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COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 30 MARCH 2022 9.30 AM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

Members		
<u>Conservative</u> Sue Ayres (Vice-Chair) Peter Beer Margaret Maybury Mary McLaren Adrian Osborne	<u>Independent</u> John Hinton Alastair McCraw Stephen Plumb (Chair) <u>Liberal Democrat</u> David Busby	<u>Green and Labour</u> Alison Owen 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/21/28 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 16 FEBRUARY 2022** 5 - 10

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/21/29 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 11 - 18

An Addendum to Paper PL/21/29 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/21/04360 HINTLESHAM GOLF CLUB, GEORGE STREET, HINTLESHAM, SUFFOLK, IP8 3JG** 19 - 46

b **DC/21/06805 LAND EAST OF THE CONSTABLE COUNTRY MEDICAL CENTRE, HEATH ROAD, EAST BERGHOLT, SUFFOLK** 47 - 60

Notes:

1. The next meeting is scheduled for Wednesday 13 April 2022 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, 13 April 2022 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 on: 01473 296376 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

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

Domestic Arrangements:

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

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

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

Agenda Item 3

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Frink Room (Elisabeth)
- Endeavour House on Wednesday, 16 February 2022 at 09:30am.

PRESENT:

Councillor: Stephen Plumb (Chair)
Susan Maria Ayres B.Ed Hons (Vice-Chair)

Councillors: Peter Beer
John Hinton
Alastair McCraw
Adrian Osborne

David Busby
Margaret Maybury
Mary McLaren
Alison Owen

In attendance:

Officers: Area Planning Manager (MR)
Planning Lawyer (IDP)
Case Officers (SS/LB)
Governance Officer (CP)

112 SUBSTITUTES AND APOLOGIES

112.1 Apologies were received from Councillor Leigh Jamieson.

113 DECLARATION OF INTERESTS

113.1 Councillor Maybury declared a pecuniary interest in respect of application number DC/21/06913 as the application was for her own property, and confirmed she would leave the meeting for the duration of the application.

113.2 Councillor McCraw declared a local non-pecuniary interest in respect of application number DC/21/04539 as the Ward Member.

114 PL/21/26 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 02 FEBRUARY 2022

It was RESOLVED:

That the minutes of the meeting held on 02 February 2022 were confirmed and signed as a true record.

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

115.1 None received.

116 SITE INSPECTIONS

116.1 None requested.

117 PL/21/27 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the items in Paper PL/21/27 and the speakers responded to questions put to them as provided for under those arrangements.

Application	Representations From
DC/21/04539	Mal Bridgeman (Brantham Parish Council) Stuart Hopwood (Objector) Robert Findlay (Agent)
DC/21/06913	None

It was RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/21/27 be made as follows:-

118 DC/21/04359 LAND SOUTH OF, SLOUGH ROAD, BRANTHAM, SUFFOLK

118.1 Item 6A

Application Proposal	DC/21/04359 Reserved Matters Application following Outline Application DC/19/01973 and subsequent appeal APP/D3505/W/19/3241261. Town and Country Planning Act 1990 - Erection of 65No residential dwellings (of which 35% allocated as affordable homes) including landscaping, public open space and associated infrastructure
Site Location	BRANTHAM – Land South of, Slough Road, Brantham, Suffolk
Applicant	Matthew Homes Ltd

118.2 The Case Officer presented the application to the Committee outlining the application before Members including: the location and layout of the site, and the previously refused application to Committee and subsequent appeal decision of approval.

118.3 Councillor McLaren arrived at 09:44, however as the presentation of the application had commenced, did not participate in the debate or the vote.

- 118.4 The Case Officer continued with the presentation of the application providing details including: the planned access to the development, the housing mix, proposed plans to mitigate the visual impact of the development, parking plans including the provision of EV charging points, landscaping plans, the housing design, and the officer recommendation of approval.
- 118.5 The Case Officer and the Area Planning Manager responded to questions from Members on issues including: parking plans, landscaping in respect of parking areas, the comments from the sustainability officer, the responses received from consultees, the possibility of securing a proportion of the affordable housing for local residents, ecology issues, the type of building materials to be used, the attenuation basin, the pumping station, and whether the waste services team had been consulted.
- 118.6 Members considered the representation from Mal Bridgeman who spoke on behalf of Brantham Parish Council.
- 118.7 The Parish Council representative responded to questions from Members on issues including: the reasons the Parish Council has requested no street lighting to be installed, and the amendments made to the proposed plans following the appeal to the inspectorate.
- 118.8 Members considered the representation from Stuart Hopwood who spoke as an objector.
- 118.9 The objector responded to questions from Members on issues including: whether the swimming pool on his property was covered, the height of the proposed boundary fence, and the distance to the swimming pool from the new boundary.
- 118.10 Members considered the representation from Robert Findlay who spoke as the Agent.
- 118.11 The Agent and the Applicant responded to questions from Members on issues including pedestrian crossings, any planned alterations to the existing footpaths, how the materials used for the affordable homes differ from those used for market homes, the potential for provision of defibrillators, and whether the developer would commit to providing homes for local residents.
- 118.12 The Area Planning Manager and the Planning Lawyer provided clarification regarding the previous permission granted by the planning inspectorate, and the S106 agreement which had been agreed by the planning inspector at appeal.
- 118.13 The Agent and the Applicant responded to questions from Members on issues including the size of the affordable homes, the installation of barriers to prevent parking on grass verges, landscaping of parking areas, the proposed height of the boundary fencing, whether the roads will be to an adoptable standard and a permeable service, the surface material and width of the cycle paths, sustainability issues, the roof heights of the one and a half storey

dwellings, and any propped plans for installing PV panels.

118.14 Councillor Beer proposed that the application be approved as detailed in the officer recommendation.

118.15 Councillor Osborne seconded the motion.

118.16 Members debated the application on issues including: whether the design concerns of the planning inspector had been addressed, traffic issues, the location of the waste water pumping station, the impact of drainage water from the attenuation basin existing properties, and waste collection services.

118.17 The Proposer and Secunder agreed to the following additional conditions and informative notes:

Conditions:

- Provision of defibrillators

Informative Notes:

- Request Affordable Housing for locals if possible
- Engage with neighbours about boundary treatments to South and East
- Explore further flood mitigation issues to the South-East.

By a vote of 8 votes for and 1 against

It was RESOLVED:-

That authority be delegated to the Chief Planning Officer to grant reserved matters for layout, scale, appearance, and landscaping when sustainability and ecology issues have been resolved, subject to a unilateral undertaking being agreed for the extra affordable dwelling.

Conditions

- **Details of materials to be agreed**
- **Parking**
- **Cycle Storage**
- **Bins**

And the following additional conditions and informative notes:

Conditions:

- **Provision of defibrillators**

Informative Notes:

- **Request Affordable Housing for locals if possible**

- Engage with neighbours about boundary treatments to South and East
- Explore further flood mitigation issues to the South-East.

119 DC/21/06913 GENESIS CORNER, CLAY HALL LANE, ACTON, SUFFOLK, CO10 0AQ

119.1 Item 6B

Application Proposal	DC/21/06913 Planning Application - Conversion and alteration of existing detached garage to form 1 No. unit of holiday let accommodation (revised scheme to DC/20/03058 - withdrawn).
Site Location	ACTON – Genesis Corner, Clay Hall Lane, Acton, Suffolk, CO10 0AQ
Applicant	Mrs Margaret Maybury

119.2 A short break was taken between 11:32am and 11:41am, after application number DC/21/04359 and before the commencement of application number DC/21/06913.

119.3 Councillor Maybury left the meeting at 11:32am.

119.4 The Case Officer presented the application to the Committee outlining the proposal before Members including: the reason for referral to Committee, the location of the site, the proposed alterations to the property, and the officer recommendation of approval.

119.5 The Case Officer and the Planning Lawyer responded to questions from Members on issues including: what conditions are in place to prevent the property becoming a permanent dwelling in the future, and where the employment use would come from.

119.6 Councillor Beer proposed that the application be approved as detailed in the Officer recommendation.

119.7 Councillor Owen seconded the motion.

119.8 Members debated the application on issues including: parking.

It was RESOLVED:

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

Standard time limit
Approved Plans
Holiday let occupation restriction
Holiday let operator restriction

The business of the meeting was concluded at 12:00pm.

.....
Chair



PL/21/29

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

30 MARCH 2022

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A		DC/21/04360	Hintlesham Golf Club, George Street, Hintlesham, Suffolk, IP8 3JG	RW
6B		DC/21/06805	Land East of The Constable Country Medical Centre, Heath Road, East Bergholt, Suffolk	SS

Philip Isbell
Chief Planning Officer

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

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

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

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

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

DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

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

PLANNING POLICIES

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

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

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

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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.).
- You may only take off your mask once you are seated.
- 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

Item No: 6A

Reference: DC/21/04360

Case Officer: Rose Wolton

Ward: Copdock & Washbrook.

Ward Member/s: Cllr David Busby.

RECOMMENDATION – REFUSAL

Description of Development

HYBRID APPLICATION - Full Application for Greenkeepers building (following demolition of existing) and Outline application for Residential Development of 5No dwellings.

Location

Hintlesham Golf Club, George Street, Hintlesham, Suffolk IP8 3JG

Expiry Date: 06/12/2021

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Hintlesham Golf Club

Agent: Mr P Branton

Parish: Hintlesham

Site Area: 1.28ha

Details of Previous Committee / Resolutions and any member site visit: Site Visit requested and taken place on 23.03.2022.

Has a Committee Call In request been received from a Council Member: Yes

Has the application been subject to Pre-Application Advice: Yes DC/20/05378

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

Following a call-in request by Councillor Busby, the Delegation Panel considered the application and judges that it involved significant policy, consistency or other material considerations and that a decision on the application was of more than local significance (as per Babergh's Planning Charter).

Councillor Busby's call-in request was as follows:

“Apart from the viability issues and potential impact from closure the applicant has offered Babergh a piece of land to plant thousands of trees. Babergh has a target of 10,000 trees and is extremely unlikely to get anywhere near this without buying land.

Planning is a matter of balancing benefits against harm. The harm indicated here is primarily one of Heritage and yet they have given approval to many applications adding to the Hall including a building that can be viewed from the road. The claim that this application is in a park is out-of-date as the only remnant of the park is in the approach to the hall. The rest of the land is now agricultural, a golf course, buildings and overhead electricity wires.

Building in the countryside is the other issue and yet it has already been allowed adjacent to the site. The proposed houses will not be seen from the road or Hall and will be sympathetically designed. The development would be a short walk from bus stops, the church and village hall. It is no more ‘in the countryside’ than every house in Hintlesham.

Apart from the additional housing in a popular village – with a majority being bungalows – there is a significant concern that without this development the golf club may have to close. This would have a negative impact on the hundreds of members and the thousands of visitors – possibly even putting additional strain on the viability of Hintlesham Hall. It would also mean the loss of many jobs – the Hall and the Golf Club are the biggest employers in the area”.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CN14 - Historic Parks and Gardens - National
CR04 - Special Landscape Areas
CR07 - Landscaping Schemes
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development
CS17 - The Rural Economy
TP15 - Parking Standards - New Development
NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council

Hintlesham Parish Council – received 16.08.2021

Objection to residential element (five dwellings) on the grounds of:

- Outside the acceptance parameters for NPPF and BDC Local Plan
- Impact upon the nearby grade I listed building and the implications for setting further residential growth beyond the accepted village boundaries
- The application site is unlikely as a brown field location and must therefore be viewed as open countryside.

No objection to the greenkeepers building.

Ward Member

Cllr David Busby - Copdock & Washbrook – Received 12.08.2021

Supports the application - on the grounds that it offers significant economic advantage.

Councillor Busby states *“I am in favour of this application. Although the houses proposed will be away from the main body of the houses in Hintlesham, there is a significant economic advantage to be achieved from the development. The golf course is a major employer and probably the largest locally. Golf courses have struggled throughout the Covid Lockdowns but are now beginning to see significant growth in playing numbers. It is essential then that we assist them to develop their facilities to keep their attraction and remain viable. In this instance the funds for the housing will be ploughed back into the course and provide new maintenance and storage facilities . Golf course equipment is expensive and a temptation to would-be thieves. The new storage units should remove this temptation. The housing sympathetically sized and designed so that it will have minimal impact on the surrounding area especially on the listed Hintlesham Hall”.*

National Consultee

East Suffolk Inland Drainage Board – Received 27.08.2021

Recommend Ground Investigation and Infiltration Testing to be Undertaken.

“The site is near to the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and is within the Board’s Watershed Catchment (meaning water from the site will eventually enter the IDD).

I note that the applicant has indicated that they intend to dispose of surface water via soakaway and SUDs, however, I cannot see that the viability of the proposed drainage strategy has been evidenced. As such, we would recommend that the applicant undertaken ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.

If (following testing) a surface water discharge proposed to a watercourse within the watershed catchment of the Board’s IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDs), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

The reason for our recommendation is to promote sustainable development within the Board’s Watershed Catchment, therefore, ensuring that flood risk is not increased within the Internal Drainage District (required as per Para.163 of the NPPF)”.

Natural England – Received 17.08.2021

Financial contribution towards RAMS required.

Suffolk Wildlife Trust

No response.

Ipswich Group - Patch 2

No response.

British Horse Society

No response.

Historic England – Received 26.08.2021

Objection to the residential element (five dwellings) - moderate level of less than substantial harm to the setting and character of the heritage assets.

No objection to the greenkeepers building.

“Hintlesham Hall is a much altered Grade I listed country house with its earliest fabric dating to c.1576. historically, it sat within parkland and gardens which contained outbuildings and service accommodation. The main public route into the Hall was via the south east however, readily available historic maps show a track leading to the service accommodation and the kitchen garden from the west. This western entrance was screened from the main approaches to the hall by a small area of planting. The service yard is separately Grade II listed and contained the service ranges, stables, former coach house and brew house. The earliest sections of this building have a 16th century core but much dates from the 17th and 18th centuries. In the 1980s this service range became a cookery school which saw alterations to the internal appearance and layout.*

Hintlesham Hall Golf Club sits within the area marked on readily available maps as the kitchen garden and associated buildings. This area has undergone much change to accommodate this use with a hard surfaced car park and extensions the orangery being permitted in recent years. The historic maps show that this area proposed for houses has historically contained ancillary service buildings and is the furthest point away from the Grade I and II listed buildings.*

Although Hintlesham Park is an undesignated heritage asset, it provides an important setting for Hintlesham Hall and its stable block. The open views across the parkland with minimal built development is important to the understanding of the Hall and Stables as a country house within a large landscape park context. This can be appreciated from the access track to the Golf Club from the stables with expansive views opening up and only the walled garden visible in views. This historic association contributes to the setting and significance of the listed buildings.

It should be noted that the development of the golf club, the lodges in the woodland behind the Hall and golf club and the recent developments proposed at Hintlesham Hall for the development of the spa, need to be read together and their cumulative impact considered carefully.

Impact of the Proposed Development

The Heritage Assessment provided with the application in paragraph 4.15 has noted that Hintlesham Park has suffered erosion of character over time and goes on in later paragraphs to try to compare it to parks within Norfolk which have somewhat different historical developments. The park is instantly recognisable as such when viewed on historic maps through the shape and delineation of field boundaries and positions of plantation belts. Williamson has suggested in ‘Suffolk’s Gardens and Parks’ (page 40) that the

Hintlesham site developed from a moated site and this could account for the difference in appearance of the parkland. Nevertheless, the park at Hintlesham retains much of interest at its historic core and the relationship between the service area, although not in the same ownership, and the stable yard is still visually apparent.

The house site sits to an area to the rear of the walled garden. This area is well screened by deciduous trees which in the winter allow views through to the tree line behind. It is clear from historic maps that this corner has historically been free from development although ancillary buildings are marked further to the northern side of the walled garden. The verdant appearance of the hiding of service buildings has clearly been important in the design and layout of the historic buildings on this site and the lack of building in this spot today, still contributes to the significance of the listed buildings.

The increase in the built form on site plot would further erode the open setting of the listed buildings and erode the appreciation of the link between Hintlesham Hall and its walled garden. It confuses the hierarchy of the site by adding a permanent residential element within what was formally an ancillary service area and increases the hard surface provision within the landscape park setting of the Grade I and II listed buildings.*

The design of the houses has been stated as being 'cart lodge' type structures but, there appears to be no detailed design showing this. From the aerial imagery they appear as standard 1 ½ store bungalows. Notwithstanding this, the provision of 5 houses in a group such as this would be incongruous within such close proximity to a country house of this age and within its landscape park..

It is clear that, as a non-designated heritage asset change has occurred to the uses of the parkland which been harmful to the setting of the listed building but, this should not be used as a justification for the possibility of more harm, or cumulative harm.

The principle of the new green keepers building in a slightly different location could be acceptable as the proposed new location is moved further away from any possible visual association with Hintlesham Hall or its stable block.

Policy Context

- *Paragraph 199 of the NPPF states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater that weight should be).*
- *Paragraph 200 of the NPPF states that any harm to or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.*
- *Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the scheme.*

Consideration should also be given to the Planning Practice Guidance paragraph 103 which states: When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change, they may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Historic England Position

Historic England considers that the placement of 5 houses within the setting of the Grade I listed Hintlesham Hall and the Grade II listed Hintlesham Hall Stable complex would be harm to its significance.*

There is some erosion in character of the non-designated parkland surrounding the buildings but, the legibility of association between the Hall, stables, walled garden and parkland behind is still apparent. The houses would erode this and alter the hierarchy of uses on this site. We, therefore, consider that the scheme is not in accordance with paragraphs 199 and 200 of the NPPF. We do not object to the principle of the replacement green keepers building.

The application would be one more in a series of applications which have affected this parkland and the vicinity of the Hall. You Council should consider the cumulative harm of this development as required by paragraph 103 of the Planning Practice Guidance.

Historic England therefore consider that this application has the potential to cause less than substantial harm, moderate in scale to the character and significance of the Grade I listed Hintlesham Hall, the grade II listed Hintlesham Hall stables and ancillary buildings and the non-designated Hintlesham Park. We therefore consider that your council should apply the planning balance as required by paragraph 202 of the NPPF.*

Recommendation

Historic England has strong concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed In order for the application to meet the requirements of paragraphs 199, 200 and 202 of NPPF.

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

National Grid - Plant Protection – Received 15.10.2021

Informative about the Twinstead Tee Reinforcement Project.

County Council Responses

SCC - Flood & Water Management – received 09.08.2021

Holding Objection - A Flood Risk Assessment and a Surface Water Drainage Strategy required.

“A holding objection is necessary because the applicant has not provided an assessment of the flood risk nor have they provided sufficient detail for a strategy for the disposal of surface water. As the application is a hybrid, a full design information is required for the full element of the application and indicative is required for the outline part for the application.

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

- 1. Submit a flood risk assessment*
- 2. Submit a surface water drainage strategy”.*

NOTE – In subsequent discussion with the Floods team, it has been agreed that, whilst the site area does trigger the need for this extra information, given that the actual developable area (minus the road, which is shown as “part” of the site, but which is already in place) is just under the 1ha threshold. Given that there are no known flooding issues on the site, it has been agreed that no extra information is required – however, please note the comments from the East Suffolk Inland Drainage Board.

SCC - Fire & Rescue – Received 19.08.2021

Informative comments.

SCC - Archaeological Service – Received 05.08.2021

No objection.

SCC - Rights Of Way Department – Received 17.08.2021

No objection, subject to informative being shared with the applicant

SCC – Highways – received 09.03.2022

No objection, subject to conditions.

Internal Consultee Responses

Environmental Health - Land Contamination – Received 01.09.2021

Holding Objection - Phase 1 Desk study required.

“Having reviewed the application, I note that the applicant has failed to submit the required information to demonstrate that the site is suitable for the proposed end use and has failed to meet our local validation requirements.

For development of this size, we require that the applicant submits a Phase 1 desk study undertaken by an appropriately qualified Geoenvironmental consultant that complies with BS 10175:2011+A1:2013 ‘Investigation of potentially contamination sites – Code of practice and CLR11 Model procedures for the management of land contamination’. The simplified Envirocheck type report and land contamination questionnaire is not considered appropriate for a development of this scale. This report should comprise of an overview of previous uses of the site as well as current site conditions as demonstrated through a site walkover and an assessment of risk by a technically competent person”.

Environmental Health - Air Quality – 01.09.2021

No objection.

Environmental Health - Noise/Odour/Light/Smoke – Received 25.08.2021

No objection, subject to conditions.

Environmental Health - Sustainability Issues – Received 24.08.2021

No objection, subject to conditions.

Arboricultural Officer – Received 05.08.2021

Arboricultural Impact Assessment required.

“The proposal is in close proximity to a number of trees and therefore should be accompanied by an Arboricultural Impact Assessment in order to evaluate the effects of the design and recommend mitigation measures where necessary”.

Economic Development & Tourism

No response.

Strategic Housing - Received 08.09.2021

1.28ha site, requires affordable housing, a commuted sum is requested.

OFFICER COMMENT – The residential element is under 0.5ha, therefore not qualifying for this provision.

Ecology - Place Services – Received 01.12.2021

No objection, subject to a proportionate financial contribution towards visitor management measures for the Stour and Orwell Estuaries SPA/Ramsar and ecological mitigation and enhancement measures in the form of conditions.

Heritage - Place Services – Received 20.10.2021

Objection to the residential element (five dwellings) - Less than substantial harm to the heritage assets. Urbanisation of the area, as well as environmental and diurnal changes causing harm.

No objection to the greenkeepers building.

“The two heritage assets relevant to this application:

- *Grade I Listed Hintlesham Hall (List Entry ID:1036917)*
- *Grade II* Listed Services Ranges, Stables, Former Coach House and Brewhouse attached to Hintlesham Hall (List Entry ID:1036918).*

The site contributes to the setting and significance of both heritage assets above.

I have no objection in principle to the proposed greenkeepers building and this is largely due to the fact there is an existing structure of similar scale and form which will be demolished and replaced.

I do not support the outline proposal for residential dwellings. I agree with comments made by historic England. Whilst change has happened at this site, the layout of this historic features is still very much legible. The Heritage Statement unfortunately provides no 25 inch historic Ordnance Survey to show the site layout in detail. The second edition 25 inch (late nineteenth century) clearly shows no precedent for this type of development. The areas of outline proposal were largely clear of buildings. Any buildings which were located in the immediate environs would have been small scale service/ancillary structures accessed from the service road. Whilst the gold club has introduced changes, the historic layout and setting of the heritage assets is still legible, can be understood and contributes to our understanding of the heritage assets.

I do not support the principle of residential development in this site which introduces a very incongruous land use in the setting of the heritage assets and detracts from the manner in which they are experienced, appreciated and understood. Aside from the obvious harm in the principle and urbanisation of this area, the proposal will result in environmental and diurnal changes which would adversely affect the significance of the heritage assets.

I consider there to be less than substantial harm to the Grade I and Grade II designated heritage assets and this harm should be considered with regard to paragraph 202 of the NPPF. This should be considered in the context of the ‘Great Weight’ noted in paragraph 199. Considering the alien nature of the development, the local planning authority should consider paragraph 197 © of the NPPF. Considering the application is outline, I also consider the application not to be compliant with paragraph 206 of the NPPF”.*

B: Representations

At the time of writing this report, one letter had been received. It is the officer opinion that this represents one objection. A verbal update shall be provided as necessary.

The objection was from the owners of the nearby Grade I Hintlesham Hall, which is a four red star hotel; and this is summarised below:-

No objection to green keeper's building – strong objection to residential element (5 dwellings) on the grounds of:

- Conflict with Local Plan and Core Strategy policies
- Impact to historic setting and significance of adjacent heritage assets of Hintlesham Hall and its park
- Sets an unacceptable precedent for wider housing development outside settlement boundary
- Pedestrian safety
- Impact on safe operation of the local road network
- No housing need basis to justify new housing in the countryside

(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

There are over 50 Planning applications relating to this site. The full list has been included at the bottom of the report in the interests of presentational clarity.

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site is within the countryside, approximately 600 metres from the built-up area boundary of Hintlesham. It is located off of a private access from Hintlesham Hall, accessed via George Street.
- 1.2. The site is currently an undeveloped piece of land, adjacent to buildings associated with the golf club, as well as the existing dwelling that serves the golf club. The area of land the subject of this application is located to the northwest of the golf club, and north of Hintlesham Hall, with open countryside to the west and north. There is an existing cluster of buildings to the east of the site, and a parking area to the south which serves the golf club. The site is located within a Special Landscape Area, and within close proximity of the Grade I listed Hintlesham Hall, its Grade II* listed stables, former coach house and brewhouse and undesignated the heritage asset of Hintlesham Hall Parklands

2.0 The Proposal

- 2.1. The proposal is a hybrid application comprising of two elements, these being: Full Application for a Greenkeepers Building (Following Demolition of existing); and Outline Application for Residential development of 5no. Dwellings.
- 2.2. The existing greenkeeper's building, which appears to have fallen into disrepair, would be demolished and a new greenkeeper's building would be erected further to the east of the site. The area of land which the existing greenkeeper's building is located in would be the site for the 5no.dwellings. As this element of the application concerning the 5no. dwellings is outline only, at

this stage, there are no details of the proposed size, scale and appearance, the details that have been provided are of the proposed layout, and heights. The existing access would be utilised to provide both access to the dwellings and the greenkeeper building, with the provision of an additional staff parking area.

3.0 The Principle Of Development

- 3.1. Due to this application being hybrid and consisting of two parts, the principle of development of each element of the hybrid application has been addressed in turn below.
- 3.2. Outline Application – Erection of 5no. Dwellings: The policies relating to the principle of development of 5no. dwellings in this location are CS1, CS2, CS15 and CS17 of the Babergh Core Strategy (2014).
- 3.3. Policy CS2 allows for development within the towns and urban areas, as well as within the Core and Hinterland Villages. Hintlesham is identified as a Hinterland Village, and therefore, does take some development to assist with the needs of its functional cluster. The site the subject of this application is located outside of the built-up area boundary of Hintlesham, with the nearest edge of the built-up area boundary being approximately 600 metres away. The site is, therefore, considered to be countryside. Policy CS2 only allows for development in the countryside under exceptional circumstances, subject to a proven and justifiable need. However, this exceptions clause it out of step with the NPPF. The policy does, however, act as a steer to development being directed hierarchically, with Hinterland Villages being low on the hierarchy and sites outside of villages, such as this being classified at the bottom of that hierarchy.
- 3.4. The applicant has identified the need for the 5no. dwellings to finance the demolition and replacement of the existing greenkeeper's building, as well as the replacement of equipment for the green keeper and members of the golf club and improvements to drainage.
- 3.5. The applicant has described a situation whereby the existing greenkeeper's building is unfit for use and is not secure to house equipment associated with the golf club anymore, this includes the club's 14 golf buggies and equipment to maintain the golf course. As a result of the existing greenkeeper's building having fallen into disrepair and not being secure, it is claimed that the club has been subject to theft, and therefore, financial losses in replacing this equipment. In addition, the replacement is required of existing equipment that has also fallen into disrepair, resulting in a claimed additional of cost of £96,000, with renewal costs of the green keeper's equipment in excess of £400,000.
- 3.6. The applicant has provided financial information and viability documentation to show the associated costs the golf club currently face. It is acknowledged that the golf club have suffered, along with many other businesses due to the Covid 19 pandemic, and it is recognised that member numbers are now increasing, and therefore replacement of the equipment that has fallen into disrepair is required.
- 3.7. The Council has not had this assessment independently verified, given that the recommendation is for refusal in principle.
- 3.8. There has been no sufficient local housing needs assessment provided for the 5no. dwellings and, given that Babergh District Council can demonstrate a housing land supply far in excess of five years, the development is not considered to be of local need. The dwellings are proposed to provide financial support to the golf club only. On this basis, the proposal is contrary to Policy CS2 of the Babergh Core Strategy.

- 3.9 The development of the 5no. dwellings would be used to financially support the golf club, and therefore, is being presented as a form of “enabling development.”
- 3.10 If one were to accept an “enabling” approach, for the application to be considered positively thus, the monies obtained through the sale of the land for the 5no. dwellings would be required to be tied to the golf club, to be spent on its maintenance and upkeep to ensure the club remains in business.
- 3.11 This is claimed to have been used for other golf clubs within the district and other districts, as the monies obtained from the housing development has been able to viably be tied to the enhancement and maintenance of the golf club.
- 3.12 Typically, housing may have been allowed at golf club locations, in the countryside because the monies from the housing development have enabled a golf club to expand (through providing more holes, and courses for members, thus providing a continued revenue for the club for example), rather than a one-off payment which, although it would provide some financial support to the club, would not, however, contribute to providing a consistent revenue or additional jobs in the area. The golf club would not be extended or enhanced, other than the replacement of existing equipment, which is not considered to be a public benefit to the rural economy.
- 3.13 The development of 5no. dwellings was allowed at Felixstowe Ferry Golf Club in the East Suffolk district. The application reference number is DC/19/5049/FUL and was for the redevelopment of the site to provide a new clubhouse, new public facilities to include a café, putting green, toilets and viewing platform, improved access, parking, 5 detached dwellings and associated landscaping, relocation of the existing water tower, existing clubhouse and pro-shop buildings to be demolished at Felixstowe Ferry Golf Club, Ferry Road, Felixstowe.
- 3.14 Whilst there are some similarities with the application at hand (i.e. 5no. dwellings in order to financially support an existing golf club), the Felixstowe application was markedly different in that it provided more public benefits and offered improvements to the golf club which would provide more jobs and would benefit the local economy, as well as attracting more members to the golf club, through the creation of a new putting green and other facilities.
- 3.15 The Felixstowe application was also considered to be sustainable development, due to its partial re-use of previously developed land and adjacency to the existing built-up area of a large town.
- 3.16 This application at Hintlesham is not considered to be sustainable development, it is not close to the existing built-up area of this Hinterland Village and would not enhance the golf club in the way that the Felixstowe scheme has. The development would provide monies to replace existing equipment. However, it would not provide any additional facilities to attract new members or create any new jobs.
- 3.17 Within the Babergh District, housing in the countryside to support Golf Clubs have also been refused and dismissed appeal. One example of this is application reference DC/19/03373 at Brett Vale House, Noaks Road, Raydon. The application was for the erection of 14no. dwellings (50% affordable homes) including creation of a vehicular access and part change of use of existing Golf Club Clubhouse to a shop. This application was refused on the grounds that it is located in an unsustainable location in the countryside, offering limited public benefits to outweigh the harm, as well as having poor access to services. This is despite the application offering benefits of affordable housing and a shop for local people, which this application before us now does not.

3.18 As the site is located within the countryside, Policy CS11 of the Babergh Core Strategy is not relevant. Policy CS11 relates to development within, or very close to, Core and Hinterland Villages only.

3.19 Policy CS15 of the Babergh Core Strategy allows for development, however, it must respect the local context and character of the different parts of the district and demonstrate how it addresses the key issues and contributes to meeting the objectives of the Local Plan. The development is required to demonstrate the principles of sustainable development and is required score positively against this Policy in order to be supported. This application does not score positively against this Policy and in particular fails to address points i), ii), iii), iv), v), vi), vii), viii), xv) and xviii). This is discussed further below, addressing each point in turn:

- i) *“Respect the landscape, landscape features, streetscape/townscape. Heritage assets, important spaces and historic views”.*

The proposal would cause harm to the adjacent heritage assets, as discussed further below, and would not respect the character of the development in the area. Although there is one dwelling already close by the site, this does not set a precedent for further housing development in this area. Whilst the development would be enclosed by existing boundary treatments and the heights of the dwellings could be kept low, thus reducing adverse harm to the Special Landscape Area; it would, however, detract from the historic significance of the undesignated heritage asset of the parkland of Hintlesham Hall, which is an important consideration.

- ii) *“Make a positive contribution to the local character, shape and scale of the area”.*

The development does not reflect the local character of Hintlesham. The main bulk of development in Hintlesham is located within the built-up area boundary, forming a linear pattern of development through the village. This proposal would form a small cluster of dwellings set back from the village, protruding into the countryside, albeit not isolated.

- iii) *“Protect or create jobs and sites to strengthen or diversify the local economy particularly through the potential for new employment in higher skilled occupations to help to reduce the level of out-commuting and raise workforce skills and incomes”.*

Although the proposal would provide financial support to the golf club to allow them to replace existing equipment to help maintain the golf club, it would not create any new jobs in the district, other than in a temporary fashion during the construction of the new greenkeepers building. This is not considered to be a public benefit of significance to outweigh the harm created by this proposal.

- iv) *“Ensure an appropriate level of services, facilities and infrastructure are provided to serve the proposed development”.*

The site is approximately 600 metres from the village of Hintlesham, which does offer some services, such as a primary school and a pub. The services are, however, limited and not within a reasonable or safe walking distance from the site. The roads leading away from the site are narrow, with no footpaths and no streetlights, and are not desirable or safe for use by pedestrians. There are some public footpaths nearby; these, however, should not be relied on solely for pedestrian access to basic services, as they can become unsuitable for use during the winter months. The proposal also does not include any additional public facilities to the future occupants of the 5no. dwellings to make use of, or to attract any new members.

- v) *“Retain, protect or enhance local services and facilities and rural communities”.*

Similarly to the above point, the site does not have good access to the limited services within the village, and the proposal does not include any new public facilities within the golf club. The proposal is not considered to retain, protect or enhance local services, the golf club may be retained through this development, however, this is not a public facility.

- vi) *“Consider the aspirations and level and range of support required to address deprivation, access to services, and the wider needs of an ageing population and also those of smaller rural communities”.*

As discussed above, the site does not have good pedestrian access to the limited services within the village and relying on public footpaths to access these services does not support the wider needs for an ageing population, as public footpaths are more often unsuitable for wheelchair use or by people with limited mobility.

- vii) *“Protect and enhance biodiversity, prioritise the use of brownfield land for development ensuring any risk of contamination is identified and adequately managed, and make efficient use of greenfield land and scarce resources”.*

There is no objection in terms of biodiversity and ecology; however, the site is not considered brownfield. Although there is a greenkeeper’s building on it currently, it is not a previously developed site. There is also a holding objection from Environmental Health – Land Contamination as a Phase 1 desk study is required and has not been submitted. This is required before the site can be considered acceptable in terms of land contamination.

- viii) *“Address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable energy or low carbon energy”.*

The proposed dwellings at this stage do not provide any information regarding renewable energy features, and there are no details of the incorporation of any electric vehicle charging points. These could, however, be conditioned.

- xv) *“Minimise the energy demand of the site through appropriate layout and orientation (passive design) and the use of building methods, materials and construction techniques that optimise energy efficiency and are resilient to climate change”.*

Similarly to the above point, renewable energy features have been proposed in regard to the dwellings at this stage.

- xviii) *“Seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars, thus improving air quality”.*

The development is not considered to be in a sustainable location as it does not have good pedestrian access to basic services. The village of Hintlesham has limited services, which are only accessible from the site by narrow unlit roads with no footpaths, or public footpaths that are not desirable for use in the winter and are not suitable for use by people with limited mobility or for wheelchair users. This, therefore, creates a heavy reliance on the use of private motor vehicles to access to basic services, which is not considered acceptable or sustainable.

3.20 For these reasons, the proposal does not accord with Policy CS15 of the Babergh Core Strategy, and is therefore, not considered acceptable.

- 3.21 Policy CS17 of the Babergh Core Strategy supports sustainable tourism and leisure-based businesses, which the golf club falls under. The policy, however, also requires the proposal to score positively against Policy CS15, and as discussed above the proposal is not considered to do that. Although the development would provide financial support to the golf club, which is a tourist attraction in a rural area, it would provide a one-off payment only.
- 3.22 It should be noted at this stage that the applicant has stated some additional benefits. These being: the golf club as an employment provider in a rural community, providing leisure use, that it is part of the local community which offers free membership to local people, additional tree planting to help with Babergh's tree planting plan, as well as footpath provision along the A1071 adjacent to the access to the Hall, as agreed with the SCC Highway Authority separately. These benefits are not considered sufficient to outweigh the overriding harm of the unsustainable location, as well as the moderate level of less than substantial harm caused to the adjacent heritage assets, as discussed below.
- 3.23 Full Application – Erection of a Greenkeepers Building (Following Demolition of Existing): The principle of the erection of a new greenkeeper's building to replace an existing is accepted. The building would be in a similar location to the existing and would not be out of character. It would be suitably located to form a functional cluster of buildings with the golf club and is of a design that reflects the character of the area.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1 As discussed above, the site is not considered to be within a safe or suitable walking distance to any basic services. The site is approximately 600 metres from the village of Hintlesham which does offer some services, however, these are limited. The village has a Primary School, a pub, a church and a farm shop, there are some bus services that run through the village towards Ipswich and Hadleigh also. The site is located within the countryside, with the roads leading to it being narrow, unlit and with no footpaths and, therefore, undesirable and unsafe for use by pedestrians and cyclists. There are public footpaths that lead from the site to the main village; these are, however, not suitable for use in the winter months and are not suitable for use by people that have limited mobility and/or are wheelchair bound. It also may not be suitable for pushchair and pram use, particularly during the winter months and due to the uneven ground. The use of public footpaths should not be relied upon solely for pedestrian access to basic services. On this basis, the proposal is not considered to be in a sustainable location. The proposal is considered to lead to a heavy reliance on the use of private motor vehicles to access basic services.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1. The NPPF identifies, at Paragraph 108 that, in assessing specific applications for development, it should be ensured that, *inter alia*, significant impacts on the transport network and highway safety can be cost effectively mitigated to an acceptable degree.
- 5.2. The site would utilise an existing access, which would serve the 5no. dwellings and the greenkeeper's building. A new staff parking area would also be created, as well as a courtyard and driveway for the dwellings. Access to the highway, as well as the parking and manoeuvring provision, is considered to be acceptable. During the course of determination, the SCC Highway Authority was consulted, and following the submission of amended plans, now raises no objection, subject to conditions to ensure that the parking area is made suitable for use, there is appropriate bin storage and presentation, as well as a construction management plan. The applicant has also

proposed to install a footpath along the A1071, adjacent to the access to the Hall. This has been agreed separately with the Highway Authority.

6.0 Design And Layout [Impact On Street Scene]

- 6.1. Section 12 of the NPPF refers to design, it provides that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. In addition, Policy CN01 of the Babergh Local Plan provides that “*All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location*” and echoes the provision of the NPPF.
- 6.2. Due to the application comprising of two elements, these will be address in turn below.
- 6.3. Outline Application – Erection of 5no. Dwellings: The application is outline only, and therefore, no definitive design elements have been proposed, other than a proposed layout and approximate heights. It is considered that the heights of one-and-a-half storeys is reflective of the surrounding buildings. This does, however, have the potential to be viewed through the tree-line in the winter months, which causes harm to the setting and historic significance of the adjacent heritage assets. This could be partially offset by limiting the buildings to single storey by condition. This is discussed further below. The proposed number of dwellings and layout form a small cluster of dwellings which is not characteristic for this area. The character of Hintlesham is a linear pattern of development on two main roads. The site is set away from the village, located in the countryside, with a cluster of buildings associated with both the golf club and the Grade I listed Hintlesham Hall.
- 6.4. Full Application – Erection of Greenkeepers building (following Demolition of Existing): The design of the proposed greenkeeper’s building is reflective of the character of the surrounding area and would be well screened by existing boundary treatments. The building would be of an appropriate height, and materials. The building’s design is traditional for a storage building and would not be out of character. The greenkeeper’s building is considered to be in accordance with Policy CN01 of the Babergh Local Plan.

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

- 7.1. The site is located within a Special Landscape Area. The proposed greenkeeper’s building would be well screened by natural boundary treatments and is of a design that respects the surroundings. The materials and colours are also suitable for the locality. On this basis, the Full Application for the erection of a greenkeeper’s building is considered to be in accordance with Policy CR04 of the Babergh Local Plan.
- 7.2. In terms of the residential element, as discussed above, the area of land is surrounded by existing boundary treatments, which would help to screen the properties to an extent. However, they are proposed to one and a half storeys, which would still be seen through the tree line in the winter months. At this outline stage, there are no details of the design and materials, therefore at this stage, the proposal is not considered to be in conflict with Policy CR04 of the Babergh Local Plan.

7.3. The site is also located on an undesignated heritage asset of a historic parkland of Hintlesham Hall. Policy CN14 of the Babergh Local Plan states:

“Development in or adjacent to parks and gardens of historic or landscape significance (listed in the National Register of statutorily protected historic parks and gardens) which would lead to the erosion of their character, appearance or setting will be refused”.

7.4 The proposal for the erection of 5no. dwellings in this location is considered to harm the setting of the historic parkland, and therefore, is contrary to Policy CN14. This is further inferred below in paragraph 9.

7.5 During the course of determination, the arboricultural officer was consulted, and has raised a concern regarding the application site being within close proximity of a number of trees. Although a tree survey has been submitted with this application, an Arboricultural Impact Assessment is also required, and has not been submitted. Therefore, the risk to the trees cannot be determined. It should be noted at this stage, that the applicant is proposing to plant additional trees to the west of the site.

7.6 During the course of determination, Place Services Ecology were consulted and raise no objection to the proposal, subject to a proportionate financial contribution towards visitor management for the Stour and Orwell Estuaries SPA/Ramsar, as well as ecological mitigation and enhancement measures. The proposal is not considered to cause any adverse harm to the ecology and biodiversity of the site.

8.0 Land Contamination, Flood Risk, Drainage and Waste

8.1. The NPPF at Paragraph 183 identifies *inter alia* that planning decisions should ensure that a site is suitable for its proposed use. In addition, Para.183 makes clear that where a site is affected by contamination, responsibility for securing a safe development rest with the developer and/or landowner.

8.2. A land contamination report has been submitted with the application and shows a passed certificate for land contamination. During the course of determination, however, Environmental Health – Land Contamination were consulted and have placed a holding objection on the application. The officer states:

“For a development of this size we require that the applicant submits a Phase 1 desk study undertaken by an appropriately qualified Geoenvironmental consultant that complies with BS 10175:2011+A1:2013”.

The Environmental Health Officer has taken into account the entirety of the site, which includes the access, measuring at 1.28ha. The area of land in question for the residential element is however, only 0.4252ha, and the area of land propose for the greenkeepers building is only 0.4965ha taking the site to 0.9217ha which is under 1ha, and therefore, a Phase 1 desk study is not considered necessary on this basis. Confirmation on this point is awaited.

8.3. The site is located within Flood Zone 1, however, due to the total size of the site being 1.27ha, the Lead Local Flooding Authority, being Suffolk County Council, requests a Flood Risk Assessment to be submitted, along with a surface water drainage strategy. However, again, as the developable area is less than 1ha, this request has been removed.

8.4 The East Suffolk Drainage Board have also requested infiltration works to take place as the site is within the IDB's Watershed Catchment. Clarification is being sought as to whether this would be required prior to any possible granting of permission.

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

9.1 The site is located in close proximity to the Grade I listed Hintlesham Hall, its Grade II* listed stables former coach house and brewhouse and located within the undesignated heritage asset of the Hintlesham Parkland. During the course of determination, Place Services Heritage, and Historic England were consulted, and both raise an objection identifying a moderate level of less than substantial harm being caused to the heritage assets by this proposal.

9.2. The site is considered to contribute to the setting of the adjacent heritage assets. In terms of the proposed greenkeeper's building, it is not considered to cause any adverse harm to any heritage assets and is supported. The residential element, however, is considered to cause a moderate level of less than substantial harm and is not acceptable in the setting of the above heritage assets. It is acknowledged that building may have previously been present on the site; these, however, would have been small-scale service/ancillary structures accessed from the main service road. The erection of the golf club has changed the historical layout to a limited extent; the historical layout and setting, however, are still very much intact and still legible; therefore, this site contributes to that.

9.3 The proposed residential element is considered to be incongruous in the setting of the heritage assets and detracts from the manner in which they are experienced, appreciated and understood. The proposal creates an urbanising effect on the countryside parkland location of the heritage assets; although the golf club and its associated dwelling and outbuildings has eroded some of the character and setting, the existing development does not set a precedent to further erode the setting of the heritage assets.

9.4 The increase in built form on the site would further erode the open setting of the listed buildings and erode the appreciation of the link between Hintlesham Hall and its walled garden. The existing dwelling sits in an area to the rear of the walled garden. The area is well screened by deciduous trees which, in the winter months allow views to the tree line behind. It is clear from historic maps that this corner has historically been free from development although ancillary buildings are marked further to the northern side of the walled garden.

9.5 Development in this walled garden area confuses the hierarchy of the site by adding permanent residential element within what was formally an ancillary service area and increases the hard surface provision within the landscape park setting of the Grade I and Grade II* listed buildings. It is clear that, as a non-designated heritage asset, change has occurred to the uses of the parkland which has been harmful to the setting of the listed building but, this should not be used as justification for the possibility of more harm, or cumulative harm.

9.4. For the reasons discussed above, the proposal is considered to be contrary to Policies CN06 and CN14 of the Babergh Local Plan, as well as part i) of Policy CS15 of the Babergh Core Strategy; as well as Paragraphs 197,199,202 and 206 of the NPPF and Paragraph 013 of the Planning Practice Guidance.

10.0 Impact On Residential Amenity

- 10.1 Policies within the adopted development plan require, *inter alia*, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. Concerns of overlooking, loss of privacy and loss of outlook are acknowledged; however, the proposal is not considered to lead to any adverse harm to residential amenity in terms of a loss of privacy or a loss of outlook.
- 10.2 The site would have one direct neighbour, which is the existing dwelling which serves the golf club. The proposed dwellings would be located within the walled garden and would likely be conditioned to be one storey in height for heritage reasons and, therefore, would not likely cause any adverse overlooking or light blocking potential. It should be noted that the proposed dwellings are at outline stage only, and there is no confirmed details of heights and fenestration. The greenkeeper's building would be located away from the neighbouring properties and would be well screened. It would not cause any adverse harm to residential amenity.
- 11.0 Planning Obligations / CIL (delete if not applicable)**
- 11.1. A RAMS payment would be required for the residential element and a s.106 would be a possible mechanism for securing the footpath which is being offered.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1. Regarding the full application of the erection of a greenkeeper's building (following demolition of the existing), this element of this application is considered acceptable. It is well located and designed to harmonise with the surroundings.
- 12.2. Regarding the outline application for the erection of 5no. dwellings, this is not considered acceptable. The site is located in the countryside, outside of the built-up area boundary of Hintlesham. The site has poor pedestrian access to the limited services in the village. In addition, the scheme is harmful to heritage assets as already detailed.
- 12.3 The applicant rests on an “enabling” argument to justify that element of the scheme. The term “enabling development” is not a statutory one but describes a situation in which development that would otherwise be considered harmful is considered acceptable because it would facilitate (or ‘enable’) benefits that outweigh that harm.
- 12.4 In this instance, the claimed benefits are the continuation of the privately-owned Hintlesham Golf Club, with very little in the way of public benefits – these being a small area of footpath at the access to the Hall, a considerable distance from the site, and the planting of trees. This does not seem to be a compelling argument in terms of enablement.
- 12.3. Not only does the proposal cause harm in regard to sustainability being a countryside location, but it also causes a moderate level of less than substantial harm to the adjacent heritage assets, which include the Grade I Hintlesham Hall, Grade II* stables, former coach house and brewhouse, as well as the undesignated parkland, which the site is located in. The public benefits of the scheme are not considered to outweigh the overriding harm caused to the heritage assets. As a result, the proposal is considered to be contrary to Policies CS2 and CS15 of the Babergh Core Strategy,

Policies Cn01, Cn06 and Cn14 of the Babergh Local Plan, as well as paragraphs 78, 79, 104, 126, 127, 174, 197, 199, 202 and 206 of the NPPF and 013 of the Planning Practice Guidance.

- 12.4 Overall, whilst noting the limited benefits, which are in the main private rather than public, these do not outweigh the harm which has been identified above.

RECOMMENDATION

That the application is REFUSED planning permission on the basis that the five new dwellings element of the proposal is not in accordance with Policies CS2 and CS15 of the Babergh Core Strategy, Policies CN01, CN06 and CN14 of the Babergh Local Plan as well as Paragraphs 78, 79, 104, 126, 127 and 174, 197, 199, 202 and 206 of the NPPF (2021).

PLANNING HISTORY

REF: DC/21/04360	HYBRID APPLICATION - Full Application for Greenkeepers building (following demolition of existing) and Outline application for Residential Development of 5No dwellings.	DECISION: PCO
REF: BIE/16/01706	Erection of 1no. dwelling	DECISION: PCO
REF: B/13/00861	Erection of building for 5 bay driving range.	DECISION: GRA 29.10.2013
REF: BIE/13/00615	Consultation request for Ceremony Licence application. (from Susan.Reeve at Suffolk County Council)	DECISION: PCO
REF: B/11/00184	Erection of single-storey dining room extension and infilling of existing courtyard area to form function/meeting room	DECISION: GRA 31.03.2011
REF: B/07/01687	Proposed extensions	DECISION: REC
REF: B/07/00592	Erection of single-storey amenity building.	DECISION: GRA
REF: B/86/00004	EXTENSION AND ALTERATIONS TO REDUNDANT COOKERY SCHOOL TO PROVIDE 7 FURTHER HOTEL BEDROOMS AND EXTENSION AND CONVERSION OF THE ORANGERY TO SINGLE DWELLING	DECISION: GRA
REF: B/90/01570	APPLICATION FOR LISTED BUILDING CONSENT - PART DEMOLITION OF WALL TO ALLOW VEHICULAR ACCESS AND FORMATION OF NEW PEDESTRIAN ACCESS	DECISION: GRA
REF: B/90/01569	ERECTION OF GOLF COURSE CLUBHOUSE AND CONSTRUCTION OF CAR PARK AND ALTERATIONS TO EXISTING VEHICULAR ACCESS	DECISION: GRA
REF: B/91/00771	INCREASE WIDTH OF MAIN ACCESS DRIVEWAY TO 5.0 METRES AND PROVIDE REVISED ROUTE OF ACCESS TO (GOLF COURSE) CAR PARK AS AMENDED BY REVISED DRAWING NO. 126/A RECEIVED ON 07.08.91 AND FURTHER AMPLIFIED BY APPLICANTS LETTER DATED 02.08.91	DECISION: GRA 16.08.1991

REF: B/88/00902	CONSTRUCTION OF 18 HOLE GOLF COURSE WITH ASSOCIATED CLUB HOUSE AND CAR PARK AS AMENDED BY LETTER DATED 19.08.88 AND ACCOMPANYING PLAN	DECISION: GRA
REF: DC/17/04737	Planning Application. Change of use of land for the erection of 4no. 'Safari tent' type holiday units with associated parking and landscaping.	DECISION: GTD 19.12.2017
REF: B/1051/80/OUT	Erection of agricultural dwelling.	DECISION: REF 18.12.1980
REF: B/11/00520	Removal of Condition 02 attached to P.P B/88/00943- occupancy of dwelling.	DECISION: GRA 15.06.2011
REF: B/06/01807	Variation of condition 02 attached to P. P. B/943/88 to allow the dwelling to be occupied by persons employed at Hintlesham Hall Hotel and/or Hintlesham Golf Club.	DECISION: GRA
REF: B/87/01127	REMOVAL OF CONDITION OF PLANNING PERMISSION W/9804 (AGRICULTURAL OCCUPANCY CONDITION)	DECISION: REF
REF: B/88/00943	CHANGE OF USE OF DWELLINGHOUSE WITH AGRICULTURAL OCCUPANCY CONDITION TO STAFF ACCOMMODATION ASSOCIATED WITH HINTLESHAM HALL HOTEL AND RESTAURANT	DECISION: GRA
REF: DC/18/03577	Planning Application. Erection of a single storey function room ancillary to hotel.	DECISION: GTD 14.01.2019
REF: DC/21/01001	Planning Application - Erection of building and courtyard development west of Stables and Coach House to provide additional spa facilities, gym, pool, sauna and steam room, following removal of outbuilding.	DECISION: GTD 10.11.2021
REF: DC/21/01002	Application for Listed Building Consent - Erection of building and courtyard development west of Stables and Coach House to provide additional spa facilities, gym, pool, sauna and steam room following removal of outbuilding. Internal works to the Stable Block shown on drawing 101 01 this includes the removal and insertion of two	DECISION: GTD 10.11.2021

doors, removal of shower basin and a new opening between existing rooms.

REF: DC/22/00051	Application for a Non-Material Amendment relating to DC/18/03577 - 1) Rear Fire Escape Door. 2) Introduction of a single column on the larger of the two front two gables, to split the sliding doors. 3) On the front elevation the two small doors to be substituted with a single door and one side panels each side of the door, to be powder coated, insulated aluminium panels.	DECISION: GTD 25.01.2022
REF: B/0464/75/FUL	Continued use of part of property for sale of antique furniture and pictures	DECISION: GRA 02.10.1975
REF: B/1054/84/FUL	Works in connection with the conversion of former Coach House to private dwelling.	DECISION: GRA 23.04.1985
REF: B/0815/84/FUL	Change of use from restaurant and private residence to restaurant, hotel and private residence.	DECISION: GRA 25.01.1985
REF: B/0026/84/ADV	Two illuminated sign boards (V formation).	DECISION: GRA 01.02.1985
REF: B/0077/84/LBC	Internal Alterations.	DECISION: GRA 26.02.1985
REF: B/0047/80/LBC	Conversion of disused stables to premises for cookery school.	DECISION: GRA 04.09.1980
REF: B/0149/84/LBC	Alterations in connection with conversion to private dwelling.	DECISION: GRA 21.02.1985
REF: B/0047/78/FUL	Connection of existing drainage system to main sewer.	DECISION: GRA 20.03.1978
REF: B/0997/80/FUL	Renewal of planning permission B/464/75 - Continued use of part of property for the sale of antique furniture and pictures.	DECISION: GRA 04.12.1980
REF: BIE/16/01911	Campsite/holiday lodges	DECISION: ECP 18.01.2017
REF: B/16/00772	Application for Listed Building Consent - Erection of two-storey building to form 8 no. bedroom suites adjacent to orangery building.	DECISION: GRA 17.08.2016

REF: BIE/15/01597	Installation of broadband cabinet	DECISION: PCO
REF: BIE/15/00967	Extension to licensing hours.	DECISION: PCO
REF: B/14/01609	Change of Use of 2 No. bedrooms to form health spa facility, as amended by agents email and drawing number 02 received 9 April 2015.	DECISION: GRA 12.05.2015
REF: B/14/01610	Application for Listed Building Consent - Internal alterations to enable health spa facility, as amended by agents email and drawing number 02 received 9 April 2015.	DECISION: GRA 12.05.2015
REF: B/14/01187	Application for Listed Building Consent - Erection of extension to the orangery building.	DECISION: GRA 14.11.2014
REF: B/14/01186	Erection of extension to the orangery building.	DECISION: GRA 14.11.2014
REF: B/14/00741	Application For Listed Building Consent - Erection of chimney stack and insertion of replacement door and frame to north-west elevation of kitchen/service wing, as amplified by agents email and extract fan details received on 29 July 2014.	DECISION: GRA 05.08.2014
REF: B/14/00740	Erection of chimney stack and insertion of replacement door and frame to north-west elevation of kitchen/service wing, as amplified by agents email and extract fan details received on 29 July 2014.	DECISION: GRA 05.08.2014
REF: B/14/00093	Erection of outbuilding to house biomass boiler.	DECISION: WDN 11.06.2014
REF: B/14/00094	Application for Listed Building Consent - Erection of outbuilding to house biomass boiler.	DECISION: WDN 11.06.2014
REF: BIE/12/01633	Venue for marriages.	DECISION: PCO
REF: BIE/11/01658	Erection of power plant building.	DECISION: PCO
REF: B/11/01057	Erection of extensions and internal and external alterations, (extension of time limit to condition attached to B/08/00911/FUL).	DECISION: GRA 25.10.2011
REF: B/11/01058	Application for Listed Building Consent - Erection of extensions and internal and	DECISION: GRA 25.10.2011

external alterations (extension of time limit to condition attached to B/08/00912/LBC).

REF: B/08/00714	Application for Listed building Consent - Erection of two-storey extension and internal alterations.	DECISION: REF 04.07.2008
REF: B/08/00912	Application for Listed Building Consent - Erection of extensions and internal and external alterations as amended by drawings 02F, 03C, 04D, 09A, 10 and 11 received 08/08/08..	DECISION: GRA 16.09.2008
REF: B/08/00911	Erection of extensions and internal and external alterations, as amended by drawings 02F, 03C, 04D, 09A, 10 and 11 received 08/08/08.	DECISION: GRA 16.09.2008
REF: B/07/01752	Erection of additional guest accommodation and function building	DECISION: REC
REF: B/07/01481	Erection of a two-storey extension to Health Club, The Orangery.	DECISION: REF 02.11.2007
REF: B/85/70019	APPLICATION FOR ADVERTISEMENT CONSENT - TWO EXTERNALLY ILLUMINATED INFORMATION PANELS ('V' FORMATION)	DECISION: REF 03.07.1985
REF: B/86/00982	EXTENSION AND ALTERATIONS TO REDUNDANT COOKERY SCHOOL TO PROVIDE 7 FURTHER HOTEL BEDROOMS AND EXTENSION AND CONVERSION OF THE ORANGERY TO SINGLE DWELLING (REVISED DESIGN)	DECISION: GRA
REF: B/89/01599	ERECTION OF SINGLE-STOREY GOLF CLUBHOUSE, CONSTRUCTION OF ASSOCIATED CAR PARKING AREA AND LANDSCAPING OF THE SITE AS AMENDED BY PLAN RECEIVED BY LPA ON 04.12.89	DECISION: GRA
REF: B/88/80206	APPLICATION FOR LISTED BUILDING CONSENT - ERECTION OF SINGLE-STOREY EXTENSION TO PROVIDE NEW KITCHEN	DECISION: GRA

REF: B/88/01177

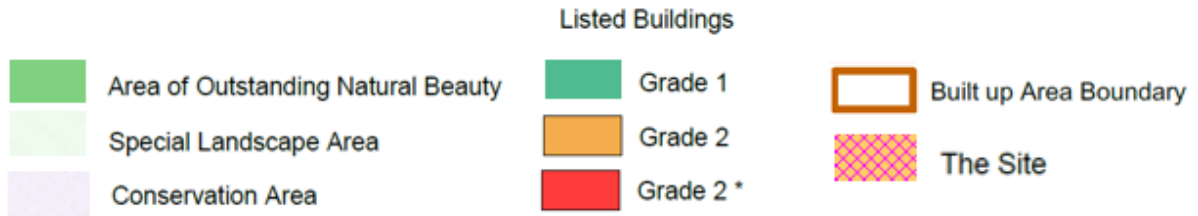
ERECTION OF SINGLE-STOREY DECISION: GRA
EXTENSION TO PROVIDE NEW KITCHEN

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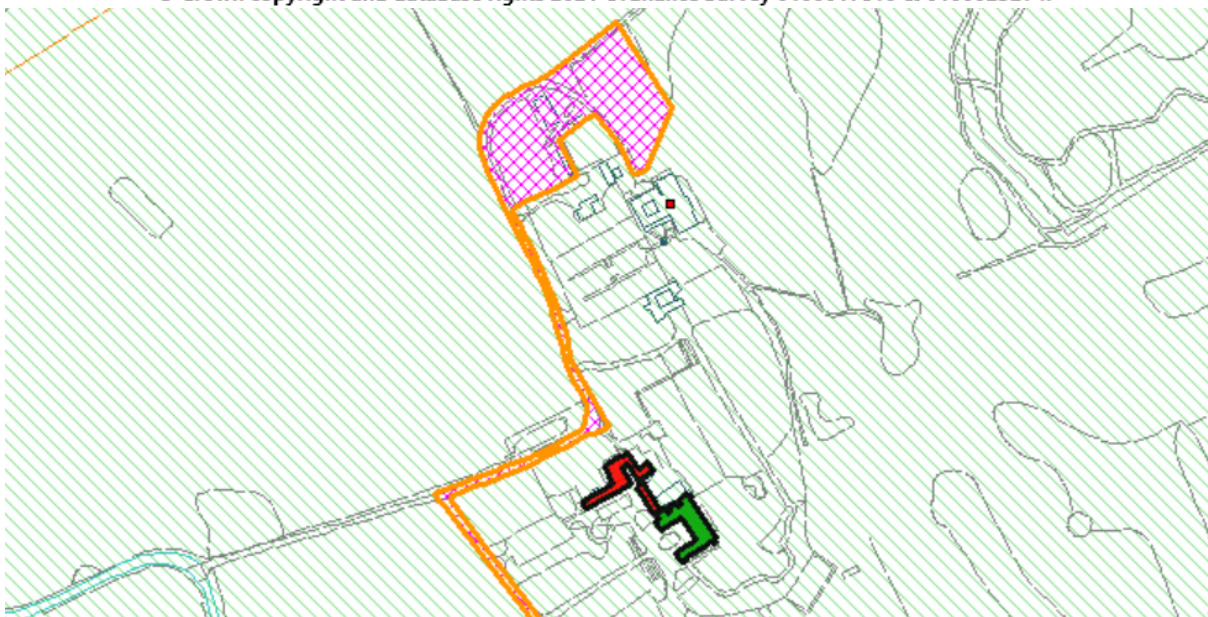
Application No: DC/21/04360

Parish: Hintlesham

Location: Hintlesham Golf Club, George Street



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Agenda Item 6b

Committee Report

Item No: 6B

Reference: DC/21/06805

Case Officer: Samantha Summers

Ward: East Bergholt.

Ward Member/s: Cllr John Hinton.

RECOMMENDATION – GRANT VARIATION OF CONDITIONS 7 AND 8 OF RESERVED MATTERS DC/20/04663

Description of Development

Application under Section 73 of The Town and Country Planning Act 1990 - Variation of Condition 7 (Restriction On Operation Times) and Condition 8 (Restriction On Construction Times) of Reserved Matters Approval DC/20/04663 Dated: 08/12/2021 (Outline Planning Permission B/16/01092 - Mixed-use development including up to 75 dwellings, a preschool and a neighbourhood hub, comprising a swimming pool, office space and a local shop, public open space, and associated infrastructure and landscaping as amended by drawings received on 11th November 2016 (omission of school land)) **to allow amendment to Operation Times and Construction Times.**

Location

Land East of The Constable Country Medical Centre, Heath Road, East Bergholt, Suffolk

Expiry Date: 18/03/2022

Application Type: FUW - Full App Without Compliance of Condition

Development Type: Major Small Scale - All Other

Applicant: Hills Residential Construction Ltd

Parish: East Bergholt

Site Area: 8.7Ha

Details of Previous Committee / Resolutions and any member site visit: Reserved Matters application DC/20/04663 was heard at Planning Committee on the 16th of June 2021. Members resolved to grant reserved matters.

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:

This is a major application for a proposal of more than 15 dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CN01 - Design Standards
EM01 - General Employment
CR02 - AONB Landscape
TP15 - Parking Standards - New Development
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CS19 - Affordable Homes
East Bergholt Neighbourhood Plan
NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has Significant weight.

Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council

East Bergholt Parish Council

The Council considered that during the course of this long planning process, part of the benefits of the development put forward had been the Operation and Construction Times would meet local needs. The Co-op traded from 7am to 10pm which met local needs and there was no evidence of need to have

trading beyond those hours which could impact adversely on existing traders and be a nuisance to residents early in the morning and late at night.

It was proposed by Councillor Miller, seconded by Councillor Roberts and RESOLVED (unanimously) that refusal be recommended on the grounds that both Opening, and Delivery Times should not exceed the times operated by the Co-op, namely 7am – 10pm, which meet local needs.

It was proposed by Councillor Miller, seconded by Councillor Roberts and Resolved (unanimously) that the amendment of Construction Times to enable a 7am start, be recommended for approval.

National Consultee

Anglian Water

The application is related to Variation of Condition 7 (Restriction on Operation Times) and Condition 8 (Restriction on Construction Times) which is outside of Anglian Water jurisdiction to comment

Historic England

Thank you for your letter of 10 January 2022 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.

Natural England

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process.

County Council Responses

SCC Archaeology

Thank you for consulting SCC Archaeological Service. There is no objection from SCCAS should you wish to allow the variation of Conditions 7 and 8 on reserved matters approval DC/20/04663.

SCC Flood and Water

The LLFA has no comment to make on this application.

SCC Travel

Thank you for consulting me about the variation of condition application. On reviewing the planning document submitted, I have no comment to make.

SCC Development Contributions

I have no comments to make but have copied to highways.

SCC Highways

Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.

SCC Fire and Rescue

Please be advised that we require Condition 16 to be brought forward from the original planning application B/16/01092/OUT – Details of Fire Hydrants.

Internal Consultee Responses

BMSDC Environmental Protection – Air Quality

I have no objections with regard to air quality.

BMSDC Environmental Protection – Land Contamination

Many thanks for your request for comments in relation to the above application. I can confirm that I have no comments to make with respect to land contamination with respect to the above referenced conditions.

BMSDC Environmental Protection – Noise/odour/light/smoke

Condition 7 – Shop opening hours.

I appreciate that the current hours may be felt to be overly restrictive. I note that the Co-Op store in East Bergholt has opening hours of 7am – 10pm and I would recommend that this would be appropriate for this store also. Prior to 7am is generally considered night-time and I would be concerned about operation before this time in terms of neighbourhood amenity. In terms of deliveries, I would be concerned about HGV deliveries outside of these hours due to the potential for disturbance.

Condition 8 – Construction hours

8.00am – 18.00 hours Monday to Friday and 09.00 – 13.00hours on Saturdays (with no working on Sundays and Bank Holidays) are the standard construction hours we recommend within the district. Given the site's proximity to a number of existing residential properties, I do not see any compelling reason to extend these hours and therefore would not recommend that this condition be varied.

BMSDC Strategic Housing

The rationale for conditions 7 and 8 is to manage the relationship between the residential and retail parts of the development. Extending the opening hours and delivery hours increases the risk of impacts on the amenity of the residents of the flats above the shop. This is a concern.

Should negative amenity impacts arise, this could also result in management issues for the Registered Provider (RP) which takes on the affordable units. The operational arrangements for the shop might present a disincentive for RPs considering acquiring the units.

Environmental Health colleagues may be able to advise further in respect of the potential for amenity impacts.

Dedham Vale and Stour Valley Project

The AONB team does not wish to offer any comment on the proposed variation to Condition 7 and Condition 8 (opening times and construction time).

B: Representations

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

Views are summarised below:-

The extension of hours for both the shop and construction times is unacceptable in small rural village and would cause disturbance to existing residents.

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

PLANNING HISTORY

REF: DC/20/04663	Application for approval of reserved matters following outline approval B/16/01092. Town and Country Planning (Development Management Procedure) (England) Order 2015 - Access, Layout, Scale, Design and Landscaping for Mixed-use development including up to 75 dwellings, a pre-school and a neighbourhood hub, comprising a swimming pool, office space and a local shop, public open space, and associated infrastructure and landscaping as amended by drawings received on 11th November 2016 (omission of school land).	DECISION: GTD 08.12.2021
REF: B/16/01092	Outline - (all matters reserved) Mixed-use development including up to 75 dwellings, a pre-school and a neighbourhood hub, comprising a swimming pool, office space and a local shop, public open space, and associated infrastructure and landscaping as amended by drawings received on 11th November 2016 (omission of school land).	DECISION: GTD 09.02.2018

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site is located on the eastern side of East Bergholt, a large village located in close proximity to the A12, 18km to the north-east of Colchester and 16km to the southwest of Ipswich.
- 1.2 The village is designated as a Core Village in the Babergh Core Strategy and contains a number of services and facilities. These include a primary school, a secondary school, playing fields and a sports centre, four community buildings including a village hall, a filling station, a GP practice, a sports centre, churches, public houses, a pharmacy, a village shop, a post office, a butcher's, a bakery and a tearoom.
- 1.3 The application site is split into two areas: the main area is to the south of Heath Road (B1070), and a smaller parcel is located to the north of the road. The main parcel is in agricultural use and is subdivided into two fields, with a field boundary running roughly north-south through the site. To the south there is a small block of spruce planting and to the eastern side of the site there is an existing copse. To the south is the Dedham Vale Area of Outstanding Natural Beauty (AONB) which is separated from the southern boundary by one field's depth, with a well-used footpath (the Donkey Track) with views looking south over the AONB. This parcel lies immediately adjacent to the built-up area of East Bergholt, with rear gardens backing onto the application site. The Constable Country Medical Practice is located immediately adjacent to the site and fronting onto Heath Road. To the south and east the site is surrounded by agricultural land.
- 1.4 The parcel to the north of Heath Road falls within the East Bergholt High School site, adjacent to the school's entrance and coach parking area. To the east of this parcel lies a cluster of commercial and residential buildings. The combined site area is 9.2 hectares.
- 1.5 The Reserved Matters application DC/20/04663 related only to the larger site to the south of Heath Road. Planning Committee Members resolved to grant reserved matters on the 16th of June 2021.

2.0 The Proposal

- 2.1 The proposal includes 75 dwellings, a pre-school with associated playing field, a swimming pool, car park, public open space and a building that will accommodate a local shop and a work hub with flats above.
- 2.2 All properties have sufficient parking which are to current Suffolk Parking Standards. The SCC Highway Authority has raised no objection to the scheme on parking and turning issues.
- 2.3 The density of build on this site is very low. The market houses have large gardens and there are large areas of open space, which give the development a feeling of openness that reflects the edge-of-village character. The density of build is eight dwellings per hectare.
- 2.4 There is a mix of house types on the development which includes bungalows, one-and-a-half-storey and two-storey dwellings. The swimming pool and pre-school are both single-storey. The shop has one storey of flats above.
- 2.5 Garden sizes vary on the development, with most of the market houses having large gardens and those for the affordable units being smaller. The flats above the shop do not have dedicated gardens. However, there is a green space to the south which could be utilised by the residents.

- 2.6 The dwellings have been laid out mostly in a linear form, which results in a high level of privacy for residents. Some of the plots are back-to-back. However, the angle is oblique and because of the size of gardens, there is very good spacing, and this is not considered to cause any overlooking or loss of privacy.
- 2.7 The materials palette consists of buff, red and mixed bricks for the dwellinghouses, with artificial slate, pantiles and plain tiles for the roofs.
- 2.8 The site area is 8.7 hectares.

3.0 The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. The 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) 2021.
- 3.2 The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 219 of the NPPF.
- 3.3 Even if policies are considered to be out of date, which does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up-to-date.
- 3.4 Also, as required by paragraph 219 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.
- 3.5 The principle of development has been established by the granting of Outline Planning permission under permission B/16/01092 for “Outline - (all matters reserved) Mixed-use development including up to 75 dwellings, a pre-school and a neighbourhood hub, comprising a swimming pool, office space and a local shop, public open space, and associated infrastructure and landscaping as amended by drawings received on 11 November 2016 (omission of school land).”
- 3.6 The Reserved Matters application (DC/20/04663) of the Outline application included:
- Access
 - Layout
 - Scale
 - Appearance
 - Landscaping

These matters were granted by Planning Committee.

- 3.7 The detailing of the Reserved Matters was assessed against Babergh Local Plan, Babergh Core Strategy and East Bergholt Neighbourhood Plan policies. These policies were given full weight in decision making and were considered to be consistent with the National Planning Policy Framework.
- 3.8 This S.73 application seeks to vary two conditions (7 and 8) of the Reserved Matters permission.

These hours currently read as follows:

7. *ONGOING REQUIREMENT OF USE: RESTRICTION ON OPERATION TIMES*

The hereby permitted shop/work hub shall only operate between the hours of 08:00 and 20:00 Monday to Sunday. There shall be no deliveries to the development arranged for outside of these hours unless otherwise agreed in writing.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

8. *SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CONSTRUCTION TIMES*

The hereby permitted development shall only be constructed between the hours of 08:00 and 18:00 Mondays to Fridays and between the hours of 09:00 and 13:00 on Saturday. There shall be no working on Sundays and Bank Holidays. There shall be no deliveries to the development arranged for outside of these hours.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

3.9 The current proposal is to change these conditions thus:

7. *ONGOING REQUIREMENT OF USE: RESTRICTION ON OPERATION TIMES*

The hereby permitted shop/work hub shall only operate between the hours of 07:00 and 22:00 Monday to Sunday. There shall be no deliveries to the development arranged for outside of these hours unless otherwise agreed in writing.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

8. *SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CONSTRUCTION TIMES*

The hereby permitted development shall only be constructed between the hours of 07:00 and 18:00 Mondays to Fridays and between the hours of 09:00 and 13:00 on Saturday. There shall be no working on Sundays and Bank Holidays. There shall be no deliveries to the development arranged for outside of these hours.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

3.10 To clarify - the changes are therefore to commence use/deliveries at the shop/hub one hour earlier in the morning and terminate two hours later in the evening; and to allow construction one hour earlier Monday to Friday.

- 3.11 NOTE – the application, when first submitted, had sought even longer hours for operation/delivery (i.e. 6am – 11am), but during the course of the application, your Officers have negotiated this to the hours described above.
- 3.12 The principle of varying two conditions on operation/delivery times of the shop and construction times is considered to be acceptable following changes to the hours after advice from the Environmental Protection Team. The main consideration of this application is the impact on residential amenity of existing and future residents.

4.0 Impact on Residential Amenity

- 4.1 The wording of Condition 7 restricts the opening and delivery times to be between 8am and 8pm. The application form stated that, *“The shop opening, and delivery times are very restrictive and not commercially friendly. We therefore request that the opening hours are amended to 6am to 11pm with deliveries able to take place outside of these hours as is normal for small convenience shops of this size.”*
- 4.2 These new proposed hours raised objections from the Parish Council, Environmental Protection and also Strategic Housing. The shop is located in an area that is mainly commercial. However, the shop would have affordable flats above at first floor level and there are other affordable dwellings near to this area of the site. Noise from customers and also delivery vehicles are the main considerations of this application and the impact on residents. One of the main concerns is that delivery vehicles, which may include HGVs, may come to site before the shop is open and may leave their engines running while they wait to be unloaded. This would be a difficult situation to deal with, and enforce against, because they may be unregular events.
- 4.3 During the course of the application, the applicant has come back with revised hours which have been confirmed in an email dated 23rd February 2022. The email stated, *“Whilst very restrictive for the operator they are willing to stipulate that deliveries are only to take place between 7am to 10pm following our own discussions with them. I trust this overcomes the Environmental Protection Officer’s concerns.”* These hours match those of the existing Co-op store in the centre of the village and were recommended by both the Parish Council and the Environmental Protection Team during the consultation process. Therefore, this aspect of the application is considered to be acceptable and will not cause a loss of residential amenity during night-time hours.
- 4.4 The wording of Condition 8 restricts construction and delivery of materials to between 8am and 6pm Monday to Friday and 9am to 1pm on a Saturday with no working on Sundays or Bank Holidays. The application stated that, *“Most construction sites begin work at 7am and so we request an amendment to the working hours to enable commencement of 7am with completion at 6pm.”*
- 4.5 The Environmental Protection Team have raised an objection to this variation of the hours as there is no justification for the increased construction hours. However, an additional hour on weekday mornings is not considered to be detrimental to the residential amenity of existing residents in the area, particularly as this is a large site and it is likely that the setting up of machinery may take some time each day and therefore noisy processes will not be starting during night-time hours. This condition is only relevant for the construction period and therefore has a limited time in which to be active. This additional hour is only acceptable on weekdays. Saturdays, Sundays and Bank Holidays will remain with the existing specification of construction hours. The Parish Council raised no objection to the increase of one hour.

5.0 Parish Council Comments

- 5.1 East Bergholt Parish Council raised an objection to the increased opening and delivery times of the shop as specified in the application form. The applicant has changed the hours to those suggested by the Parish Council and the Environmental Protection Team and are now considered to be acceptable at 7am to 10pm.
- 5.2 East Bergholt raised no objection to the increase of one hour in the morning for the construction/delivery times.

PART FOUR – CONCLUSION

6.0 Planning Balance and Conclusion

- 6.1 Central to the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the Local Plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The shop opening, and delivery hours have been amended to fall in line with those suggested by both the Parish Council and Environmental Protection Team. The hours of 7am to 10pm match those of the existing Co-op store in the centre of the village which is also within a residential area. The increase of construction hours by one hour is not considered to be detrimental to residential amenity and will be of a limited timeframe, i.e., only until the building works have been completed. Weekend hours and Bank Holidays will remain the same.

RECOMMENDATION

- (1) Subject to the prior completion of a Deed of Variation to the S.106 Obligation as may be deemed necessary to the satisfaction of the Chief Planning Officer.
- (2) That the application is GRANTED to vary the wording of conditions 7 and 8 of Reserved Matters permission DC/20/04663 with the following text:

7. ONGOING REQUIREMENT OF USE: RESTRICTION ON OPERATION TIMES

The hereby permitted shop/work hub shall only operate between the hours of 07:00 and 22:00 Monday to Sunday. There shall be no deliveries to the development arranged for outside of these hours unless otherwise agreed in writing.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

8. SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CONSTRUCTION TIMES

The hereby permitted development shall only be constructed between the hours of 07:00 and 18:00 Mondays to Fridays and between the hours of 09:00 and 13:00 on Saturday. There shall be no working on Sundays and Bank Holidays. There shall be no deliveries to the development arranged for outside of these hours.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

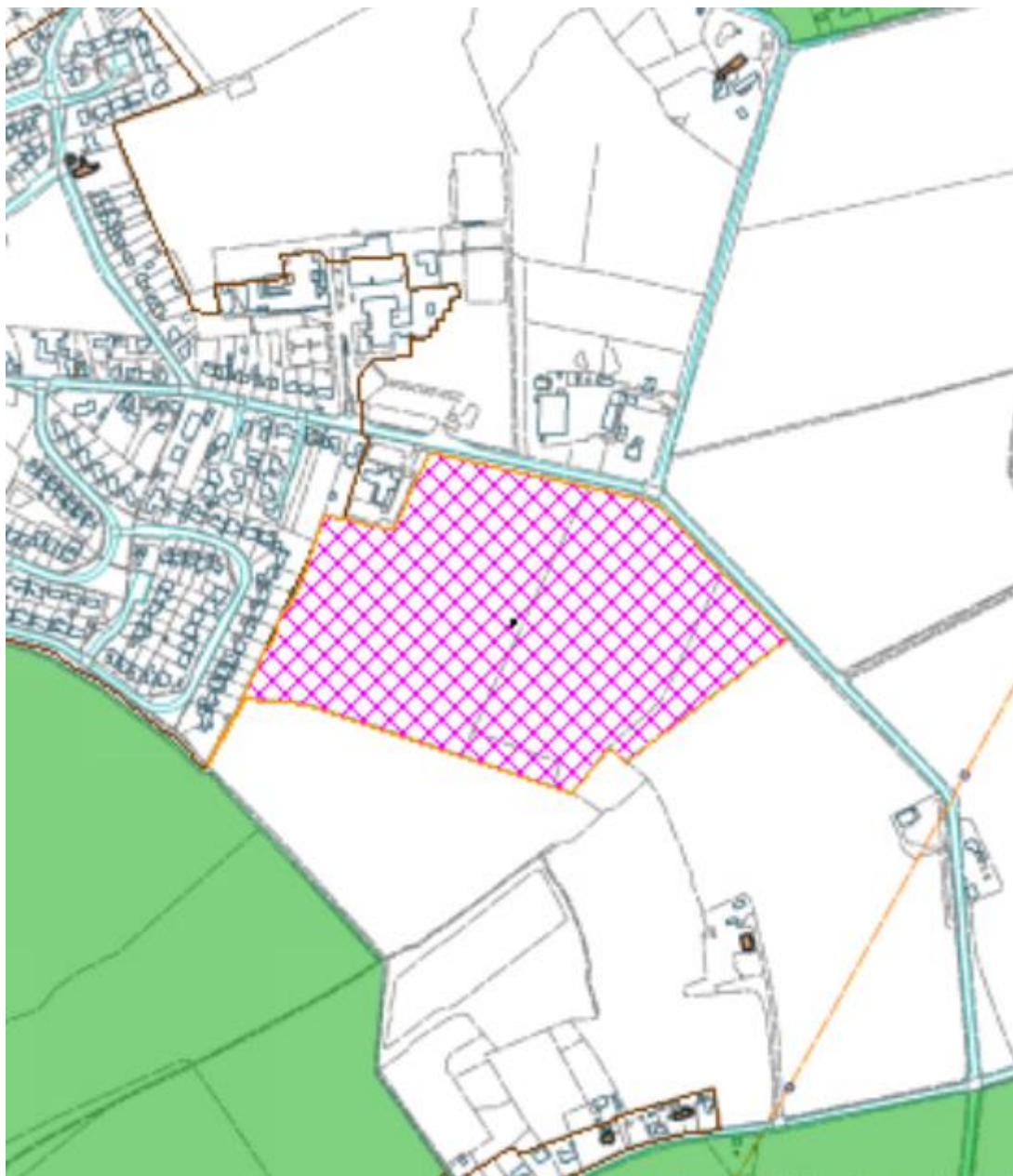
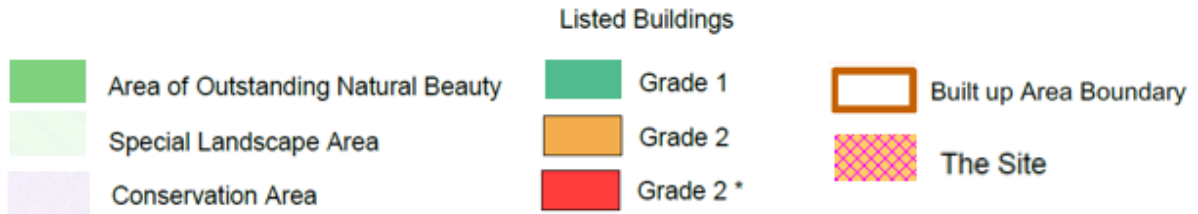
NOTE – all other conditions from DC/20/04663 are to be re-stated where applicable.

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Application No: DC/21/06805

Parish: East Bergholt

Location: Land East Of The Constable Country Medical Centre, Heath Road



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