse House to crack. The applicant has agreed to resolve this issue. A condition is suggested to help bring about this resolution



figure 27: **The cracked boundary wall plot 6 / White Horse House**

1.3.5 Outlook

1.3.6 In terms of the impact of the modified buildings on the outlook from adjacent existing dwellings there will be an improvement in the quality of outlook as compared to the as-built situation.

1.4.0 Setting of White Horse House

1.4.1 Members will have noted the comments of the Council's Heritage Team in respect of the proposed modifications, particularly their unequivocal conclusion:

"....the harm to the settings of the listed and unlisted buildings adjacent, and to the character and appearance of the Bures St Mary Conservation, Area has now been removed. We therefore raise no objection."

1.4.2 Having been an expert witness at the Inquiry for the Council the author of this Committee report concurs with that opinion.

1.4.3 At the Public Inquiry it was a central component of the Council's heritage case that the key adverse impact on the significance of the heritage asset was:

"5.24 The ridge line of the dwelling on plot 6 is now substantially higher than approved and therefore expected. Simon Bailey in his evidence has measured this discrepancy to be as much as 0.92m. This is significant in heritage impact terms because it now means the dwelling on plot 6 which was expected to be concealed from view from the south now rises above the ridge line of White Horse House and is clearly visible from some views and more prominent from others. It is the fact that it is now visible and more prominent that has increased the level of harm from moderate to high within the less than substantial spectrum. White Horse House no longer reads as a traditional house within a thin string of dwellings on the outskirts of Bures St Mary because it is now clear that backland development exists beyond it. Moreover, that development now clearly encroaches upon the setting of White Horse House and the fact that it rises [in part] above it results in visual domination. This overpowering relationship is brought into sharp view when both properties are viewed together from the side, particularly from the footway on Cuckoo Hill when travelling out of the village. This adverse highly harmful impact is evidenced in the material at appendix....."

[Statement of Case: Vincent Pearce 2020 for BDC]

1.4.4 This unacceptable impact can be seen clearly in the image on the following page.

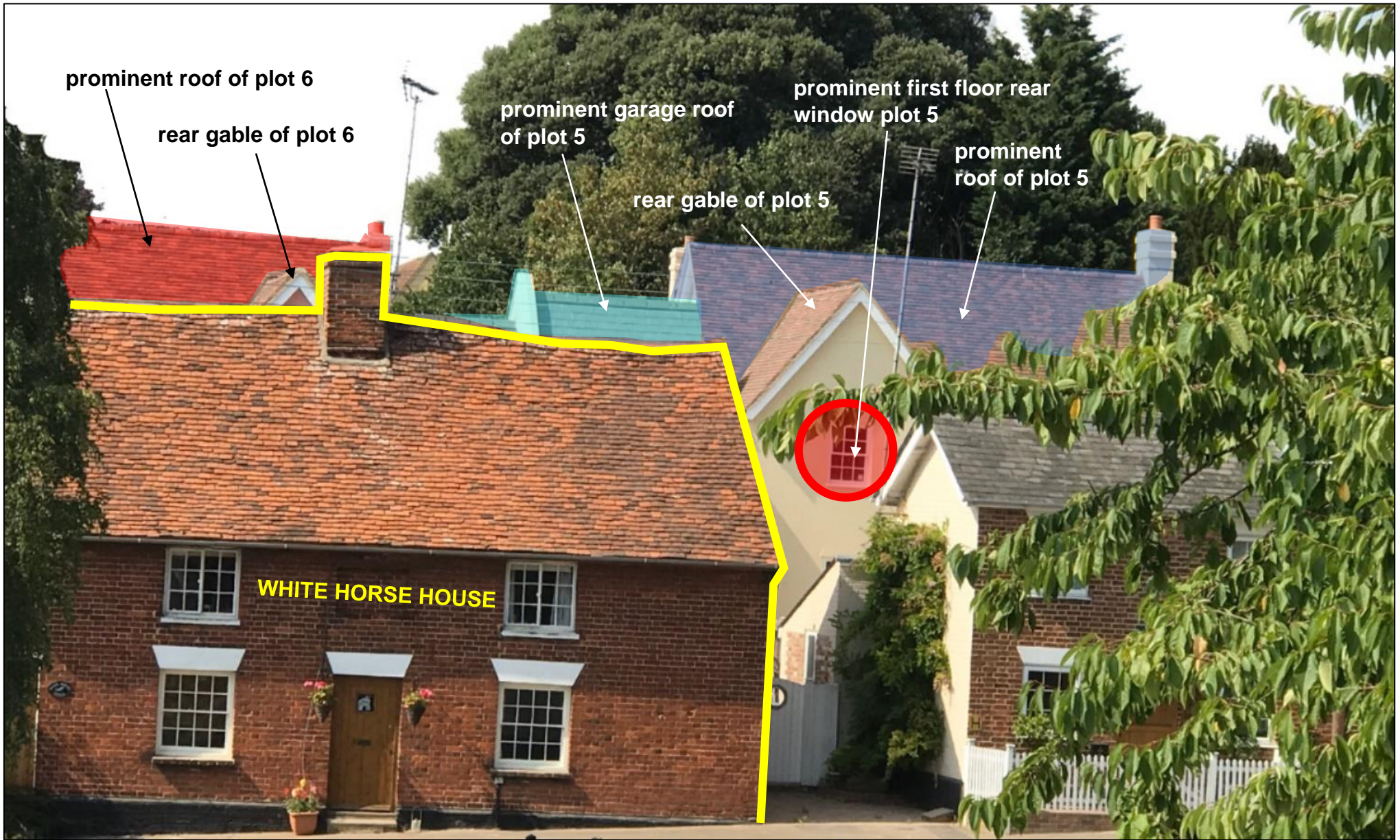


figure 28: View Towards White Horse House with 'as-built' dwellings on plots 6 and 5 intruding from behind

- 1.4.3 The modified alternative proposed to replace the dwelling to be demolished on plot 6 will respond positively to the criticism above in that the lowered ridge line will mean the currently exposed roof top of the dwelling would now drop down behind the ridge line of White Horse House from the key vantage points opposite. This will restore White Horse House's backdrop of sky and will immediately conceal the presence of the new dwelling behind. This will certainly result in a far less dominant relationship when viewed from the front of White Horse House which is the key viewpoint for experiencing the original character of White Horse House and its historic edge of village setting.
- 1.4.4 Whilst vital this will not be the only benefit in terms of the setting of the listed building as we shall now explore.
- 1.4.5 The modified alternative proposed to replace the dwelling to be demolished on plot 6 will also impose itself less dominantly on the setting of White Horse House than the approved version and even more so than the 'as built version' largely as a result of the lowering of the eaves line and removal of the first-floor rear windows, and additionally in the case of the as 'built version' the reduction in ridge height and gable heights.



figures 29: **Comparative as built and as now proposed**



figures 30: Elevations as now proposed



1.4.6 The dramatic modifications have been extended to include the garage roofs to the dwellings of plots 5 and 6 which are now proposed to be removed and significantly lowered. This lowering will effectively mean there is no room to create habitable floorspace inside the roof space. The visual impact of this on the setting of the listed building and its neighbours will be striking.

1.4.7. With so much of the buildings on plots 5 & 6 being demolished to accommodate the modifications [if approved] it is likely that the properties will need to be re-rendered. If this is the case then it will provide then opportunity to change the render colour of the dwelling of plot 6 from its current pink. It is felt that the

present shade of pink which closely resembles that on the end flank wall of White Horse House actually creates undesirable visual competition that actually draws attention away from White Horse House in views from Cuckoo Hill. This in itself further adds to the apparent dominance of the as built dwelling on the setting of White Horse House. [please see photograph below]



figure 31: **View Towards White Horse House from Pilgrim's Garage with 'as-built' dwelling on plots 6 intruding from behind**

1.5.0 Character of Bures St Mary Conservation Area

1.5.1 Again, the Heritage Team's comments are pivotal when they state:

"...the harm to the settings of the listed and unlisted buildings adjacent, and to the character and appearance of the Bures St Mary Conservation, Area has now been removed. We therefore raise no objection."

1.5.2 Having undertaken his assessment in line with best practice [GPA2] the Council's Heritage witness at the Public Inquiry described the essential components contributing to the overall character of this part of the Bures St Mary Conservation Area thus:

"4.34 Views east along Cuckoo Hill, towards White Horse House from its western end are, as described earlier, considered to be one of a suite of important vistas. This is because it conveys the viewer [whether walking, cycling or driving] in one continuous 'take' from the heart of Bures St Mary with its dense and intimate urban grain and mix of buildings and former uses out along what would have been a finger of linear development that in part straddled Cuckoo Hill for the early part

of its length as it pushed out towards the open countryside and farmland. Therefore, in one short trip you can understand how Bures St Mary developed as a place. Along this route there are a rich collection of listed buildings and all within a designated conservation area. With additional interpretation there is a most wonderful story to tell about life in a traditional Suffolk village over the past 300 years [and more]. The fact that White Horse House is a grade II listed building is important in itself and when one understands its relationship with the land around it then it is not surprising that the designated conservation area extends as far outwards as it does.

4.35 The range of red brick cottages along the road, which includes White Horse House and 7 additional, non-designated assets⁶ to its east, are a positive part of the CA, as are the dynamic views which greet the visitor either as he leaves the village on his way up the hill, or approaches it from the east, down the hill. These properties and their spatial relationship contribute to the character and appearance of the CA and indeed were probably one of the reasons the CA boundary was drawn beyond them, to the east. Furthermore, the appreciation of this range of properties, and their role in the character and appearance of the CA, can be well appreciated from the road perpendicular to Cuckoo Hill, known as Friends Field. A view north from this road allows for an appreciation of the scale and character of White Horse House, as well as the relative status and scale of the adjacent red brick houses

- 1.5.3 So what is it about the proposed modifications that would reduce the adverse impact of development on the character of the conservation area?
- 1.5.4 The answer lies in reducing the prominence of the dwellings on plots 6 and 5 in the street scene.
- 1.5.5 Clearly the permission as approved [and amended later by way on a non-material amendment] were likely to make an impact on the character of the conservation area but at that time the then conservation officer believed the wider benefits of tidying up what was a range of derelict and unsightly industrial building justified the grant of permission in terms of the wider heritage benefits and consequent impacts.
- 1.5.6 Having removed the said industrial buildings to make way for the approved development comprising 6 dwellings including plots 5 and 6 the Inspector at the Public Inquiry rightly dismissed those earlier benefits as the planning permission had been implemented. The test for her and the parties at the Inquiry was “To what extent does the unauthorised development cause greater harm [or not] than the approved development to the character of the conservation area” and is that harm sufficient to justify a refusal and enforcement action?”

⁶ 6, 7, 8, 10, 11, 12 &13 Cuckoo Hill

- 1.5.7 As can be seen from her decision and from the extracts from her decision included earlier she did believe the harm was significant and did fall within the 'less than substantial' category as was the Council's opinion [the appellant described there to be no harm] and that in terms of the test prescribed by paragraph 196 of the NPPF there were no public benefits to outweigh the harm caused by the unauthorised development.
- 1.5.8 What the proposed modifications will achieve [if approved and if built following the demolition of the existing dwellings] is a material reduction in the prominence of these buildings in the street scene.
- 1.5.9 This is true for both plots.
- 1.5.10 It can be argued reasonably that not only will the proposed modifications improve the position in respect of the impact of the current as-built context but also in terms of comparison with the approved scheme.
- 1.5.11 The collective impact of reducing the ridge height of the main roof [compared to as-built], the gable ridge heights, the eaves heights, the garage roof heights and removing first floor rear windows will all help to make the dwellings recede into the background to a greater degree than the as built dwellings and the as approved dwellings. Effectively what is not proposed is not 2 x two storey dwellings but what in reality will be 2 x 1½ storey dwellings.
- 1.5.12 This is clearly illustrated by comparing front elevation drawings.

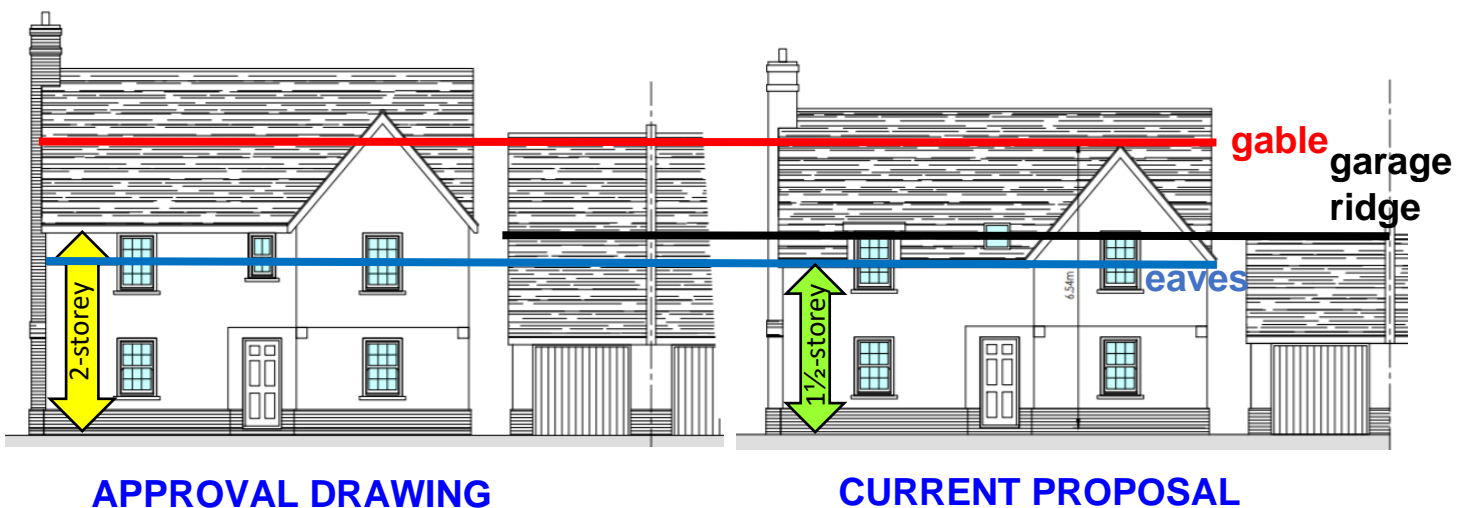


figure 32: **Front elevation Comparisons [plot 5]**

- 1.6.0 Other Matters
- 1.6.1 Access

1.6.2 It is not intended to change the access arrangements previously agreed and therefore this is not a matter for the Committee.

1.6.3 Materials

1.6.4 Traditional vernacular materials are to be used.

1.6.5 Boundary Treatment

1.6.6 Subject to a condition requiring:

- the submission and approval of a boundary treatment schedule for the boundary between plot 6 and White Horse House that addresses the need to resolve cracking issues in the existing blockwork: [such detail as shall have been agreed being required to be implemented in accordance with a pre-agreed timetable] and,
- notwithstanding such detail as may have been submitted, [previously approved [or constructed] further details of the final garden levels to the rear of plot 6 being further agreed and implemented prior to occupation; and,
- notwithstanding such detail as may have been submitted [or constructed] further details of the fence between plot 6 and White Horse House being further agreed and implemented prior to occupation; and,
- notwithstanding such detail as may have been submitted, [previously approved [or constructed] further details of the boundary treatment between plot 6 and the access road being further agreed and implemented prior to occupation.

1.6.7 Planting

1.6.8 A final landscaping scheme is required and a condition controlling this is recommended

1.6.9 Timetable

1.6.10 Section 180 of the principal Act provides that on the grant of planning permission (should Members accept this recommendation) the current Enforcement Notice shall cease to have effect so far as inconsistent with that permission. Thus, it is considered that the Council must be reasonably satisfied that in granting permission that the new proposal is carried out in full, and expeditiously. This is both a) to ensure that the harmful current situation is remedied; and b) to ensure that the new permission is both implemented and carried through to completion.

To enable the Council to be satisfied the Applicant is to provide a Unilateral Undertaking, prior to any grant of permission, to secure:

1. An agreed partial demolition schedule
2. An agreed partial demolition, rebuild commencement and completion timetable that also enables the Council by way of licence the right of entry to undertake and complete works. Such works in default to become a charge on the land title to enable recovery of such costs as reasonable if unable to otherwise secure them.
3. A secure financial bond that the Council can draw down to undertake such work as may be required itself to implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable. *[any additional reasonable costs to be recoverable]*

This approach is considered satisfactory where the Council can enforce the terms of that legal agreement if there is a breach of its terms; if necessary, by way of injunction. Furthermore, the submission of a bond is a suitable “insurance” that would provide the Council with the funds necessary to complete the development itself by way of direct action should the Applicant fail to meet the terms of the legal agreement for whatever reason.

Members can therefore hold confidence that should the submitted scheme be accepted, it will be completed.

1.6.12 Contamination

- 1.6.13 Remediation details have been agreed for the remainder of the site via discharge of condition application. In terms of plots 5 and 6 it is appropriate to require additional contamination/remediation sign off conditions as reconstruction will mean that the site has yet to be completed [unlike plots 1-4 which are now occupied]

1.6.13 Drainage

- 1.6.14 Drainage is a matter already controlled by condition but it is prudent to require a further condition on plots 5 and 6 to ensure that once complete the properties are appropriately connected to an approved system.

- 1.6.15 members will have noted the comments of the highway authority in respect of their views towards connecting the surface water system to the highway drainage system. The addition of a condition will allow this issue to be properly resolved

2.0. CONCLUSIONS AND PLANNING BALANCE

- 2.1 Without doubt there is a considerable controversy within the village and considerable pent-up anger and frustration around the unauthorised construction that has occurred. Indeed, many see the complete demolition of these two dwellings as a valuable deterrent which may re-establish public confidence in the planning process.
- 2.2 Despite this the Council is required to judge the present proposal on its individual merits. There is an extant planning permission and Plots 5 and 6 are capable of being lawfully constructed in accordance with the currently approved plans. The application is submitted under s73 of the principal Act where alternative schemes have been put forward for those plots, making use of the site as it currently exists. There is nothing inherently “wrong” in that approach and the application must be judged on that basis, the legal requirement being to consider only the question of the conditions sought to be varied – in this case the approved drawings – and nothing else. The nature of the development remains unchanged.

The proposed changes have been considered against the development plan as a whole and other material considerations including the NPPF.

- 2.3 Officers are convinced that if approved and implemented the significantly modified dwellings on plots 5 and 6 will represent a better alternative than the ‘as approved’ versions had they been built as approved for the reasons set out in detail in this report. The proposals accord with the most important policies relevant to the determination of this application. The application accords with the development plan as a whole where the new proposals are of a high-quality design that would safeguard amenity and preserve the historic environment.

Where the application accords with an up-to-date development plan (on account of the most important policies for its determination being up to date) the NPPF directs that planning permission should be granted without delay, as per paragraph 11.c). Compliance with the policies of the NPPF when taken as a whole reinforces this position.

- 2.5 Therefore officers are recommending that the current application be approved subject to the prior completion of a Section 106 Unilateral Undertaking as described.

Planning conditions are also recommended, and in accordance with the PPG those relevant conditions from the existing planning permission (as amended by the NMA) should be carried over.

3.0. RECOMMENDATIONS

That delegated authority be given to the Chief Planning Officer to GRANT conditional planning permission subject to the prior receipt of a Section 106 Unilateral Undertaking that in his opinion satisfactorily secures:

- 1. An agreed partial demolition schedule**
- 2. An agreed partial demolition, rebuild commencement and completion timetable.**
- 3. Appropriate and absolute rights to enter, carry out and complete such work in the event that the applicant / developer fails to do so in accordance with the timetable**
- 4. A secure financial bond that the Council can draw down to undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable. *[any additional reasonable costs to be recoverable]***
- 5. An appropriate charge upon the Land Register title to require the consent of the LPA to any transfer of either plot subject to the recovery of its costs in monitoring and carrying out / complete works to implement the planning permission**

Conditions shall include (and having regard to those existing conditions which would need to be reimposed where relevant):

1. Implementation in line with Unilateral Undertaking timetable where agreed with BDC
2. The submission [prior to commencement of rebuilding work] of an inspection protocol that requires the developer to give the Council 10 days advanced written notice of roof construction commencement and that requires the Council's Enforcement Service to visit the site, measure ridge height and other key measurements and that development only continue once the Council has

notified the developer in writing that the construction heights accord with the planning permission

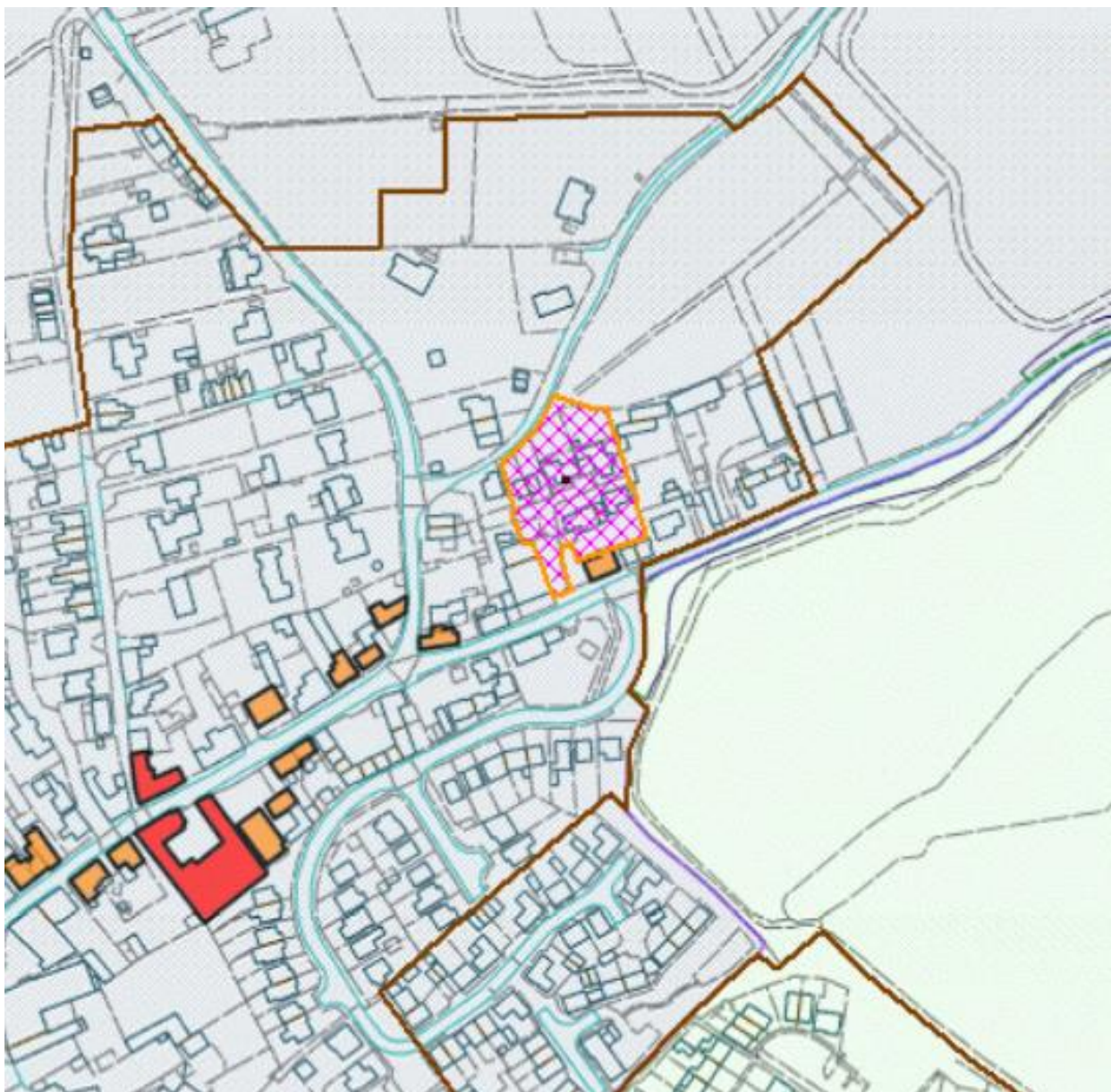
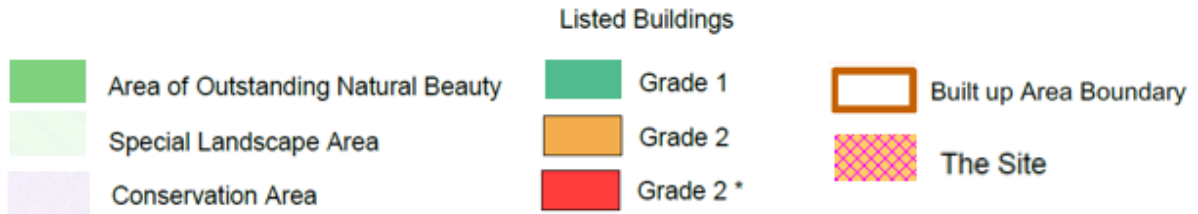
3. Materials to be agreed
4. Contamination reporting
5. Surface water drainage details
6. Removal of Permitted Development
7. the submission and approval of a boundary treatment schedule for the boundary between plot 6 and White Horse House that addresses the need to resolve cracking issues in the existing blockwork;[such detail as shall have been agreed being required to be implemented in accordance with a pre-agreed timetable] and,
8. notwithstanding such detail as may have been submitted, [previously approved [or constructed] further details of the final garden levels to the rear of plot 6 being further agreed and implemented prior to occupation; and,
9. notwithstanding such detail as may have been submitted [or constructed] further details of the fence between plot 6 and White Horse House being further agreed and implemented prior to occupation; and,
10. notwithstanding such detail as may have been submitted, [previously approved [or constructed] further details of the boundary treatment between plot 6 and the access road being further agreed and implemented prior to occupation.
11. Planting details on boundaries with existing dwellings

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Application No: DC/21/00745

Parish: Bures St Mary

Location: The Slaughterhouse And Land Adjacent, Cuckoo Hill



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Agenda Item 6b

Committee Report

Item No: 6B

Reference: DC/21/02319

Case Officer: Katherine Hale

Ward: Long Melford

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

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Submission of Details (Reserved Matters) and Discharge of Conditions 5, 7, 9, 10, 11, 13, 16, 21, 22 and 24 under Outline Planning Permission DC/18/00606. Appearance, Landscaping, Layout and Scale for the erection of 150no dwellings and associated infrastructure.

Members are advised that the conditions referred to relate to:

Condition 5: Open Market Housing Mix

Condition 7: Biodiversity Enhancement Strategy for Protected and Priority Species

Condition 9: Construction Management Plan

Condition 10: Construction Environmental Management Plan

Condition 11: Construction Surface Water Management Plan

Condition 13: Noise and Vibration Protection Scheme

Condition 16: Surface Water Drainage

Condition 21: Energy Assessment

Condition 22: Archaeological WSI

Condition 24: Scheme to Direct Existing High Voltage Overhead Lines

NB – Whilst these conditions do overlap with the Reserved Matters, the discharge of conditions was delegated to Officers under Outline application DC/18/00606.

Location

Land To The East Of, Station Road, Long Melford, Suffolk CO10 9HP

Expiry Date: 20/07/2021

Application Type: RES - Reserved Matters

Development Type: Major Small Scale - Dwellings

Applicant: Bloor Homes

Agent: Mr James Bailey

Parish: Long Melford

Site Area: 8.23 hectares

Density of Development:

Gross Density (Total Site): 18.22 dph

Net Density: 30.18dph

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

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

Has the application been subject to Pre-Application Advice: Yes DC/20/05262

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- Major application over 15 dwellings

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Core Strategy 2014:

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

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

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards • CN06 Listed Buildings – Alteration/Extensions/Change of use
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

Relevant Supplementary Planning Document:

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

NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Plan is in an early preparatory stage and is afforded no statutory weight in the assessment of this application.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council

Long Melford Parish Council Comments Received - 13/05/2021

Bloor Homes (BH) consulted LMPC prior to the submission of the details and so far LMPC have met with BH on three occasions. LMPC recognise that outline consent (for 150 homes and access to Station Road) has already been granted subject to 24 conditions and to a number of s.106 obligations. LMPC expressed a willingness to support the detailed application if BH would take seriously some of the concerns and ambitions of the parish. The meetings have been open and for the most part collaborative.

LMPC recognise that in deciding applications for planning consent “the authority shall have regard to (a)the provisions of the development plan, so far as material to the application, (aza)a post-examination draft neighbourhood development plan, so far as material to the application,” (section 70(2) of the Town and Country Planning Act 1990), and “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” (section 38(6) of the Planning and Compulsory Purchase Act 2004)

In the light of the above LMPC has considered the BH proposals against the provisions of:

1. Core Strategy, Babergh DC, 2014 and the Saved Policies of the Local Plan 2006 (CS)
2. The Draft of the Babergh and Mid Suffolk Joint Local Plan which has been submitted for Examination (Regulation 22), (JLP)and
3. The Long Melford Neighbourhood Plan, Regulation 15, Submission Draft (LMNP); whilst the LMNP has not been through examination, it has been through local consultations and a Strategic Environmental Assessment; it should be accorded some weight as a source of local evidence and views.

This representation is divided into three parts:

1. Proposals by BH which we support and on which we are seeking re-assurance that they will be covered in the approved details.
2. Issues which we hold to be important for a sustainable scheme, but to which BH have yet to agree.
3. Items in the s.106 agreement and/or the conditions, which we would like to see varied, but to which other authorities, Suffolk CC and Babergh DC, would need to agree.

1. Proposals by BH which we support and on which we are seeking re-assurance that they will be covered in the approved details.

Landscaping and Ecology

The proposed landscaping for the site will include a wildflower meadow and new trees. On the western side there are attenuation basins, lots of trees, shrubs and hedging (but not at the boundary with the Melford Walk). All trees will be native and sourced locally. There will be a reptile fence and a post and rail fence at the edge of the Melford Walk. All the attenuation basins will be shallow, usually not full of water and accessible to residents.

A management company (funded by the residents) will be appointed to maintain the communal areas and will work to a plan issued by BH. Robert Eburne (Regional Planning Manager of BH) said the management company would be appointed in conjunction with Babergh DC.

The play area is now planned to be towards the north-west of the site and will be fenced off and have play equipment suitable for older children as well as toddlers.

Ecology: there will be bat boxes, bird boxes, swift boxes, four plots for skylarks and a hedgehog highway.

2. Issues which we hold to be important for a sustainable scheme, but to which BH have yet to agree.

The plan is to build the development with 10% less CO2 emissions than is required in the current version of Building Regulations, including fitting a special type of gas boilers that produce fewer emissions. The condition attached to the outline consent requires a reduction of **at least** 10%. A 10% reduction falls short of at least 10% and LMPC consider that BH's proposal is not ambitious enough and that Bloor should take measures to reduce CO2 emissions further. This view is supported by the JLP.

Policy LP25 of the JLP provides: "All new residential development is required to: Achieve reductions in CO2 emissions of 19% below for the Target Emissions Rate of the 2013 Edition of 2010 Building Regulations (Part L)"

BH should build a system for grey water recycling into their plan. Policy LP28 of the JLP supports this view: "Development will be supported where it:

1. Conforms to the principle of Holistic Water Management including the use of appropriate water efficiency and re-use measures, together with surface water drainage which provides community and environmental benefits;"

The plan for the development shows a number of dead-end roads, which appear to be designed to facilitate further development to the east of the site. Whilst BH say they have no interest in additional development, the landowner has already shown their interest in development of their land (the current proposal). LMPC suggest that, subject to a very limited provision to allow the farmer to access the land to the east, all the roads leading to the site boundary should be designed to allow only turning and access to the adjacent housing.

LMPC is developing a network of defibrillators throughout the village and requests that BH provide one of an approved type at the entrance to the site.

Layout and Contribution to Local Character

LMPC is acutely conscious that the health of Long Melford (economically and socially) depends, among other things, on an amazing heritage of buildings, mainly housing:

- A pre-C19th historic stock which is varied but harmonious.
- C19th terraces such as Station Road and St Catherine's Road.
- Distinctive and enduring private developments at Harefield and Roman Way.
- An example of Radburn layout in Shaw Road.
- Attractive garden village, arts and crafts housing in Cordell Road.
- More recent developments, such as Orchard Brook and Elms Croft have sought to provide variety in form and materials and in layout.

The site in Station Road is very conspicuous at the important southern entry to the village and LMPC is disappointed that the proposals do not represent a high-quality addition to the scene. Whilst the open space at the entrance is welcome, it has the air of being leftover space. LMPC have proposed to BH, and BH agreed to consider it, that a square or other structured space be provided at the entrance, a space that would be soft not hard landscaping. This would connect the development with the village and provide a facility for the residents of the development and of the village – an important link which is currently lacking.

Policy CS15 of the CS has a sharp focus on sustainable development, which is expressly endorsed at para 7 of NPPF (“The purpose of the planning system is to contribute to the achievement of sustainable development”):

Policy CS15: Implementing Sustainable Development in Babergh

“Proposals for development must respect the local context and character of the different parts of the district,..... All new development within the district, will be required to demonstrate the principles of sustainable development..... and in particular, and where appropriate to the scale and nature of the proposal, should:

- i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;
- ii) make a positive contribution to the local character, shape and scale of the area;

LMPC have been shown no evidence, in spite of having asked BH for it, that these important features of local character, landscape, streetscape have been considered or have influenced the layout and design of the proposals. This is a major development in a village that is renowned for its attractive heritage, streetscape and landscape features; it should be making “a positive contribution to the local character, scale and shape of the area.”

Policy LP19 of the JLP reinforces the need for proposals to integrate positively with the landscape, to respect local distinctiveness and the identity of individual settlements.

Policy LM8 of the LMNP states:

Major (more than ten residential units or more than 0.5 hectares) development proposals should be accompanied by an assessment, which takes into account firstly any cumulative impact taken with other existing commitments in the village, secondly the cumulative impact of different aspects of the proposal and which demonstrates:

- That the scale and character of the proposal respects the landscape, landscape features, streetscape/town scape, heritage assets, important spaces, entry points to the village and historic views into and out of the village;
- The proposal will make a positive contribution to the local character, shape and scale of the area.....

The consistency of the message in these policies quoted from the three plans indicates that their provisions should be respected, regardless of whether two of the plans are not yet adopted or made. BH confirmed to the LMPC that they have read the LMNP. The submitted documents do not demonstrate that BH have respected or contributed to the local setting.

Housing Mix

BH say in their Design and Access Statement, para 3.2 that “The majority of the development is two-storey in height with pockets of single-storey bungalows.” But only six single-storey properties are shown in 3.3 Accommodation Schedule.

The housing mix proposed by BH does not respond at all to the housing needs identified in the LMNP; in Long Melford there is (Census 2011) a significantly higher proportion of people aged 65 or over: 26.8% compared with 21.4% in Babergh and 16.3% in England. Households in Long Melford are skewed towards single-person households aged 65 and over: 19.5% in the parish, 14.1% in Babergh and 12.4% in England. The Residents Survey conducted for the LMNP recorded preferences for different types of housing; the following types attracted more than 50% of respondents saying they were needed or very much needed:

- Bungalows 58%
- Two-bedroom houses 70%
- Three-bedroom houses 58%
- Sheltered housing 56%

Over 70% said that four-bedroom houses were not needed or not much needed.

This all indicates a need for smaller dwellings in locations accessible to village services (the accessibility of this site was agreed at the appeal). And yet BH is proposing that over half (51 out of 97) the houses for open market sale will be 4-bedroom properties. This proportion should be significantly reduced, with more bungalows and two- and three-bedroom houses.

The LMNP has allocated two highly accessible sites for smaller housing for older residents but they are small; there is still an outstanding need. Policy LM11 provides for the inclusion of smaller market housing within proposed schemes, such as this one. These locally identified needs and Policy LM11 should be taken into account in the housing mix that is required in Condition 5.

At our 12 April meeting BH agreed that the example houses shown on their consultation brochure and website were not what they intended to build on the main road through the development. They said they would provide much more variety including bungalows and varied facades and treatments. But their Design and Access statement doesn't show much variety and we think it is important that there should be more.

3. Items in the s.106 agreement and/or Conditions, which we would like to see varied, but to which other authorities, Suffolk CC and Babergh DC, would need to agree.

Condition 19 of the outline consent requires BH to provide **improved bus stops and shelters** with real time bus movement information. LMPC consider this to be an expensive requirement given the low level of passenger ridership on buses through Long Melford; it is also an unpopular proposal with local residents. Of much greater value to the community would be a zebra pedestrian crossing: in spite of the 30-mph speed limit, the traffic moves quickly on this stretch of the B1064 (1), which carries a large volume of through traffic travelling from the south to Cavendish, other villages west

((1) Surveys carried out by LMPC and recorded the Draft Neighbourhood Plan, Appendix 5, show average daily volumes on the B1064 of 6373 vehicles southbound and 6495 northbound. 50% of northbound traffic exceeded the speed limit by more than 5 mph, and 86% of southbound traffic exceeded the speed limit by more than 5 mph)

of Long Melford, Haverhill and Cambridge. Furthermore the volume of pedestrian movement at the southern end of the village has increased with the development of Elms Croft (77 dwellings) and the volume will increase further with the proposed development on the Station Road site (150 dwellings) and with two proposals in the Draft Neighbourhood Plan: in Borley Road (10 dwellings) and on Rodbridge Hill (30 dwellings). Going north to the village centre there is no crossing or refuge until you reach the Conservation Area in Little St Mary's. Policy LM7 of the Draft Neighbourhood Plan requires the developer to submit proposals for ensuring safe crossing for pedestrians. LMPC ask that SCC hold off implementation of the bus shelter requirement, whilst the case for a pedestrian crossing to serve the southern end of the village is examined; if the case is made, the funds due to be used for shelters could be applied to a new crossing. LMPC is prepared to assist with traffic counts and other surveys in order to facilitate examination of the case.

BH is required to make a site available for **Early Years provision** and a site has been identified by BH on the layout plan. BH are also required to provide about £180,000 for the same facility. LMPC believe this to be an inappropriate provision on two main grounds:

- This would be an isolated site with no existing facilities (office, staff room, WC's, security); it is likely to be expensive to build and to maintain, given the need to create all the overhead facilities for a small group of children.
- There is land available at Long Melford Primary School, which offers a number of advantages for increasing early years provision for Long Melford:
 - The site is available.
 - The new facility would be accessible to the existing infrastructure of the school.
 - The Head of the school, which already has nursery facilities, is keen integrate new early years provision with the school – the transition to upper parts of the school is easier if the children are already familiar with the school and the staff.
 - The school is in a very accessible location next to the middle of the village and the school is a well-known facility in the community: it is where you go as a young child to start your education.

LMPC urge SCC and BDC to consider relocating this facility to the existing school, where land is available and the facility would benefit from the established infrastructure of staff and facilities.

The outline planning consent requires BH to put hoggin on the surface of certain footpaths adjacent to the site. LMPC consider this a poor and unnecessary investment. LMPC suggest that the funds be applied to another amenity.

Officer Comments: Following from these comments, Bloor Homes have had further meetings and engagement with Long Melford Parish Council (LMPC) to address as many of their concerns as reasonably practicable.

The below summarises the actions that have been taken by Bloor to address the comments received either from direct meetings or from the Parish Council's formal response

“Table of Meetings with Long Melford Parish Council

Date	Time	Meeting
Wednesday 31 st March	4pm	Introduction meeting
Monday 12 th April	10am	Working Group 1
Friday 23 rd April	4pm	Working Group 2
Tuesday 15 th June	2pm	Update meeting/Working Group 3

Addressing LMPC Comments:

Landscaping

- Soft landscaping enhanced to create entrance space which include: focal trees; seasonal shrub planting; and ‘historic’ resting place with the refurbishment of the existing Spigot Mortar area to include hard standing, landscaping, bench and plaque/information board.
- Row of silver birch also added to give reference to POS spaces within the village.
- Some additional trees added to western edge, however mainly left open as Parish initially requested.
- Planting added to higher slopes of SUDs basins to provide habitat and interest.
- Post and rail fence added around the whole scheme, as shown on boundary treatment plan.
- Play Area equipment confirmed to be usable for all age groups.
- Note added to plan to dictate that contractors will source native trees locally, all POS trees confirmed to be native species.
- Species used which reflect local character.
- An additional access into the entrance feature area has been sketched following the latest meeting with the Parish Council.

Ecology

- Confirmed to Parish that Bloor are providing Skylark Plots, Swift Bricks, Bat Boxes, Hibernacula and Hedgehog Holes as per the submitted Ecological Enhancement Plan and Ecology reports.
- Confirmed to Parish that Bloor will install a reptile fence along railway boundary for protection during Construction.
- Parish expressed concerns about Badger setts on site – the latest reports and Ecologist have confirmed no evidence of setts; however, Bloor will instruct a pre-commencement Badger survey prior to any construction works starting on site.

Sustainability

- The Parish have asked for additional measures; however our proposals are in line with current Building Regulations and current adopted policies.
- We are providing 10% carbon reduction that includes the provision of Photovoltaic Collectors (PV).

S106 Items

- As the S106 is a legal document of which that has been signed it is not our position to agree any amendments to the document. SCC have also confirmed they are willing to take the Early Years in its current location.

Housing Mix

- The Parish had concerns we weren't providing enough bungalows. There would be 14 bungalows on site with a variety of other houses and sizes on the development.

Other

- We will be providing a defibrillator.
- A Management Company will be appointed for the POS and communal areas that don't fall into private or Housing Association ownership, which in time could then be managed by residents."

National Consultee

East Suffolk Inland Drainage Board Comments Received - 22/04/2021

Having screened the application, the site in question lies outside the Internal Drainage District of the East Suffolk Internal Drainage Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make.

East Suffolk Inland Drainage Board Comments Received - 14/06/2021

Thank you for consulting the WMA on the below application. The site lies outside the East Suffolk IDB's district; therefore we have no comments.

Natural England Comments Received - 23/04/2021

Natural England has no comments to make on this Reserved Matters Application and Discharge of Conditions 5, 7, 9, 10, 11, 13, 16, 21, 22 and 24.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision-making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

British Horse Society Comments Received - 23/04/2021

I am responding to this consultation on behalf of The British Horse Society, an equestrian Charity with over **118,000** members representing the UK's **3 million** regular riders and carriage drivers. Nationally equestrians have just 22% of the rights of way network. In Suffolk, they have just **18%** of the rights of way network, increasingly disjointed by roads which were once quiet and are now heavily used by traffic resulting from development within the County. It is therefore important that these public rights are protected.

Increasing pressure for development of houses and industry is making even fewer of those bridleways and byways available. Ancient 'green lane' bridleways, byways and unsurfaced roads are being tarmacked as access roads or cycle tracks and engulfed by new development spreading into the countryside. Traffic increases with new development or change of use so roads become even less safe for riders and carriage drivers (equestrians) to use to access any traffic-free routes there may be. Riders are also increasingly excluded from verges by creation of foot-cycleways – segregated provision for other vulnerable nonmotorized users but equestrians are excluded and forced into the carriageway. Historically verges have provided a refuge and could, if mown, provide a segregated route.

Road Safety is a particular concern to equestrians, who are among the most vulnerable road users. Between November 2010 and February 2021, the BHS received reports of 5,784 road incidents, in which **441 horses and 44 people were killed**. Research indicates however that only 1 in 10 incidents are being reported to the BHS; in 2016-17 alone, **3,863** horse riders and carriage drivers in England and Wales were admitted to hospital after being injured in transport accidents. (NHS Hospital Episodes Statistics).

The BHS actively campaigns to improve road safety by making motorists aware of what to do when they encounter horses on the road (see <https://www.bhs.org.uk/our-work/safety/dead-slow> – we recommend taking a few minutes to watch the 'Dead Slow' virtual reality film for an impression of how vulnerable equestrians are in proximity to cars and lorries).

Because of the difficulties that equestrians encounter on roads, they avoid using them wherever possible. Road use is often unavoidable; however it is simply because people have nowhere else to exercise their horses. The main off-road access available to them is the network of Rights of Way (RoW). England and Wales have over 140,000 miles of RoW, but only 22% of this network is available for horse riders (who may only use routes designated as Bridleways and Byways) and a mere 5% to carriage drivers (who only have access to Byways). An additional factor is that the network is fragmented, and roads are often the only available links between one RoW and the next.

The demand for safe access to the countryside for the health and wellbeing of local residents who have been subjected to Covid 19 lockdown restrictions has increased tenfold. It is acknowledged that it is highly likely that the post Covid new 'norm' will see significant changes in the work / home lifestyle balance resulting in increased pressure on the rights of way network. During the pandemic, the value of horses has increased substantially with people spending more time at home looking to find enjoyable ways to exercise, they are able and want to own horses. It is highly likely that the need and demand for improved equestrian access is likely to rise.

Failure to accommodate the needs of these users would be contrary to National and Local Policies such as:

- **Highways England Accessibility Strategy** states:

‘Our vision focuses on supporting our road users’ journeys, pedestrians, cyclists, equestrians, those with disabilities (such as users with mobility or sensory impairments) and other vulnerable users – while delivering longer-term benefits for communities and users alike.

We want to address the barriers our roads can sometimes create, help expand people’s travel choices, enhance and improve network facilities, and make everyday journeys as easy as possible. This will be achieved by ensuring our network supports and contributes to accessible, inclusive and integrated journeys which are safe, secure, comfortable and attractive.’

- **NPPF policy 58 Requiring Good design**

Create safe and accessible environments.

- **Paragraphs 73 and 81 of the NPPF** require Local Authorities to plan positively for access to high quality open spaces for sport and recreation which can make important contributions to the health and wellbeing of communities and to plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation.

- **NPPF Section 8**

Promoting healthy communities

Policy 73 access to high quality open spaces for sport and recreation and can make important contribution to the health and wellbeing of communities.

Policy 75 Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users. For example by adding links to existing rights of way networks.

Policy 81 local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation.

- **The Suffolk Rights of Way Improvement Plan** – ‘2.3 Connectivity – 2.3.1 Take a whole highways approach when considering the journeys of vulnerable users.’

- **The British Horse Society’s report Making Ways for Horses** – off-road Equestrian Access in England – Equestrian Access Forum August 2012, highlights the importance of horse riding for health and well-being. Access for horse riders, which inevitably involves crossing roads, is central to riding activities without which the level of participation is likely to decline which will have a negative impact on the local economy (Making Ways for Horses – off-road Equestrian Access in England – Equestrian Access Forum August 2012).

Mitigation must therefore be considered for the equestrian community; The British Horse Society believes that this development provides great opportunities to provide safe off-road routes for all vulnerable road users including equestrians and we would welcome the opportunity to discuss these opportunities at the earliest stage. In order to maximise opportunities within Suffolk to help provide more off-road links for equestrians they should support the automatic inclusion of horse riders on shared off-road routes, unless there are specific reasons why this is not possible.

Conflict with cyclists is sometimes given as a reason for excluding horses from shared routes, but this rarely has anything to do with either the horse or the bicycle, simply the inconsiderate person who happens to be riding one or the other. Horse riders and cyclists as two vulnerable road user groups have more in common with each other than differences. This is illustrated by the work that the BHS are doing in partnership with Cycling UK in the current ‘Be Nice, Say Hi!’ campaign and with Sustrans in their ‘Paths for Everyone’ initiative.

The key to a successful shared route is the design: for example, rather than positioning a cycle path down the centre of a route with verges either side, the cycle path should be positioned to one side and the two verges combined to provide a soft surface for walkers, runners and horses on the other. (This also

addresses the issue of horse droppings which, as research has confirmed, represent no danger to health and disperse quickly, particularly on unsurfaced paths.)

Historically, pedestrians and cyclists have been considered as the main vulnerable road users. Equestrians are however increasingly recognised as being part of this group: during the Parliamentary Debate on Road Safety in November 2018 Jesse Norman, Under Secretary of State for Transport, stated that:

“We should be clear that the cycling and walking strategy may have that name but is absolutely targeted at vulnerable road users, including horse-riders.”

It is essential that in projects such as this, every opportunity is taken to benefit as many people as possible including those least active in the population (NHS, 2019). Therapeutic and physical benefits of horse riding and carriage driving have been proven for people with disabilities (Favali and Milton, 2010). According to Church et al (2010) over 90% of equestrians are women and 37% of these are over 45 years of age and over a third would pursue no other physical activity. ‘Horse riding induces physiologically positive effects such as muscle strength, balance...and psychologically positive changes’ (Sung et al, 2015). In the current climate mental health is hugely important and horse riding and carriage driving play a large part in enhancing physical and psychological health therefore should be included in improving quality of life and wellbeing through an inclusive transport system accessible to all which emphasises sustainable and active travel.

Horse riding is a year-round activity which (along with associated activities such as mucking out and pasture maintenance) expends sufficient energy to be classed as moderate intensity exercise. The majority of those who ride regularly are women, and a significant proportion of riders are over 45. For some older or disabled people, being on horseback or in a horse-drawn carriage gives them access to the countryside and a freedom of movement that they would not otherwise be able to achieve. Most riders and carriage-drivers wish to take their horses out on bridleways and byways, away from motor traffic, for the physical and mental health benefits to animal and human, in exactly the same way as most walkers (with and without dogs) and cyclists. Many are unable to do so because the traffic on tarmac roads is too dangerous for such vulnerable road users, and there are generally so few traffic free routes available to equestrians. There are also considerable psychological and social benefits from equestrian activities, as the BHS is demonstrating through the *Changing Lives through Horses* initiative.

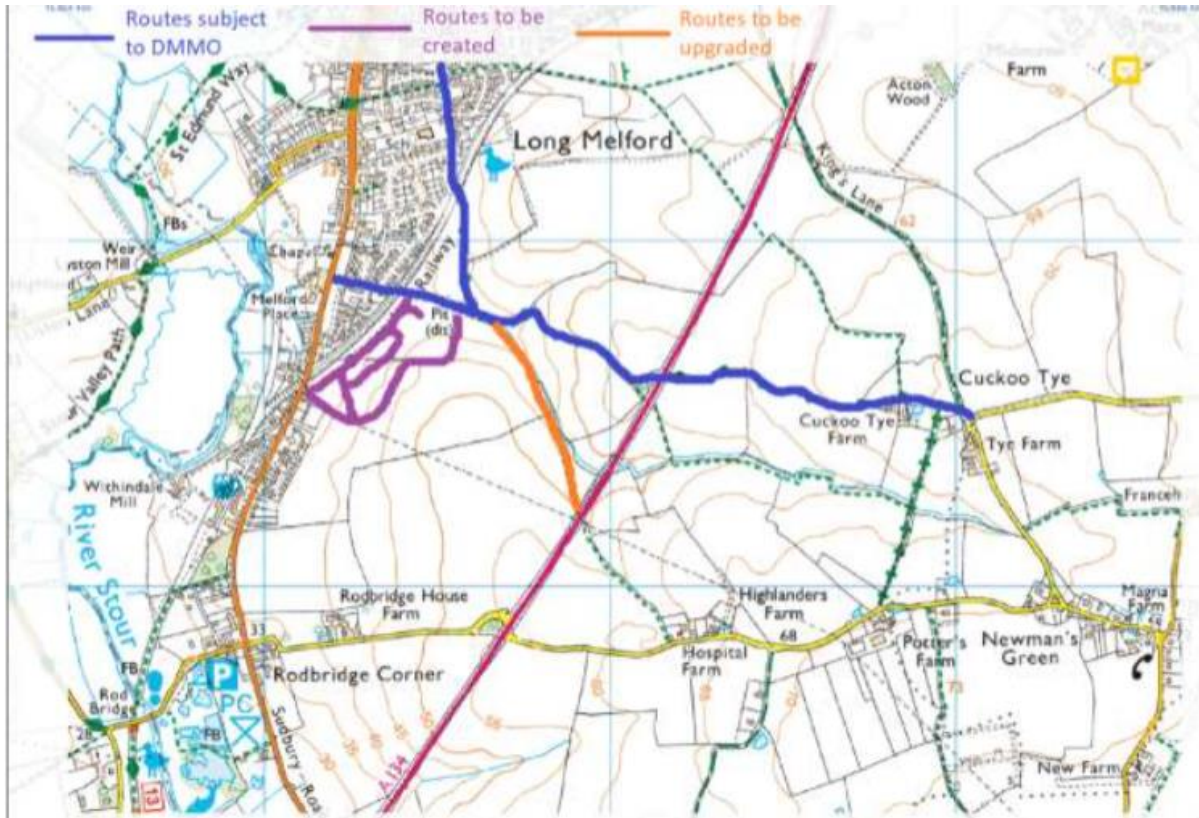
Equestrianism is a popular activity in this part of Suffolk, and one which contributes significantly to the local economy. The equestrian community in Suffolk currently has many difficulties in finding safe access within the area, as identified in Suffolk’s policies. Many of these issues could be addressed and resolved through good planning of future routes. We hope therefore that the applicant will support this, and local equestrians affected by this development, and would be happy to support and facilitate consultation with the local equestrian community.

The British Horse Society has no objection to this application in principle but believes for this application to be compliant with National and Local Policies the proposals for proposed pedestrian routes throughout the site should be multi-user routes for all Non-Motorised Users including equestrians.

Equestrians have not been included within any part of this application. Exclusion of equestrians from any safe access provision for cyclists is not only discriminatory and contrary to the ethos of the Equality Act 2010, but it also actually puts equestrians in increased danger. It is to be avoided. Safe access must be available all vulnerable road users.

The BHS believes that historical evidence indicates that a number of routes surrounding the site are unrecorded, these routes can be reasonably alleged to subsist at a minimum of bridleway

status. These public rights should be asserted and not be allowed to be subsumed within this development or anything beyond it. An application to the County Council to have them recorded as such is likely to be forwarded in due course. The routes shown on the map below as 'routes subject to DMMO' should be upgraded to at least Bridleway status if not Restricted Byway status as a condition of the permission being granted. With regards to this development the BHS believe the below improvements would adequately include equestrian access through the site by correctly recording routes and creating routes within and around the development site to improve connectivity and upgrading the 1 route shown in orange. These planning proposals should take into account connectivity for all vulnerable road users.



Anglian Water Comments Received - 27/04/2021

We have reviewed Surface and foul water drainage strategy_1 of 2_long melford and Surface and foul water drainage strategy_2 of 2_long melford and can confirm that the strategy for surface water discharge now falls out of our jurisdiction to make comment. We would wish to be re-consulted if the proposal changes to interact with our network.

Historic England Comments Received - 05/05/2021

Thank you for your letter of 21 April 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

NHS England (50+ Dwellings/C2/Care Or Nursing Homes) Comments Received - 10/05/2021

Although the CCG last responded to this planning application back in 2018, it has been decided that this is still up to date with the current situation in the area. The CCG is also working hard with BMSDC Infrastructure Team to make sure that the IDP is updated regularly for the purpose of CIL.

Suffolk Wildlife Trust Comments Received - 11/05/2021

Thank you for sending us details of this application, we wish to make a **holding objection** for the following reasons:

We are concerned that there is no consideration of the adjacent The Railway Walks Local Nature Reserve (LNR) and Long Melford Disused Railway Line County Wildlife Site (CWS) within the Construction Environmental Management Plan (CEMP). Such sites, described as Locally Designated Sites in the NPPF 2019, have a known county or regional importance for wildlife. They play a key role in the conservation of Suffolk's biodiversity by supporting UK Priority Habitats and Species. They complement the statutory protected areas and nature reserves by helping to buffer and maintain habitat links between these sites. This site is an important feature for maintaining connectivity throughout Long Melford and beyond and also contains a number of species found on chalky soil, such as blue fleabane, as well as lesser calamint, which is scarce in Suffolk. Therefore, mitigation measures to limit the impact of construction on The Railway Walks LNR and Long Melford Disused Railway Line CWS should be included within the CEMP, as outlined within the Preliminary Ecological Appraisal (SES, April 2021).

Further assessment is required to assess the impact of potential recreational disturbance upon The Railway Walks LNR and Long Melford Disused Railway Line CWS. This should then inform whether further landscaping measures are required to mitigate any recreational impacts. A development of this size is likely to have a recreational pressure impact on the CWS, which must be assessed.

We have read the Biodiversity Enhancement Strategy (SES, April 2021) and are concerned with the maintenance proposed for the Wildflower Grassland. It is stated; 'Annual weeds will therefore be managed through regular mowing to a height of 40-60mm in the first year, removing cuttings if dense.' We request that the words 'if dense' should be removed. Whilst the regular mowing prescribed in the first year is appropriate for establishing flower rich grassland on former arable land, if the arisings are not removed this will not deplete the nutrient status of the soil. Consequently, this will favour more aggressive plant species and not allow the desired species rich wildflower grassland to fully establish. The removal of all cuttings should also be included in the following years as well.

Whilst we welcome the provision of hedgehog permeable boundaries within the development, we are concerned that Appendix 3 appears to show some are placed between gardens with no access into them. Therefore, it should be ensured that the location of the hedgehog highways is designed to ensure that hedgehogs have access to the gardens.

The Preliminary Ecological Appraisal recommends that 'the latest biodiversity net gain metric is used to ascertain whether proposals can deliver biodiversity net gain' however, this has not been included within the application. In accordance with NPPF para 175d, proposals should demonstrate a 'measurable' net gain in biodiversity. This is transposed to the emerging Environment Bill which is expected to put a requirement for all proposals to achieve a 10% net gain in biodiversity; whilst not yet formally released, this level is already being implemented as good practice across the country. Therefore, we believe this development should seek a minimum of 10% biodiversity net gain.

We would also expect bat activity surveys to be undertaken so that impacts upon foraging and commuting bats can also be assessed and this inform the lighting design for the site. It is important that there is no light spill from external lighting and that dark corridors are retained around the site for the foraging and

commuting bats. Therefore, a lighting strategy in accordance with current guidelines¹ should be designed to accompany the site layout.

We believe the proposed number of integral swift nest bricks is below the required level as suggested in guidance from organisations such as the Chartered Institute of Ecological and Environmental Management 2. The incorporation of swift bricks is an established way to enhance biodiversity within a development and provide net gain. Therefore, we request that the total number is increased in order to help this Suffolk Priority Species, whose numbers have seen a dramatic decline in recent years.

Please do not hesitate to contact us should you require anything further.

The Environment Agency Comments Received - 11/05/2021

There are no constraints in our remit and we did not request conditions. Therefore, we have no comment.

Dedham Vale Society Comments Received - 13/05/2021

The AONB team will not be submitting a response to the above application.

Historic England Comments Received - 11/06/2021

Thank you for your letter of 11 June 2021 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

County Council Responses

Comments regarding Reserved Matters

SCC - Rights Of Way Department Comments Received - 22/04/2021

The proposed site does contain public rights of way (PROW): Footpath 2 and Footpath 42 Long Melford. The Definitive Map for Long Melford can be seen at <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-of-way/Long-Melford.pdf>. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

We are pleased to see that FP42 has been depicted on the Applicant's plans following our previous objection. We do not object to this application, however we couldn't see any details of what the Applicant plans to do with the surface of the PROWs affected by the development. The Applicant MUST note that it is unlawful to carry out any works on a PROW without our consent, regardless of whether planning permission is granted. If the Applicant is planning to carry out any works to the surface (or otherwise) of FP42 or FP2, they MUST contact the Area Rights of Way Officer (James.Pickerin@suffolk.gov.uk) to discuss their plans and apply for permission. The Applicant MUST also take the following into account:

1. PROW are divided into the following classifications:
 - Public Footpath – only for use on foot or with a mobility vehicle
 - Public Bridleway – use as per a public footpath, and on horseback or by bicycle
 - Restricted Byway – use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage

- Byway Open to All Traffic (BOAT) – can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

2. PROW MUST remain open, unobstructed and safe for the public to use at all times, including throughout any construction period. If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed as per point 4 below.

3. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

4. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It **DOES NOT** give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

- To apply for permission to carry out work on a PROW, or seek a temporary closure – <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. **PLEASE NOTE** that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
- To discuss applying for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

5. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> **PLEASE NOTE** that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

6. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the

discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

7. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path and should not be allowed to obstruct the PROW.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at www.suffolk.gov.uk/roadsand-transport/public-rights-of-way-in-suffolk/.

Thank you for taking the time to consider this response.

SCC - Development Contributions Manager, Comments Received - 23/04/2021

This planning permission has a S106A dated 2nd July 2019 which contains planning obligations in favour of the county council including Rights of Way improvements, pre-school contributions and a serviced site for a pre-school. As per the S106 obligation, notification that SCC requires the site was sent on 17 August 2020, and the early years land shall be transferred to SCC within 6 months of the commencement of the development. The reserved matters application will need to be linked with the existing S106A. Additional infrastructure mitigation for this scheme is also covered by the District's Community Infrastructure Levy (CIL). Therefore SCC intends on making a bid for CIL funds once further information is understood about the development build out rate and infrastructure delivery.

Kelly Smith (SCC, Early Years) to liaise with Bloor Homes regarding the pre-school site. **It is essential that this reserved matter application includes access & services for the new Early Years setting. Location of services must be agreed by SCC.**

I have no additional comments to make on the reserved matters application but I have copied this letter to colleagues who respectively deal with highways, drainage, Early years, and archaeology who may wish to comment.

SCC - Development Contributions Manager, Comments Received - 24/06/2021

The comments made in our previous response dated 21 April 2021 still stand in relation to the Section 106A agreement dated 2 July 2019 and future CIL bids.

With regard to the proposed early years site, subject of the legal agreement and which is to be transferred to SCC, we sought further clarification from the applicant. We received a response from James Bailey dated 16 June 2021 concerning the servicing of the site and a plan showing the site dimensions was forwarded to us from Ruby Lord of Bloor Homes in an email dated 22 June 2021. You were copied into both these emails.

Subject to the early years site fully complying with the details set out in the submitted application plans and details together with the information provided in both these emails, the early years site will be acceptable regarding its location, dimensions and servicing.

Other colleagues within highways, drainage and archaeology may comment separately but we have no further comments to make on this application.

SCC - Fire & Rescue Comments Received - 23/04/2021

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 – Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of outbuildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

Suffolk Fire and Rescue Services recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

SCC - Travel Plan Co-ordinator Comments Received - 23/04/2021

Thank you for consulting me about the reserved matters application for the residential development at Land to the East of Station Road in Long Melford. On reviewing the application I have noticed that a Travel Plan has been submitted. However, the Travel Plan is a requirement of the Unilateral Undertaking which I will respond to separately.

SCC - Travel Plan Co-ordinator Comments Received - 14/06/2021

Thank you for notifying me about the re-consultation. On reviewing the documents, I have no further comment to make following on from my previous response dated 23rd April 2021.

SCC - Highways Comments Received - 23/06/2021

Notice is hereby given that the County Council as Highway Authority make the following comments:

- The footways adjacent to the carriageway should be 2.0m wide as Manual for Streets
- Shared footways have not been included in the design to accommodate cycling.
- The triple parking on the adopted roads is for 3-bedroomed dwellings so acceptable

- The developer is reminded that planting of hedging adjacent to the highway is to be offset from the edge to ensure growth does not overhang the highway causing obstruction.

We can recommend conditions once the above points have been addressed. We look forward to receiving further information.

Officer Note: Following discussions between SCC Highways and the Developer, it has been agreed that the footways along the adoptable access road will be 2m wide and they will provide a 3m wide link to the PROW network to the north.

The following condition shall therefore be added:

Estate Roads Design Condition: Before the development is commenced, details of the estate roads and footways shall be submitted to and approved in writing by the Local Planning Authority.

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

Comments re: Discharge of Conditions

SCC - Archaeological Service Comments Received - 22/04/2021

SCCAS would advise that archaeological condition 22 can be discharged on the basis of the archaeological excavation WSI submitted by the applicant on your website.

SCC - Archaeological Service Comments Received - 13/05/2021

I have approved the WSI for an archaeological excavation at this site (as required by the first condition) and would recommend the full discharge of condition 22.

Condition 23 should not be discharged until the final report has been completed.

SCC - Flood & Water Management Comments Received - 04/05/2021

We have reviewed the following submitted documents and we recommend a **holding objection** for the reserved matter application and **refusal** to discharge conditions 11 & 16.

- Location Plan Ref 20-3086-sk02
- Site Layout Plan Ref 20-3086-sk02 Rev F
- Site Landscaping Ref EA171-LS-001
- Construction Management Plan Ref EA171-SL-200A
- Site Landscaping Specification & Schedule Ref EA171-LS-007
- Construction Surface Water Management Plan 422533
- Surface & Foul Water Drainage Strategy Ref

A holding objection is necessary because the applicant needs to demonstrate how the SuDS features will be established for the first 5 years and the design of basin 1 has a significant drop (2m) from the new grown level to the we/dry bench

The holding objection is a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required in order to overcome the objection(s). This Holding Objection will remain the LLFA's formal position until the local planning authority (LPA) is advised to the contrary. If the LLFA position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development. The LPA should provide

at least 2 weeks prior notice of the publication of the committee report so that the LLFA can review matters and provide suggested planning conditions, even if the LLFA position is a Formal Objection.

The points below detail the action required in order to overcome our current objection:-

1. Submit a landscaping management plan that including an establishment plan for the first five years for the SuDs feature
2. Amend the design of basin 1 to remove the significant drop from ground level to wet/dry bench

Condition 11

No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems;
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses;
- iii. Measures for managing any on or offsite flood risk associated with construction.

Condition 16

Concurrent with the first reserved matters application submitted, a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA (Flood Risk Assessment & Outline Surface Water Drainage Strategy ref: 881308-R2(02)-FRA) and include:

- i. Dimensioned plans and drawings of the surface water drainage scheme;
- ii. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- iii. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- iv. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;
- v. Modelling of the surface water conveyance network in the 1 in 30-year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100-year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- vi. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- vii. details of the implementation, maintenance and management of the surface water drainage.

Development shall be carried out in accordance with the approved details.

The points below detail the action required in order to overcome our current refusal:-

1. Condition 11

- a. CSWMP shall be endorsed by principal contractor
- b. 3.3 Consent, Land Drainage Act consent s23 working affecting a watercourse need to be added
- c. Note added to say "No materials to be stored within 8 of any watercourse or waterbody"

2. Condition 16

- a. Submit a topographical plan depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system

SCC - Flood & Water Management Comments Received - 15/06/2021

We have reviewed the following submitted documents and we recommend **approval** for the reserved matter application and **refusal** to discharge conditions 11 & 16.

- Location Plan Ref 20-3086-sk02
- Site Layout Plan Ref 20-3086-sk02 Rev F
- Site Landscaping Ref EA171-LS-001
- Construction Management Plan Ref EA171-SL-200A
- Site Landscaping Specification & Schedule Ref EA171-LS-007
- Construction Surface Water Management Plan 422533 FINAL
- Surface & Foul Water Drainage Strategy Ref 66202580-MLM-ZZ-XX-RP-C-0001 Rev 02

We would like to make the applicant aware of the following informatives.

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution
- Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act
- Any works to a main river may require an environmental permit

Discharge of Conditions

Conditions 11

No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems;
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses;
- iii. Measures for managing any on or offsite flood risk associated with construction.

Condition 16

Concurrent with the first reserved matters application submitted, a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA (Flood Risk Assessment & Outline Surface Water Drainage Strategy ref: 881308-R2(02)-FRA) and include:

- i. Dimensioned plans and drawings of the surface water drainage scheme;
- ii. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- iii. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- iv. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;
- v. Modelling of the surface water conveyance network in the 1 in 30-year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100-year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- vi. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- vii. Details of the implementation, maintenance and management of the surface water drainage.

Development shall be carried out in accordance with the approved details.

The points below detail the action required in order to overcome our current refusal:-

1. Condition 11

- a. 3.3 Consent, Land Drainage Act consent s23 working affecting a watercourse need to be added
- b. Note added to say "No materials to be stored within 8 of any watercourse or waterbody"

2. Condition 16

- a. Submit a topographical plan depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system

SCC - Highways Comments Received - 06/05/2021

Conditions for outline planning permission (on Appeal) relating to highways are as follows:

Condition 1 - Details of Access

Condition 9 - Construction Management Plan

Condition 17 - Station Road Footway Improvements

Condition 18 - Provision of Visibility Splays

Condition 19 - Upgrade Bus Stops

Comments on the Layout

- Dimensions of the proposed roads and footways have not been supplied. By scaling, the widths are to Suffolk Design Guide. However, we recommend the footway widths are increased to 2.0m (as outlined in Manual for Streets). Also, Department for Transport Local Transport Note 1/20 (LTN1/20)

was published in July 2020 where 'cycling will play a far bigger part in our transport system from now on'. This national guidance aims to help cycling become a form of mass transit. Shared footways are to be included in the design to accommodate cycling.

- Footways and permissive footpaths all link to the PROW network and existing highway. Recommend permissive paths are suitable surface for all weathers.
- The shared surface roads are to have a maintenance strip 1m wide each side of the carriageway which allows the highway to be maintained and erection of street lighting. If these strips are to be considered for utility services plant, the strips need to be widened to 2m.

Comments on Parking

- Some 4 bedroomed houses have triple parking (tandem parking in front of garage) on the major and minor access roads which is not acceptable as shown in Suffolk Guidance for Parking. The developer has provided additional parking places for the dwellings on private drives giving sufficient parking.
- For house types without garages, garden sheds or similar storage facilities will be required to accommodate secure cycle storage.

We can recommend conditions once the above points have been addressed. We look forward to receiving further information.

NOTE – these matters have now been resolved (see main Reserved Matters section of this report).

Internal Consultee Responses

Comments re: Reserved Matters

Strategic Housing Comments Received - 11/05/2021

1. Background Information

This is a development proposal for up to 150 residential dwellings (mixture of affordable and open market homes).

Based on 150 dwellings the affordable contribution of 35% equates to 52 dwellings to be policy compliant.

2 Housing Need Information

2.1 The Ipswich Housing Market Area, Strategic Housing Market Assessment (SMHA) document, updated in 2019, confirms a continuing need for housing across all tenures and a growing need for affordable housing.

2.2 The 2019 SHMA indicates that in Babergh there is a need for **110** new affordable homes per annum.

2.3 The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property-owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.

2.4 This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need.

3. Preferred Mix for Open Market homes.

3.1 The open market needs to address the growing demand for smaller homes for sale, both for younger people who may be newly forming households, but also for older people who are already in the property-owning market and require appropriate housing enabling them to downsize.

3.2 With an ageing population, both nationally and locally new homes should, wherever possible, be built to Building Regulation Part M (4) Category 2 standards and this can include houses, apartments and bungalows. Built to this standard will help our ageing population to remain in their homes for longer.

3.3 There is strong demand for one and two-bedroom flats/apartments and houses. Developers should consider flats/apartments that are well specified with good size rooms to encourage downsizing amongst older people, provided these are in the right location for easy access to facilities. Older people have also expressed their desire for chalet bungalows of one and a half storey. There is also a demand for smaller terraced and semi-detached houses suitable for all age groups.

3.4 Broadband and satellite facilities as part of the design for all tenures should be standard to support.

3.5 All new properties need to have high levels of energy efficiency.

3.6 The open market mix has been provided in any detail, but the applicant is expected to have due regard to table 4.4c in terms of the proportion of 1,2, 3, 4 bed + homes for the open market sale homes.

Table 4.4c Size of new owner-occupied accommodation required in Babergh over the next 18 years

<i>Size of home</i>	<i>Current size profile</i>	<i>Size profile 2036</i>	<i>Change required</i>	<i>% of change required</i>
One bedroom	598	1,183	585	12.2%
Two bedrooms	5,037	6,765	1,729	36.1%
Three bedrooms	12,327	13,774	1,447	30.2%
Four or more bedrooms	10,065	11,098	1,033	21.5%
Total	28,026	32,820	4,794	100.0%

4 Preferred mix for Affordable Housing

4.1 52 of the dwellings on the proposed development should be for affordable housing. - We have received a detailed plan of the site and the type, tenure, size of the dwellings (see attached) that we agree is the mix we required.

QUANTITY OF AFFORDABLE HOUSING ONLY	BEDROOMS 1/2/3/4 and persons. i.e. 3 bed 4 person	TYPE FLAT/HOUSE/ BUNGALOW/ MASONETTE	SIZE (Sqm only)	TENURE A/R S/O Other please specify
2 No.	1B2P	Maisonette (Part M4[2] Ground Floor)	538 49.98sqm	A/R
2 No.	1B2P	Maisonette First Floor	647 60.10sqm	A/R
2 No.	2B4P	Maisonette (Part M4[2] Ground Floor)	754 70.04sqm	A/R
2 No.	2B4P	Maisonette First Floor	827 76.83sqm	A/R
4 No.	2B4P	Bungalow	753 69.95sqm	S/O
4 No.	2B4P	Bungalow (Part M4[2])	753 69.95sqm	A/R
8 No.	2B4P	House	850 78.96sqm	S/O
20 No.	2B4P	House (Part M4[2])	850 78.96sqm	A/R
3 No.	3B5P	House	1001 92.99sqm	S/O
5 No.	3B5P	House (Part M4[2])	1001 92.99sqm	A/R
1 No.	3B6P	House (Part M4[2])	1141 106.00sqm	A/R

4.3 On perusal of the map copied you will see that attempts have been made to spread the affordable and shared ownership dwellings across the site and we accept this plan.

We would like to reiterate however, that we favour that the type, style, design and outlook of these dwellings match those of the 'open market dwellings' as this will inspire mixed and harmonious communities throughout our region.



5 Other requirements for affordable homes

- Properties must be built to current Homes England and Nationally Described Space Standards March 2015.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 100% on subsequent lets.
- The Council will not support a bid for Homes England grant funding on the affordable homes delivered as part of an open market development. Therefore, the affordable units on that part of the site must be delivered grant free.
- The location and phasing of the affordable housing units must be agreed with the Council to ensure they are integrated within the proposed development according to current best practice. On larger sites such as this one, the affordable housing should not be placed in groups of more than 15 units.
- Standard triggers points as set out below to be included in the S106: -

- (a) Not Occupy or permit Occupation of more than fifty per cent (50%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until fifty per cent (50%) of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider; and
- Not Occupy or permit Occupation of more than eight per cent (80%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until all of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider
 - Adequate parking and cycle storage provision is made for the affordable housing units adjacent to the dwellings.
 - It is preferred that the affordable units are transferred freehold to one of Babergh's partner Registered Providers and for the avoidance of doubt this could include the Council itself.

Heritage Team Comments Received - 23/06/2021

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

Landscape - Place Services Comments Received - 23/06/2021

This response relates to the reserved matters application.

Reserved Matters

We note the amendments to the tree planting along the south and east boundaries, amendments to the planting schedule and the addition of trim trail equipment within the POS. The changes are welcome.

We still consider that the biodiversity and amenity elements of the attenuation basins can be improved by combining a range of vegetation types on top of the proposed meadow mixture and marginal mix planting. Additional planting can include grasses of various heights, trees and shrubs that are tolerant of wide range of conditions, wet or dry.

Comments re: Discharge of Conditions

Public Realm Comments Received - 07/05/2021

Public Realm Officers support the provision of the LEAP within this development and note the significant areas of open space on the western boundary. There are some concerns over the dominance of the proposed attenuation basins within this open space - especially if holding water as it is noted that there are significant steep sides to attenuation basin 1. Should a decision be made that this needs fencing to prevent public access (especially children) during period when the attenuation basin is holding water then this area must not be counted as open space.

The details provided are however enough to discharge conditions relating to open space provision.

Environmental Health - Sustainability Issues Comments Received - 10/05/2021

Many thanks for your request to comment on the potential discharge of Condition 21 relating to Condition 21 of the Appeal Decision on the original application.

I have studied the applicant's documents, notably the Planning Statement, Design and Access Statements and the Energy Strategy.

The information contained in the documents committing to a predicted 10.08% reduction over Part L 2013 of the Building Regulations in the predicted Carbon emission of the development just complies with Planning Inspector's requirement within Condition 21 of at least a 10% reduction. Therefore the condition is discharged.

However I would like to take this opportunity to raise the following issue that the Applicant may wish to take into account.

Babergh and Mid Suffolk Councils declared a Climate Emergency in 2019 and have an aspiration to be Carbon Neutral by 2030, this will include encouraging activities, developments and organisations in the district to adopt a similar policy. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability, taking into account the requirements to mitigate and adapt to future climate change.

With developments constructed with levels of insulation, fabric measures and low carbon building services just equal or slightly better the current building regulations' Part L requirements it is likely that they will need to be retrofitted within a few years. This is to meet; the National milestones, the Future Homes Standard, meaning dwellings are at least zero-carbon ready, and targets leading up to zero carbon emissions by 2050. The other issue is that the properties will be more expensive to heat than properties built to these higher standards.

With all future Sustainability and Energy Strategies the Council is requiring the applicant to indicate the retrofit measures required and to include an estimate of the retrofit costs for the properties on the development to achieve net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those measures are included now at the initial building stage. The applicant may wish to do this to inform prospective and future owners of the properties.

Environmental Health – Sustainability Issues Comments Received – 21/06/2021

The energy statement provided predicts a 10.08% Carbon reduction using the construction, Flue Gas Heat Recovery and PV panels over Part L1A Building Regulations.

This is just sufficient to comply with the requirements of Condition 22 that requested a 10% reduction and therefore it is discharged.

It is disappointing that the performance is not better considering the Government has declared a National Climate Emergency and it is likely that the properties will have to be retrofitted at the future occupier's expense within a few years to meet future Zero Carbon standards.

Environmental Health - Noise/Odour/Light/Smoke Comments Received - 24/06/2021

With regards to the above application, it is noted that the proposed construction hours in section 4 of the CEMP remain the same. I therefore refer back to my comments regarding audible works dated 11th May 2021 (i.e. *Due to proximity of the site to existing residential on a quiet edge of a rural settlement our recommended start times for audible works are 08:00 hours Monday to Friday with the same finished times as stated in the CMP.*)

The author of the CEMP has referenced the Relaxations to hours permitted by the government for where impacts of Covid 19 have significantly impacted works. This was not a blanket relaxation and was a

measure to mitigate effects and requires an application to be made. It was not a direction for applying conditions to future applications where works may not begin for some time after the agreement is made.

Environmental Health - Air Quality Comments Received - 11/05/2021

Many thanks for your request for comments in relation to the above submission. I can confirm that I have no comments to make with respect to the above conditions and comments regarding LAQM were provided at the 2018 permission.

Environmental Health - Air Quality Comments Received - 22/06/2021

I have no objections with regard to air quality.

Environmental Health - Land Contamination Comments Received - 24/06/2021

Many thanks for your request for comments in relation to the above submission. I can confirm that my comments made earlier in the consultation period remain unchanged (i.e. no comments).

Ecology - Place Services Comments Received - 25/06/2021

Thank you for re-consulting Place Services on the above reserved matters and discharge of conditions application. This response considers the Submission of Details at Reserved Matters, as well as Conditions 7 and 10, as shown in the Appeal Decision APP/D3505/W/18/3214377.

Summary

We have reviewed the Biodiversity Enhancement Strategy (Southern Ecological Solutions, April 2021), relating to the requirements of condition 7, as well as the revised Construction Environmental Management Plan (RSK Environment Ltd., June 2021), relating to requirements of condition 10.

Furthermore, we have reassessed the Preliminary Ecological Appraisal (Southern Ecological Solutions, April 2021), the Skylark Mitigation Strategy (Southern Ecological Solutions, February 2021), as well as the soft landscaping plans (Bloor Homes Ltd, March 2021).

In addition, we have reviewed the amended soft landscaping drawings and documents submitted on 11th June 2021. This includes amendments to the tree planting along the south and east boundaries, as well as amendments to the planting schedule.

It is indicated that we support the submitted soft landscaping. This includes appropriate planting specification and schedules, as well suitable details of implementation to ensure that plants will establish successfully. Furthermore, we support the proposed reasonable enhancement measures outlined within the Biodiversity Enhancement Strategy (Southern Ecological Solutions, April 2021). However, it is indicated that we still recommend that the site landscaping plans should be supported by the Defra Biodiversity Metrics 2.0 (or any successor), as recommended by the applicant's ecologist within the submitted Preliminary Ecological Appraisal. This is necessary to ensure that the application can demonstrate measurable biodiversity net gains, in line with paragraph 170d of the NPPF 2019. Therefore, a Biodiversity Net Gain Assessment should be provided prior to discharge of condition 7, which should preferably demonstrate that a 10% measurable biodiversity net gain will be demonstrated, in line with emerging Environmental Bill. However, it is accepted that this percentage is not mandatory until the Environmental Bill is adopted. The content of the Biodiversity Net Gain Assessment should preferably include the following:

- Baseline data collection and assessment of current conditions on site.

- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness, condition and ecological functionality.

The management measures for the soft landscape measures should then be secured via Landscape Ecological Management Plan (condition 14), with the aims of the Biodiversity Net Gain Assessment included within the management recommendations. In addition, the Landscape and Ecological Management Plan should reference the Railway Walks LNR and Long Melford Disused Railway Line CWS and outline measures to ensure impacts during the operation phase will be avoided to these protected and locally designated sites. Alternatively, a bespoke condition of any consent should be secured prior to occupation, to outline a strategy to promote good practice measures to manage increased public pressure at the sites (e.g. monitoring strategies, remedial strategies and noticeboards).

In terms of condition 10, it is indicated that we support the details contained within the updated Construction Environmental Management Plan, which includes measures to avoid impacts to protected and priority species during the construction phase. However, we still note that Railway Walks LNR and Long Melford Disused Railway Line CWS has not but included within the Mitigation and Control Measures if the Ecology & Nature Conservation section (Table 6). Therefore, we still recommend that this included within the CEMP to ensure that operatives are aware of the adjacent protected and locally designated sites and that this area will be a construction exclusion zone throughout the duration of the construction phase of the proposed development.

However, it is indicated that we still approve of the details and ongoing maintenance for the proposed four Skylark plots, located to the south of the development within blue line boundary land. Therefore, sufficient information has still been provided to demonstrate that an effective mitigation strategy will be undertaken for this Priority Species, which will meet the requirements of condition 6 of outline stage.

Furthermore, it is still highlighted that a wildlife friendly lighting scheme must be provided prior to occupation for this development, as required under condition 8 of the outline consent. This should follow ILP Guidance 1 and a professional ecologist should be consulted to advise the lighting strategy for this scheme. In addition, the following measures should preferably be indicated to avoid impacts to foraging and commuting bats:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Environmentally Sensitive Zones should be established within the development, where lighting could potentially impact important foraging and commuting routes for bats.
- Lux levels and horizontal lighting should be directed away from boundary edges and Environmentally Sensitive Zones and kept as low as possible. This should preferably demonstrate that the boundary features and Environmentally Sensitive Zones are not exposed to lighting levels of approximately 1 lux. This is necessary to ensure that light sensitive bat species, will not be affected by the development.
- Warm White lights should be used preferably at <3000k within Environmentally Sensitive Zones. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Light columns should be as short as possible as light at a low level reduces the ecological impact.
- The use of cowls, hoods, reflector skirts or shields could be used to prevent horizontal spill in Environmentally Sensitive Zones.

Recommendations for listed conditions

A Biodiversity Net Gain Assessment using the Defra Biodiversity Metrics 2.0 (or any successor) should be undertaken by the applicant's ecologist prior to the discharge of condition 7 and inform the soft landscaping plans.

Further information is required to be outlined within the Construction Environmental Management Plan (RSK Environment Ltd., April 2021), prior to the discharge of condition 10.

Landscape - Place Services Comments Received - 26/05/2021

This response relates to the reserved matters application / condition 1.

Reserved Matters / Condition 1

Details of the access (with the exception of details of accessibility to/from the site as hereby approved), appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

The proposed planting palette will deliver good variety of species to provide interest all year around and to enhance biodiversity, in particular the mixed native hedgerows and hedgerow trees proposed to the site boundaries. The planting plans include a specification with brief notes on planting operations and management.

The following recommendations should be addressed before we can recommend discharged of condition 1:

1) We would like to see a multi-functional approach to the proposed attenuation basins with additional tree planting, as well as shrub and herbaceous planting. SuDS features should have gentle slopes to avoid the need for fencing. Additional tree planting should be included along Railway Walk boundary although avoiding linear patterns.

2) We welcome the use of post and rail fencing along the south and eastern boundaries. A mixed native hedge has been proposed along the south boundary and this should be extended to the eastern boundary. Hedgerow planting should be position on the outside of the fence to reduce visual impact of the development edge from the countryside.

3) Hedgerow trees are proposed along the southern and eastern boundaries and these should reflect the landscape character of the site, therefore the number of oak and field maple as hedgerow trees should be increased in the tree palette.

4) An area with play equipment has been proposed to the north-west of the development in between the two large attenuation basins. The size of the play area appears to be small for the size of the development. To increase play provision, it is considered that additional areas offer in informal/natural play are needed throughout the rest of the development.

5) We recommend that *Viburnum tinus* spp. is removed from the planting schedule. The species can be severely damaged by *Viburnum* beetle and often produces an unpleasant smell particularly when the foliage is wet.

B: Representations

At the time of writing this report at least 3 letters/emails/online comments have been received. It is the officer opinion that this represents 3 objections, 0 support and 0 general comment. A verbal update shall be provided, as necessary.

Views are summarised below:-

- Highway Safety Concerns:
 - o Increased traffic
 - o Hall Street and Cordell Road noted specifically as location of concern
 - o Roads supposedly already note adequate for existing traffic, let alone increase volumes
- Long Melford School does not have sufficient infrastructure (both building size and increased staff) to cope with increased population
- As above but with Long Melford GP
- Flood Issues (the site is supposedly prone to flooding)
- Impact on ecology (specific mention of skylarks, foxes, hedgehogs, deer and pheasants that are supposedly prominent on the site).
- Belief that the village does not require further expansion.
- Not enough shops or facilities in the village

(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

DC/18/00606 Appeal made by Gladman Developments Appeal Reference:/D3505/W/18/3214377 – Appeal Granted on 1 April 20202

REF: DC/18/00606	Outline Planning Application (Means of access to be considered) - Erection of up to 150 dwellings with public open space, landscaping, sustainable drainage system and a vehicular access point.	DECISION: FTD (Failed to determine in timescale) 13.11.2018
REF: DC/17/06230	Change of use of land for the keeping of horses. Erection of a stable building and field shelter. Creation of hard standing area, informal gravelled parking area, timber post and rail fencing and access track.	DECISION: WDN 20.03.2018

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

1.1 The application site comprises 8.23ha of (Grade 2) agricultural land located to the southeast of Long Melford. The subject land adjoins the existing built-up area of the village. Long Melford is

designated as a Core Village in the Babergh Core Strategy 2008 and remains designated as a Core Village going forward in the Emerging Draft Joint Local Plan.

- 1.2 Melford Walk Local Nature Reserve is located immediately to the west connecting to Water Lane to the north. Agricultural land is located to the north, south and east. Existing residential properties bound the south-western corner of the site.
- 1.3 The site is not in a Conservation Area, Special Area of Conservation or Special Landscape Area. The Stour Valley Special Landscape Area is located opposite the site, on the western side of Station Road. The Long Melford Conservation Area is located north of the application site, in the body of the village. South of the site is the Scheduled Monument Roman Villa north-east of Rodbridge House and the Grade II Listed Buildings Rodbridge House and associated barns, accessed via Mills Lane.
- 1.4 A small section of the site's western boundary fronts Station Road. The site is approximately 1200 metres from the centre of the village. A footpath on the western side of Station Road provides pedestrian connectivity to the village centre. The nearest pair of bus stops to the site are located to the south on Station Road, approximately five minutes' walk, with a third bus stop further to the south.
- 1.5 The site is located in Flood Zone 1 which is designated by the Environment Agency as land having a chance of flooding of less than 1 in 1,000.

2.0 Outline and Appeal History

- 2.1 The original Outline application (ref: DC/18/00606) was submitted by Gladman Developments Limited on 8th February 2018, following a limited period of consultation.
- 2.2 A large volume of objections were submitted to the application, including from local residents, action groups, and Long Melford Parish Council.
- 2.3 Following various additional reports, revisions, and further information being provided, an appeal against non-determination was lodged by Gladman, which formally started on 13th November 2018.
- 2.4 A Committee Report from 12th December 2018 confirmed that Members would have refused the application due to: the proposed significant harm to the open countryside and the rural setting of Long Melford; failure to demonstrate how the proposal responds to a locally identified housing need; and the adverse impact on protected and/or priority species.
- 2.5 Gladman sought to challenge Babergh District Council via the appeal process (ref: APP/D3505/W/18/3214377).
- 2.6 Significant work was undertaken by both the appellant and the Council, with there being considerable 3rd Party involvement throughout the appeal. Unusually, the appeal process also included 2x Rule 6 Parties, notably Long Melford Parish Council, and Save Our Skylark Fields.
- 2.7 On 25th June 2019, the Secretary of State advised all parties that he had 'recovered' the appeal, directing that he was to determine the appeal instead of an Inspector. In this instance, instead of writing a decision, the Inspector will prepare a report and recommendation, which would then be forwarded to the Secretary of State.

- 2.8 A public inquiry was held between 25 June and 2 July 2019, which was led by the Inspector Kenneth Stone. Landscape considerations were a main issue at the appeal.
- 2.9 On 26th September 2019, the Inspector issued a report to the Secretary of State recommending that the appeal be allowed.
- 2.10 On 1st April 2020, the Secretary of State for the Ministry of Housing, Communities, and Local Government granted Outline Planning Permission for '*The erection of up to 150 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except means of access.*'
- 2.11 Although the proposed development did not accord with the development plan as a whole, the Secretary of State considered that other material considerations indicated that planning permission should nevertheless be granted, subject to conditions.
- 2.12 It is, therefore, worth noting that although both the appeal Inspector and Secretary of State agreed that changing an agricultural field to a housing development would be an adverse change to the site itself, they both found that, given the site context, the benefits of the proposals outweighed any harms identified.
- 2.13 The end result is an Outline Planning Permission for the site with 24 associated planning conditions and a legal agreement securing matters such as open space, and affordable housing.

3.0 The Proposal (Reserved Matters - appearance, landscaping, layout and scale)

- 3.1 The site comprises approximately 8 hectares of predominantly agricultural land set across two field parcels adjacent to and east of Station Road.
- 3.2 Outline planning permission was established under reference DC/18/0060 and therefore the Reserved Matters seek approval of the appearance, landscaping, layout and scale of the 150 dwellings (including 53 affordable) together with associated public open space, landscaping and SuDS provision.
- 3.3 The proposal would provide a mixture of one and four-bedroom houses. The proposed dwellings are predominantly two-storey in height; however, 14 bungalows are also proposed as part of the housing mix.
- 3.4 The proposed dwellings would all meet Nationally Described Space Standards (NDSS) as set out within the submitted House Type Booklet (Parts 1 and 2). The detailed breakdown of unit sizes is as follows:

Accommodation Schedule				
Site: Station Road, Long Melford				
Drawing No.		Rev.	Date: 09.04.21	
DEVELOPMENT BRAND: Bloor Homes				
Open Market Housing				
Ref.		No. Beds	Storey	No.
BAC	BACTON	2B	2	18
BOO	BOOKER	3B	1	6
LYF	LYFORD	3B	2	3
KAN	KANE	3B	2	8
HUX	HUXLEY	3B	2	6
WEL	WELFORD	3B	2	5
HOP	HOPKINS	4B	2	10
HUL	HULFORD	4B	2	4
WYN	WYNYARD	4B	2	15
GWY	GWYNN	4B	2	8
PLO	PLOMER	4B	2	9
LIST	LISTER	4B	2	5
TOTAL:				97

- 3.5 The proposed tenure split would be 72% (38 dwellings) affordable rent and 28% (15 dwellings) for shared ownership.

Affordable Housing		Actual %	35.3	
Ref.		No. Beds	Storey	No.
RENTED ●				
STY GF	STYLES - M4(cat 2)	1B	2	2
STY FF	STYLES - M4(cat 1)	1B	2	2
SQU GF	SQUIRE - M4(cat 2)	2B	2	2
SQU FF	SQUIRE - M4(cat 1)	2B	2	2
TESS	TESSIMOND - M4(cat 2)	2B	1	4
SAN	SANSOM - M4(cat 2)	2B	2	20
SUT	SUTHERLAND - M4(cat 2)	3B	2	5
SOT	SOTHEBY - M4(cat 2)	3B	2	1
SHARED ●				
TESS	TESSIMOND - M4(cat 1)	2B	1	4
SAN	SANSOM - M4(cat 1)	2B	2	8
SUT	SUTHERLAND - M4(cat 1)	3B	2	3
TOTAL:				53

- 3.6 The proposed layout follows the principles set out within the outline with outward facing frontages across both the areas of open space and attenuation areas.
- 3.7 A parcel of land to the west of the site, near the site entrance, is to be allocated for the delivery of an Early Years Facility as per the requirements of Suffolk County Council and the agreed legal undertaking. This education facility is to be delivered by Suffolk County Council and is therefore outside the scope of this Reserved Matters application save for the land being made available as demonstrated on the submitted plans.

4.0 The Principle Of Development

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 4.2 It is therefore the starting point for the Council when determining planning applications and so we must first consider the application in the light of relevant Development Plan policies.
- 4.3 Irrespective of this, the principle of development for up to 150 residential dwellings on this site has already been established by the planning permission granted (at appeal) under application reference DC/18/00606.

5.0 Nearby Services and Connections Assessment Of Proposal

- 5.1 Paragraph 79 of the NPPF (2018) seeks to promote sustainable development in rural areas advising that housing should be located where it will enhance or maintain the vitality of rural communities and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 5.2 The site abuts the BUAB and is well linked to existing facilities and services in Long Melford by an established public footpath network. There are nearby bus stops providing access to the primary bus service - Bury St Edmunds to Colchester via Sudbury. It provides two services throughout the morning peak, seven services throughout the afternoon peak and one service per hour throughout the inter peak period. The service also runs every hour on Saturdays.
- 5.3 Long Melford is considered a sustainable location for development. There are numerous amenities within a 10-to-15-minute walk of the site, including Long Melford C of E Primary School, veterinary practice, library, St Catherine’s Church and Co-op food store to name but a few.

6.0 Site Access, Parking And Highway Safety Considerations

- 6.1 Vehicular access would be from Station Road as previously approved under Outline planning permission DC/18/00606. The proposed ‘T’ junction access is designed to meet the highway requirements of the Highway Authority and there will be no detriment to safety and minimal effect on capacity on the highway network, noting the Highway Authority raises no objection to the scheme subject to conditions.

6.2 Parking for the proposed dwellings would be provided to the required Suffolk Parking Guidance, the triple parking on the adopted roads is for the proposed 3-bedroom dwellings and is considered acceptable by the SCC Highway Authority.

6.3 There are two public footpaths (FP2 and FP42) which run through the site; one along the north-western boundary and another that runs across the site close towards the entrance. SCC Public Rights of Way have no objection to the proposal.

7.0 Design And Layout [Impact On Street Scene]

7.1 Paragraph 124 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development. The aforementioned design policies are considered to be consistent with the NPPF.

7.2 The site has been split into three character areas: Main Street, The Squares and Green Edge. Each of these areas differs with its density and building form, materials, boundary treatments and landscaping.

7.3 The Main Street forms the spine of the development, with a more formal arrangement in order to create a continuous built form, predominantly semi-detached units with a few detached units.

7.4 The Squares creates formal focal squares throughout the development and ensures a sense of place is created. These areas are landscaped to create focal points together with hard paved squares with bollards and tree planting to soften the visual impact. The materials in this area would be purely red brick and artificial slate roof in order to define these areas from the surrounding Main Street areas.

7.5 The Green Edge is landscape driven and located on the outskirts of the site, it transitions the outskirts of the proposed development to areas of open space and the wider countryside. The dwellings within these locations are predominantly large, detached units.

7.6 Within the large new open space on the western side of the site, it is proposed to place a drainage basin that will deliver a SuDS drainage solution as well as the potential for habitats.

7.7 The proposed layout is considered to make a positive contribution to the overall village-scape and represents a step forward in the quality of design being achieved within our villages.

7.8 The 150 dwellings are easily accommodated on site and do not represent overdevelopment. The proposed development would have a net density of 30.18 dph which is considered to be acceptable.

7.9 The proposal provides good private amenity space (gardens), adequate parking, generous open space, good urban design and connectivity within the site and to the wider surrounding area. Back-to-back distances across the site range from between 20 metres to approximately 24 metres. The scale of development is acceptable.

7.10 The scheme is delivering 100% NDSS accommodation across the entire development. This is welcomed in terms of delivering a good quality place.

7.11 All properties have their own gardens of a satisfactory size to provide space for sitting out, the drying of clothes, and children's play (notwithstanding the proximity and connectivity to local play space, open space and public footpaths out of the site).

- 7.12 The proposed mix of house types is considered acceptable. The applicant is proposing to provide a mix of materials that include those from a more traditional vernacular palette in visually sensitive locations. The proposed development would use a wide range of materials and each character area would consist of specific sets of materials to create the three main character areas. Within the mix of materials is clay red multi-stock bricks and the artificial slate 'Marley Cedral Blue/Black Rivendale.'
- 7.13 A parcel of land to the west of the site, near the site entrance is to be allocated for the delivery of an Early Year's Facility as per the requirements of Suffolk County Council and the agreed legal undertaking. This education facility is to be delivered by Suffolk County Council and is therefore outside the scope of this Reserved Matters application save for the land being made available as indicated.

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

- 8.1 The NPPF provides that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 8.2 The NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 8.3 The proposal benefits from a number of areas of open space including an attenuation basin and wildflower meadows. A buffer is to be provided around the site to soften the impact of the proposal on the wider countryside, it will also provide for footpath and cycle links around the site.
- 8.4 The proposed planting palette will deliver a good variety of species to provide interest all year round and to enhance biodiversity; in particular, the mixed native hedgerows and hedgerow trees proposed to the site boundaries.
- 8.5 The proposed landscaping elements are considered to soften the overall impact the development would have on the wider countryside.

9.0 Land Contamination, Flood Risk, Drainage and Waste

- 9.1 The application is supported by a Land Contamination Assessment. Environmental Health raise no objection.
- 9.2 SCC Floods raise no objection to the Reserved Matter Application.

10.0 Impact On Residential Amenity

- 10.1 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 10.2 The proposed layout is such that the proposed dwellings are well-separated from the existing properties which lie either adjacent or in close proximity.
- 10.3 Given the intervening public spaces, separation distances and the layout, the proposal is not considered to result in harm to residential amenity to consider refusal in this regard.
- 10.4 The proposal is not considered to cause unacceptable harm to existing neighbouring residential amenity, or to result in such unacceptable levels of privacy and amenity to the proposed dwellings as to consider refusal in this respect.
- 10.5 There is potential impact on neighbouring properties during construction, a construction management condition has been imposed (Condition 9 on the Outline permission), to ensure that the working hours, demolition and construction methods, parking storage and so on are controlled to provide protection to residential amenity. This includes phasing of the development to ensure that the impacts of the construction are limited wherever possible.

11.0 Planning Obligations / CIL

- 11.1 This Reserved Matters application does not generate the requirement for a new S106 Agreement because the obligations which have been secured under Outline planning permission (DC/18/00606) are not altered by the approval of this Reserved Matters application.
- 11.2 The proposed early years site is subject to the legal agreement dated 2 July 2019 and is to be transferred to Suffolk County Council. Additional information has been provided with regards to the serving of the site and the proposed dimensions. Subject to the early years site fully complying with the details set out in the submitted application plans and details, together with the information provided in the emails dated 16th June 2021 and 22nd June 2021, the early years site will be acceptable regarding its location, dimensions and servicing.

12.0 Parish Council Comments

- 12.1 The Developer (Bloor Homes) has worked closely with the Parish Council to ensure that the proposed development satisfies as many of the Parish Council's concerns as possible. The Parish Council on the whole supports the proposal.
- 12.2 A number of concerns/requests raised by the Parish Council relate to the previously agreed and completed S106, given the nature of the s106 and the proposal before Members today, whilst their comments are noted, it is not considered prudent to alter the existing S106 Agreement.

13.0 Discharge of Conditions (on outline application DC/18/00606)

13.1 Whilst these are normally a delegated matter the applicant has chosen to submit the details for conditions 5, 7, 9, 10, 11, 13, 16, 21, 22 and 24 with the Reserved Matters application, rather than separately, and so consideration of these is included in this report.

- **Condition 5: Open Market Housing Mix**

The Strategic Housing Team have analysed the submitted plan and tenure mix and consider that the details are acceptable and therefore can be discharged.

Officer recommendation: Discharge the condition

- **Condition 7: Biodiversity Enhancement Strategy for Protected and Priority Species**

Place Services Ecology have been consulted and require a Biodiversity Net Gain Assessment using the Defra Biodiversity Metrics 2.0 (or any successor) to be undertaken by the applicant's ecologist prior to the discharge of condition 7 and inform the soft landscaping plans.

Officer comment: Further information is to be provided prior to discharge

- **Condition 9: Construction Management Plan**

Environmental Health note that applicant has submitted a CMP titled Construction Environmental Management Plan, produced by RSK. Environmental Protection are satisfied that the wider plan to deal with dust, noise and lighting is satisfactory, with the exception of the proposed Start time of 07:30 Monday to Friday for audible works. Due to proximity of the site to existing residential on a quiet edge of a rural settlement our recommended start times for audible works are 08:00 hours Monday to Friday with the same finished times as stated in the CMP. The CMP needs to be amended to reflect this before this condition can be discharged. Further information is required.

Officer comment: Further information is to be provided prior to discharge

- **Condition 10: Construction Environmental Management Plan**

Further information is required to be outlined within the Construction Environmental Management Plan (RSK Environment Ltd., April 2021), prior to the discharge of condition 10.

Officer comment: Further information is to be provided prior to discharge

- **Condition 11: Construction Surface Water Management Plan**

Suffolk County Council as Lead Local Flood Authority have reviewed the information submitted to discharge conditions 11 & 16 and recommend approval to discharge conditions. The details submitted are therefore acceptable and can be discharged.

Officer recommendation: Discharge the condition

- **Condition 13: Noise and Vibration Protection Scheme**

With regards to the above application, it is noted that the proposed construction hours in section 4 of the CEMP remain the same. I therefore refer back to my comments regarding audible works dated 11th May 2021.

Environmental Health note that applicant has submitted a CMP titled Construction Environmental Management Plan, produced by RSK. Environmental Protection are satisfied that the wider plan to deal with dust, noise and lighting is satisfactory, with the exception of the proposed Start time of 07:30 Monday to Friday for audible works. Due to proximity of the site to existing residential on a quiet edge of a rural settlement our recommended start times for audible works are 08:00 hours Monday to Friday with the same finished times as stated in the CMP. The CMP needs to be amended to reflect this before this condition can be discharged. Further information is required.

Officer comment: Further information is to be provided prior to discharge

- **Condition 16: Surface Water Drainage**

Suffolk County Council as Lead Local Flood Authority have reviewed the information submitted to discharge conditions 11 & 16 and recommend approval to discharge conditions. The details submitted are therefore acceptable and can be discharged.

Officer recommendation: Discharge the condition

- **Condition 21: Energy Assessment**

Environmental Health – Sustainability note that the information contained in the documents committing to a predicted 10.08% reduction over Part L 2013 complies with the Planning Inspectors requirement. Therefore this condition is discharged.

Officer recommendation: Discharge the condition

- **Condition 22: Archaeological WSI**

SCC Archaeology Services advise that archaeological condition 22 can be discharged on the basis of the archaeological excavation WSI submitted by the applicant.

Officer recommendation: Discharge the condition

- **Condition 24: Scheme to Direct Existing High Voltage Overhead Lines**

The details shown on Drawing No. PA632/655 are acceptable and can be discharged.

Officer recommendation: Discharge the condition

PART FOUR – CONCLUSION

14.0 Planning Balance and Conclusion

- 14.1 The principle of development has already been established by the existing outline DC/18/00606.
- 14.2 The proposed scheme has been sensitively designed and is considered to be of a scale and character that will sit comfortably within the context of the wider village and is in itself considered sustainable.
- 14.3 It is therefore considered appropriate in planning terms.
- 14.4 The details submitted pursuant to conditions 5, 11, 16, 21, 22 and 24 are acceptable and can be discharged.
- 14.5 The details submitted pursuant to conditions 7, 9, 10 and 13, require further information to be provided prior to their discharge or alternatively a refusal to discharge these conditions should be issued. Given that the additional information required can be readily obtained it is considered reasonable and practicable to seek the additional information and ensure that all statutory consultees are happy with the information provided prior to discharging these. Discharge of these conditions has already been delegated to Officers, so it is advised that Members should allow for the Chief Planning Officer to discharge the aforementioned conditions without the need for these to be presented to Members again once the required information is submitted.
-

RECOMMENDATION

(1) That the Chief Planning Officer be authorised to APPROVE the Reserved Matters as described 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)
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- Level access to enable wheelchair access for all dwellings/buildings.
- Estate Roads Design Condition: Before the development is commenced, details of the estate roads and footways shall be submitted to and approved in writing by the Local Planning Authority.

That the following conditions be discharged on the basis of submitted supporting material (noting that this matter has already been delegated to Officers)

Condition 5: Open Market Housing Mix

Condition 11: Construction Surface Water Management Plan

Condition 16: Surface Water Drainage

Condition 21: Energy Assessment

Condition 22: Archaeological WSI

Condition 24: Scheme to Direct Existing High Voltage Overhead Lines

(3)The Chief Planning Officer be given delegated authority to discharge (individually or collectively) the following conditions ((noting that this matter has already been delegated to Officers)

Condition 7: Biodiversity Enhancement Strategy for Protected and Priority Species

Condition 9: Construction Management Plan

Condition 10: Construction Environmental Management Plan

Condition 13: Noise and Vibration Protection Scheme

Upon the receipt of additional information as required where the Chief Planning Officer is satisfied that the proposed details are appropriate

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

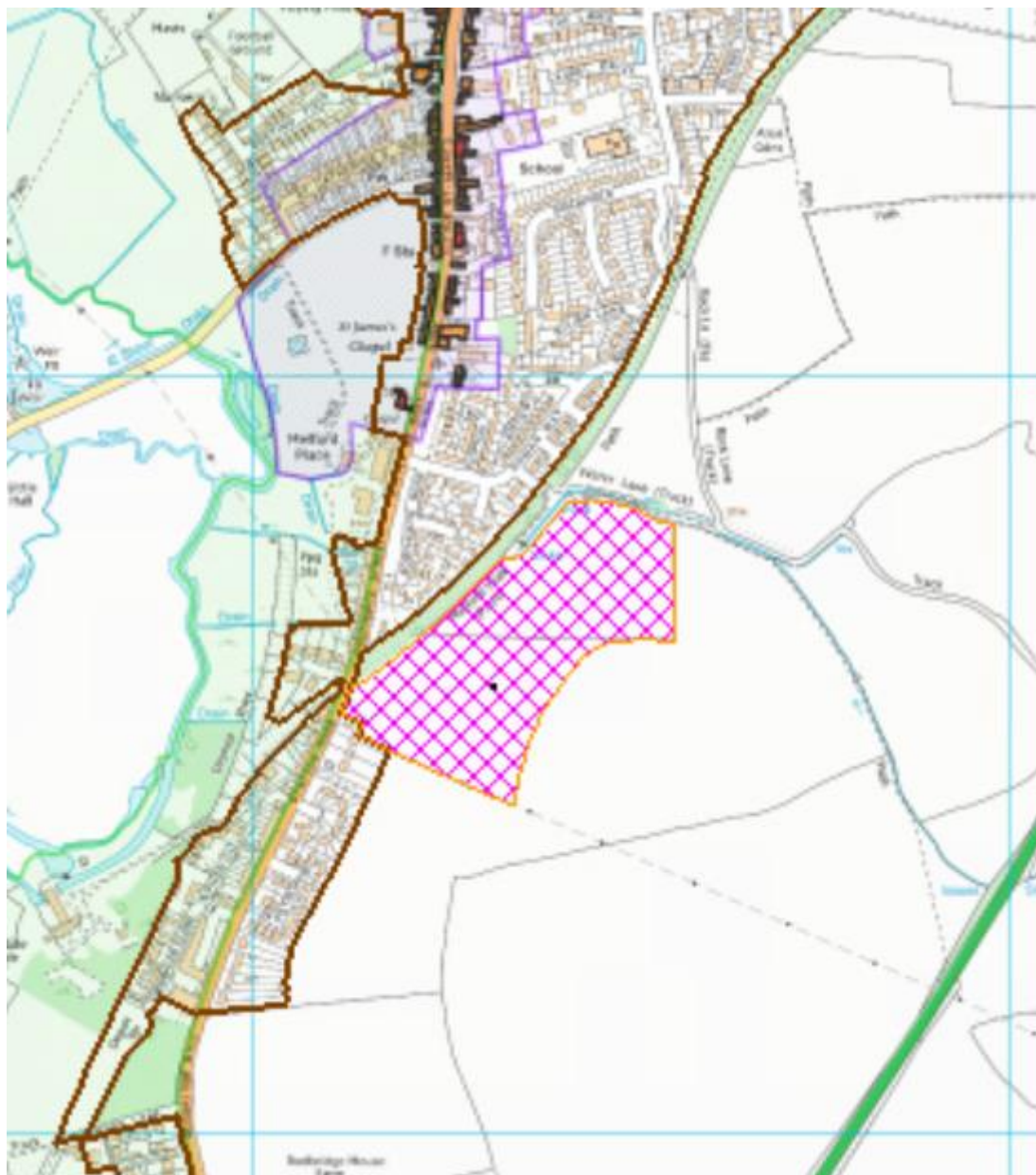
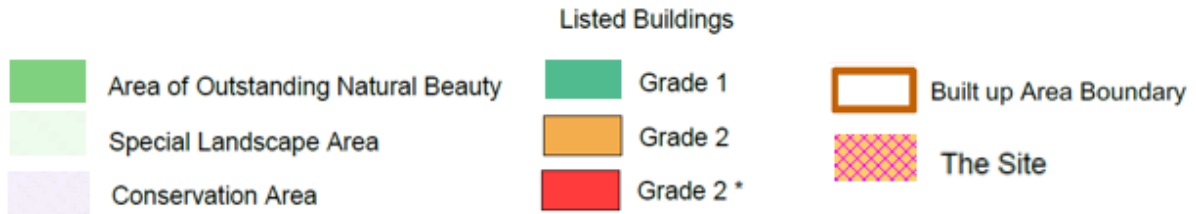
- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles.

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Application No: DC/21/02319

Parish: Long Melford

Location: Land East of Station Road



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Agenda Item 6c

Committee Report

Item No: 6C

Reference: DC/21/01958

Case Officer: Jamie Martin-Edwards

Ward: East Bergholt.

Ward Member/s: Cllr John Hinton.

RECOMMENDATION –PLANNING PERMISSION WITH CONDITIONS

Description of Development

Householder application - Erection of first floor extension above existing garage.

Location

Tanqueray, Fiddlers Lane, East Bergholt, Suffolk CO7 6SJ

Expiry Date: 06/07/2021

Application Type: HSE - Householder Planning Application

Development Type: Householder

Applicant: c/o Fisher Jones Greenwood

Agent: Fisher Jones Greenwood

Parish: East Bergholt

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

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

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning the extent and planning substance of comments received from third parties. A neighbour and objector work for Babergh District Council. Therefore, for transparency and due diligence the application is before Members.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

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

CS02 - Settlement Pattern Policy

CS15 - Implementing Sustainable Development
CN01 - Design Standards
HS33 - Extensions to Existing Dwellings
HS35 - Residential Annexes
NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is within the Neighbourhood Plan Area of East Bergholt.

The Neighbourhood Plan is currently at:-

Stage 7: Adoption by LPA.

Accordingly, the Neighbourhood Plan has Significant weight,

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council

East Bergholt Parish Council

Tanqueray, Fiddlers Lane, East Bergholt, C07 6SJ — Householder Application — Erection of first floor extension over existing garage.

There was some concern that this first floor extension proposed in close proximity to the boundary wall and a neighbouring property might affect the neighbour's amenity and it was proposed by Councillor Woodcock, seconded by Councillor Eley and RESOLVED (unanimously) that, subject to no objection from neighbouring properties, approval be recommended.

County Council Responses

SCC - Highways

No objection, subject to conditions.

B: Representations

At the time of writing this report at least two letters/emails/online comments have been received. It is the officer opinion that this represents two objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

Looking out on to a large brick wall thus spoiling quality of life.

Error in elevation drawings.

Lack of parking

Need

Scale and mass

Overlooking and loss of light.

Disturbance during construction.

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

PLANNING HISTORY

REF: B/15/00537	Erection of single storey rear conservatory extension.	DECISION: GRA 22.06.2015
REF: BIE/15/00481	Erection of conservatory (PD rights removed)	DECISION: PCO
REF: B//97/00651	ERECTION OF 2 DETACHED TWO STOREY DWELLINGS WITH DOUBLE GARAGES AND CONSTRUCTION OF PRIVATE DRIVE AND FOOTPATH AS AUGMENTED BY ADDITIONAL DRAWINGS RECEIVED 26.06.97 AND 02.07.97	DECISION: GRA

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The site is located within East Bergholt built up boundary and contains a two-storey dwelling in a short 'L' shape, with an existing attached single storey garage element on off the south elevation. The dwelling is known as Tanqueray. Tanqueray has red brick walls with grey concrete tiles and white UVPC windows. The existing dwelling is approximately 8m tall. The existing garage is approximately 5.3-metre tall to the ridge of the hipped roof.
- 1.2 It is accessed off the B1070 via Fiddlers Lane. Fiddlers Lane runs east to west with four branches of private road/driveway that serve other residential dwellings sat behind the main stretch of Fiddlers Lane. All of these 'branches' are also known as Fiddlers Lane.
- 1.3 The site is accessed off one of these 'branches' to the north which also serves the neighbour Rooftops. Both Tanqueray and Rooftops are surrounded by existing residential development.
- 1.4 To the east are the dwellings that face the B1070. To the south are the rear gardens and dwellings that face on to the Fiddlers Lane. These are known as numbers 22, 20, 18 and 17 of Fiddlers Lane. To the west is number 15 Fiddlers Lane and to the north are the rear gardens of the row of dwellings that face on to Foxhall Fields.
- 1.5 The linked garage is close to the southern boundary which is shared with number 20 Fiddlers Lane. An existing the annex which serves 20 Fiddlers Lane is set back from this boundary.

2.0 The Proposal

- 2.1 The proposal is for a first-floor extension above the existing garage, which would be converted to provide ground floor living space.
- 2.2 The materials would match the existing dwelling of red brick, concrete roof tiles and white UVPC windows.
- 2.3 The proposal would result in the full elevation being approximately 7.3 metres tall and cover the full width of the south elevation at approximately 7.1 metres and the length of the garage and link area at 9.3 metres long.
- 2.4 The first-floor extension would have a hipped roof and the proposed porch would serve a boiler room.

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 As a proposal for the erection of first floor extension and porch, the proposal is assessed under Local Plan policies CN01, HS33, Core Strategy Policy CS15, Neighbourhood Plan EB09 and the NPPF. The policies protect residential amenity and ensure the environment is maintained and enhanced with consideration of the existing landscape and design of the local area. Subject to compliance with the details of these policies the proposal is considered acceptable in principle.

4.0 Design and Layout [Impact On Street Scene]

- 4.1 The proposal, by matching the existing materials, providing a matching hipped roof with matching roof pitches, and keeping the ridgeline approximately 0.7m below the ridgeline of the existing dwelling, is considered to be a respectful, sympathetic and subservient design that will blend in with the existing dwelling.
- 4.2 The proposal covers the existing single-storey footprint at approximately 9.3 metres long and 7.1 metres wide. This is considered a large first floor extension. However, due to its matching design and subservient ridgeline, along with the existing massing of Tanqueray, it is considered that the proposal can be absorbed by the host dwelling.
- 4.3 Furthermore, for the reasons stated within 4.1 and 4.2 above, the proposal will maintain the character of the site and street-scene (albeit a private branch of Fiddlers Lane) because the only other dwelling within this close (Rooftops) is of similar appearance with red brick and hipped roofs.
- 4.4 In terms of the main street-scene of Fiddlers Lane, the site is set behind existing built form. Gaps between dwellings that front Fiddlers Lane offer glimpses of the site, but these are impeded by existing trees on the boundaries, specifically on boundary of 20 Fiddlers Lane. These screen the proposal. In the winter months when the foliage will be less, or in the scenario that these trees are removed, it is considered that the proposal would still have a negligible impact on the main street-scene as it is set well back maintaining the existing gaps between dwellings.



4.5 Therefore, in terms of design, scale and mass the proposal is considered to have no impact to the host dwelling and a negligible impact on the wider street scene. Therefore, the proposal is compliant with policy HS33 and CN01 of the Local Plan, CS15 of the Core Strategy, EB09 of the Neighbourhood plan and 127 of the NPPF.

5.0 **Site Access, Parking And Highway Safety Considerations**

- 5.1 The site would still be accessed by the existing private road that branches off Fiddlers Lane, which includes a large turning area. The site currently supports off-road parking on a driveway in front of the garage and the garage itself.
- 5.2 The proposed plans indicate that the dwelling would have at least five bedrooms (six if including the library/study room).

- 5.3 Suffolk Parking Guidance (2019) requires at least three off-road parking spaces. Plan 1288/01C shows four off-road spaces, one of which would support visitor parking. Therefore, the proposal would still cater for ample off-road parking spaces.
- 5.4 The Highway Authority has requested a condition for details of parking to be provided; however, plan 1288/01C clearly shows this. Moreover, the justification for the condition is to prevent a detrimental impact to the highway should parking be on the road. However, parking on the public highway as result of the proposal is highly unlikely as the site is located on a private road with a large turning area. Therefore, this condition is not required. A condition to secure the parking on plan 1288/01C shall be used.
- 5.5 The loss of the garage would result in the loss of cycle storage. However, this is not fatal to the application as it is considered there is sufficient space within the wider site to cater for a new cycle storage facility.
- 5.6 The Highway Authority had initially also requested a construction management plan condition to ensure there is no disruption to the public highway for deliveries and construction vehicles and to prevent 'mud' getting on the highway. However, this proposal is considered a very minor development as a householder extension; additionally, no construction vehicles can access the rear of the site and therefore it is reasonable to expect all construction vehicles to be situated on the existing hardstanding driveway. Finally, the private road and large turning head will ensure that all deliveries would be made to the site off the public highway and therefore would not have any adverse impact on highway safety during the temporary period of construction. Therefore, a construction management plan condition is, in this instance, not appropriate.
- 5.7 The Highway Authority has confirmed its agreement with this approach.
- 5.8 Timings of deliveries and construction shall be covered in the residential amenity section below.

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

- 6.1 The site is outside of the AONB and surrounded by existing residential development. This coupled with the fact that the proposal does not breach the existing ridge line of the host dwelling and that there is a negligible impact on the street scene (as per paragraph 4.4 above), the proposal will have no impact on the wider landscape.
- 6.2 The proposal does not require or include the loss of any trees.
- 6.3 The site is an existing residential use and does have trees on the west and north boundaries. The proposal will not have any impact on these trees as there are no new foundations or excavations required for a first-floor extension therefore there is no risk to any root canopies.
- 6.4 There are no priority habitats on the site. There is no requirement to provide an ecology report for a house extension that does not result in the loss of trees, hedgerows or impact the root canopy of any trees.

7.0 Land Contamination, Flood Risk, Drainage and Waste

- 7.1 The site is an existing residential use and development is proposed on top of existing built form. Therefore, there is no requirement for a land contamination survey.

7.2 The site is within Flood Risk Zone 1 and consider very low risk of flooding. There are no known issues of surface water or flooding within Fiddlers Lane.

7.3 There is no increase of surface area, therefore there is no increase in the area that may capture additional surface water.

8.0 Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

8.1 The building is neither listed nor in a conservation area.

8.2 Stuarts and Carriers Arms are two Grade II listed buildings to the east. These are approximately 150 metres and 170 metres away and separated from the site by the existing residential development on Fiddlers land and Gaston St.

8.3 Therefore, the proposal to extended an existing dwelling, will not lead to any harm to these heritage assets.

9.0 Impact On Residential Amenity

9.1 There are no residential amenity impacts to the dwellings to the north, as the shared boundary is approximately 30 metres away from the development and separated by the existing built form of the two-storey host dwelling.

9.2 No.15 Fiddlers Lane is to the west. This neighbour sits centrally within a large plot, which also includes a holiday let (approved under ref. B/15/01665). The rear private amenity area for no.15, which includes a patio and seating area directly to the rear, is to the north west and will not be impacted by the proposal as it is at least 30 metres away and separated by the existing built form of no.15. The shared boundary has a band of tall trees and is approximately 8 metres from the west elevation of the proposal.

9.3 The space beyond this shared boundary within the curtilage of no. 15 is a 'front' garden space. Notwithstanding the existing trees on the shared boundary, there would be overlooking to the front amenity area of no.15. However, this is not considered to be significant enough to warrant a refusal as a) main private amenity space is to the rear of no. 15 and b) this area is already overlooked through the access and use of the holiday let.

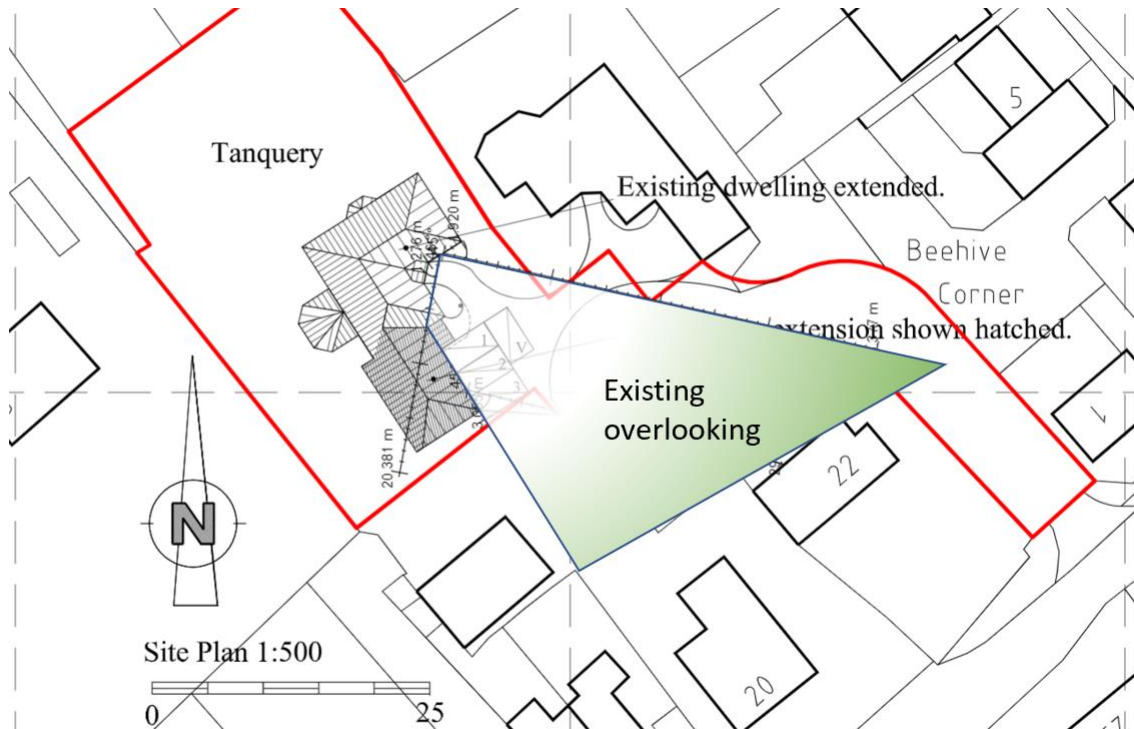


- 9.4 There will be no loss of amenity to no. 17, 18 and 19 Fiddlers Lane as the proposal is separated by existing verdant boundaries and existing built form in the rear garden of no. 20 Fiddlers Lane.
- 9.5 No. 20 Fiddlers Lane has a curtilage which wraps around the back of no.18. The immediate area of rear garden for no. 20 is not overlooked or overshadowed by the proposal as a) there are no facing openings on the south elevation of the proposal and b) there is at least 20 metres distance between the proposal and no. 20.
- 9.6 The area of rear garden for no.20 that wraps around the rear of no.18 is adjacent and shares a boundary with the site. In this area of garden no. 20. has an existing single-storey pitched roof annexe.
- 9.7 Firstly, this is south of the proposal and, therefore, would not be overshadowed as the sun moves from east to west via the south. Secondly, this area would not be overlooked as there are no openings at first-floor level on the southern elevation.
- 9.8 The occupiers of no. 20 have objected to the proposal, citing overbearing impacts that a first-floor extension would lead to on their amenity space. However, whilst it is acknowledged that there would be some impact as a result of this proposal, it has been reduced through a hipped roof rather than gable end design. Additionally, this would not be overbearing for the whole amenity space but rather a small area that does not serve the main dwelling. For these reasons it is considered that the overbearing impact is not significant to warrant a refusal.



- 9.9 The occupiers of no. 22 Fiddlers Lane have also objected to the application. Regarding amenity concerns, the following assessment is made.
- 9.10 Similarly to no. 20, no. 22 has a rear garden that wraps around the rear of no.20. The site is approximately 13.5 metres from no.22's rear garden that wraps around no.20. However, the site is approximately 22 metres from the main area of no.20's rear garden space. The rear amenity area of no. 22 is in a south eastern direction from the proposal and backs on to the turning head of the private drive area for Tanqueray and Rooftops. A 1.8-metre fence separates the rear amenity space of no. 22 and the turning head of Fiddlers Lane to the rear.
- 9.11 Regarding any loss of light, as no.22 is to the south-east of the site, where the existing built-form at Tanqueray, together with trees and the 1.8-metre boundary fence, contribute to an existing (if limited) loss of light to no.22.
- 9.12 Any additional loss of light to the dwelling or amenity space of no. 22 would seem to be limited to being very late on a summer's evening. For most of the year (including the key months of March or September, when Daylight and Sunlight assessments are normally undertaken, as per the Building Research Establishment's guidance) there is little existing direct sunlight.
- 9.13 It is, therefore, considered highly unlikely there would be any extra loss of light such as to warrant a refusal.

9.14 In terms of overlooking, it is appropriate to start with the existing situation. The first-floor south-facing window of Tanqueray (which serves the master bedroom) already causes a level of overlooking. This is approximately 28 metres to the boundary line and 36 metres to the rear elevation of no. 22 Fiddlers Lane. In this situation it is not considered to cause significant overlooking, even though it is directly facing the neighbour, because of the distances between the window and no. 22 and its boundary.



9.15 Taking the same angle of view from the closest proposed window, a smaller area would be overlooked when compared with the existing. However, this overlooking would be approximately 21 metres to the boundary and 30 metres to the rear elevation of the dwelling. These are shorter distances; however, 20-metres plus is still considered an acceptable level of distance.

9.16 The BRE publication "Site Layout Planning for Daylight and Sunlight – a Guide to Good Practice" at paragraph 5.3.1 for privacy describes recommended privacy distances of over 18 metres. This is not a policy document but does give an indication of acceptable levels.

9.17 Much the same could be said regarding the neighbour to the east "Rooftops".

9.18 In conclusion, it is considered that, due to the distances and angle of outlook, this overlooking is not sufficient to warrant a refusal. This is without taking into consideration the existing trees and hedging on the boundary line that would offer some screening, particularly in the summer months.



- 9.19 Moving to the neighbour directly opposite to the east, known as Rooftops, there would be direct overlooking; however, this already exists from a bedroom window in the existing dwelling which is closer and within a distance of 18 metres. The new proposed windows at first floor level are slightly further from this neighbour and face the neighbour's single-storey garage. Therefore, there is no significant increase in overlooking that would warrant a refusal.
- 9.20 Based on the assessments above, the proposal does not give rise to any significant overlooking looking or overshadowing, nor would it be considered overbearing. As such the proposal is considered to be compliant with policies HS33 and CN01 of the Local Plan and EB09 of the East Bergholt Neighbour Hood plan.
- 9.21 As the site is surrounded by residential units, to prevent any adverse impacts on residential amenity during the construction of the proposal, a condition will be used to restrict construction and deliveries between the hours of 8am and 6pm Monday to Saturday, with no construction or deliveries on Sundays or Bank Holidays.

10.0 Other Matters

- 10.1 It has been raised through the objections that Fiddlers Lane (the private drive) is owned by Rooftops and that Tanqueray has a right of access over it. For the avoidance of doubt, as the red line plan includes this access, whilst no development will take place within the private access, notice was served on the owner on the 14th of May. As such, the application cannot be determined during the 21-day notice period. This period ended on the 4th of June and the application can now be determined.
- 10.2 Objectors also raised concerns that no north west elevation of the proposal was originally included in the application; this has now been rectified under plan drawing 1288/08B.
- 10.3 Objectors also raised concerns that the proposal did not clearly show adequate parking for a 5 or 6-bedroom dwelling. This has been rectified through drawing 1288/01C that shows on-site parking.

11.0 Parish Council Comments

11.1 The Parish Council raised no objection so long as no neighbour objections were received. Two neighbours have objected; however, the material considerations raised within these objections relating to design and loss of amenity have been assessed in the above report.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

12.1 The proposal is considered to be of a design, scale and mass that will blend in with the host dwelling and surrounding area.

12.2 As per the paragraphs 9.1 to 9.13 the proposal does not give rise to any significant adverse impacts to existing residential amenity to warrant a refusal.

12.3 The proposal is, therefore, compliant with policies HS33 and CN01 of the Local Plan, CS15 of the Core Strategy, EB09 of the Neighbourhood Plan and paragraph 127 of the NPPF.

RECOMMENDATION

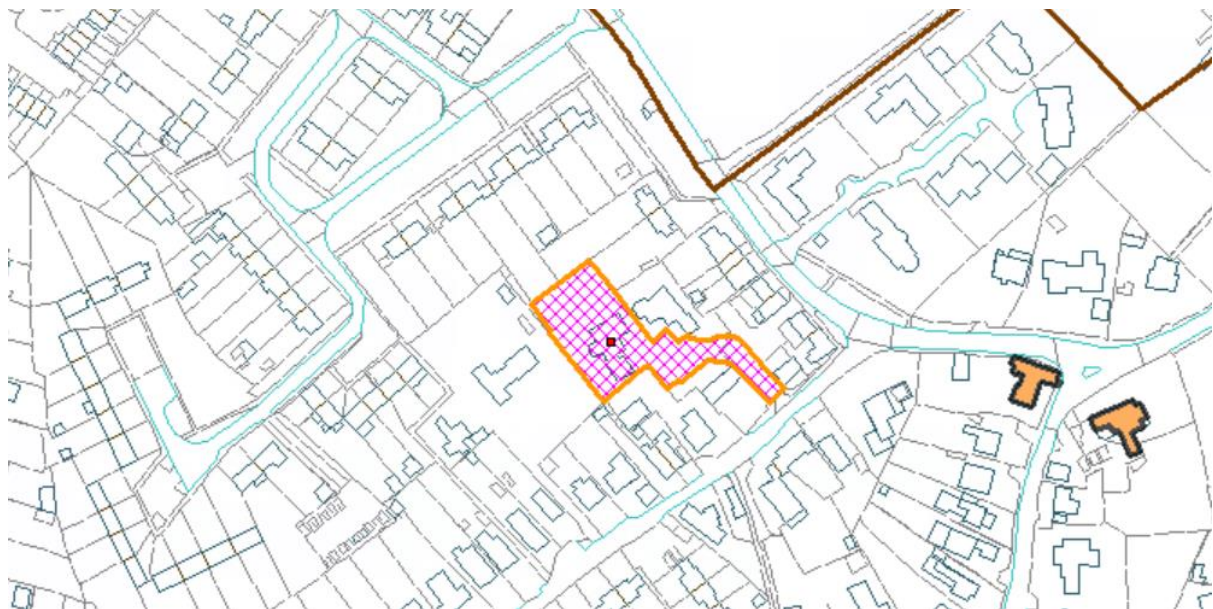
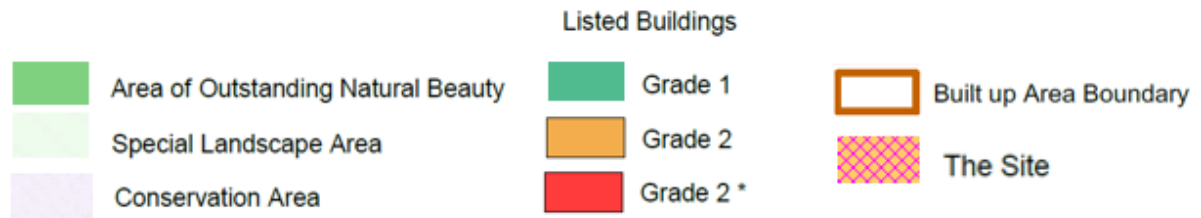
That the application be GRANTED planning permission and include the following conditions:-

- Standard three-year timeframe to commence.
- Approved plans.
- Materials to match existing.
- Construction and delivery times restricted to 8am – 6pm Mon -Sat. No works on Sundays or Bank holidays.
- Details of cycle storage to be submitted prior to first use of the proposed.
- Securing parking areas shown on drawing 1288/01C.

Application No: DC/21/01958

Parish: East Bergholt

Location: Tanqueray, Fiddlers Lane



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