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COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 10 AUGUST 2022 9.30 AM
VENUE:	WHERSTEAD PARK, THE STREET, WHERSTEAD, IPSWICH IP9 2BJ

Members		
<u>Conservative</u> Simon Barrett Peter Beer Michael Holt	<u>Independent</u> John Hinton Alastair McCraw Stephen Plumb (Chair)	<u>Green and Labour</u> Alison Owen Leigh Jamieson (Vice-Chair)
<u>Independent Conservatives</u> Mary McLaren Adrian Osborne	<u>Liberal Democrat</u> David Busby	

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

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

AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 SUBSTITUTES AND APOLOGIES

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

To receive apologies for absence.

2 DECLARATION OF INTERESTS

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

3 PL/22/5 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 27 JULY 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.

The provisional date for any site inspections is Wednesday 17th August 2022.

6 **PL/22/6 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 11 - 14

An Addendum to Paper PL/22/6 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

a **DC/22/00985 BELLE VUE PARK, AT THE ROUNDABOUT JUNCTION OF CORNARD ROAD AND NEWTON ROAD, SADBURY** 15 - 42

b **DC/21/06519 BELLE VUE HOUSE & OLD SWIMMING POOL, NEWTON ROAD, SADBURY, CO10 2RG** 43 - 74

c **DC/22/02948 1 NORTHERN ROAD, CHILTON INDUSTRIAL ESTATE, SADBURY, SUFFOLK, CO10 2YH** 75 - 86

d **DC/20/03083 ERWARTON HALL FARMYARD, THE STREET, ERWARTON, SUFFOLK** 87 - 110

e **DC/22/00754 FORMER CHAMBERS BUS DEPOT, CHURCH SQUARE, BURES ST MARY, SUFFOLK, CO8 5AB** 111 - 136

Notes:

1. The next meeting is scheduled for Wednesday 24th August 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, 24 August 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 Committee Services on: 01473 296376 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh District Council is 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.

Agenda Item 3

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Frink Room (Elisabeth)
- Endeavour House on Wednesday, 27 July 2022 at 09:30am

PRESENT:

Councillor: Stephen Plumb (Chair)
Leigh Jamieson (Vice-Chair)

Councillors: Sue Ayres
David Busby
Michael Holt
Mary McLaren
Alison Owen

Peter Beer
John Hinton
Alastair McCraw
Adrian Osborne

Ward Member(s):

Councillors: Bryn Hurren

In attendance:

Officers: Area Planning Manager (MR)
Planning Lawyer (IDP)
Case Officers (JW / EF)
Governance Officer (AN)

Apologies:

9 SUBSTITUTIONS AND APOLOGIES

9.1 Apologies were received from Councillor Simon Barrett.

9.2 Councillor Sue Ayres substituted for Councillor Simon Barrett.

10 DECLARATION OF INTERESTS

10.1 None declared.

11 PL/22/3 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 15 JUNE 2022

It was RESOLVED:

That the minutes of the meeting held on 15 June 2022 were confirmed and signed as a true record.

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

12.1 None received.

13 SITE INSPECTIONS

13.1 None received.

14 PL/22/4 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/22/4 and the speakers responded to questions put to them as provided for under those arrangements.

Application No.	Representations from
DC/20/00330	Lisa Wortley (Boxford Parish Council) Chris Philbidge (Objector) David Morris (Applicant) Councillor Bryn Hurren (Ward Member)
DC/22/00682	Andy Pepler (Applicant)

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/22/4 be made as follows:-

15 DC/20/00330 LAND TO THE EAST OF, SAND HILL, BOXFORD, CO10 5AD

15.1 Item 6A

Application	DC/20/00330
Proposal	Outline Planning Application (Access to be considered all other matters reserved) - Erection of up to 64no. dwellings and provision of land for a community building (Use Class D1)
Site Location	BOXFORD - Land to the East of Sand Hill, Boxford, CO10 5AD
Applicant	Catesby Development Land Limited

15.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the history of applications on the site, the judicial review brought against the previous original decision, the Boxford Neighbourhood Plan, the highways consultation response from SWECO, the

location of the site, the constraints of the site, the illustrative masterplan, the proposed access to the site, the indicative parameter plan, the proposed highway works, the potential impact of increased traffic on Swan Street, and the Officer's recommendation for refusal.

- 15.3 The Case Officer responded to questions from Members on issues including: the current housing need in Boxford, the need for affordable housing, the judicial review brought against the original decision, the financial contribution towards secondary education, the proximity of the site to existing schools, the location of the proposed parking bays on Ellis Street, and the committee site visit undertaken for a previous application on the site.
- 15.4 Members considered the representation from Lisa Wortley who spoke on behalf of Boxford Parish Council.
- 15.5 The Parish Council representative responded to questions from Members on issues including: conversations between the applicant and the parish council, the impact of growth within the village on Swan Street, the current amount of affordable housing in Boxford, the frequency of farm vehicles travelling through Boxford, and the Boxford Neighbourhood Plan.
- 15.6 The Case Officer and the Area Planning Manager responded to further questions from Members on issues including: Boxford's Neighbourhood Plan, the Housing Strategy for Boxford, and the policy reasons for the Officer's recommendation for refusal.
- 15.7 Members considered the representation from Chris Philbedge who spoke as an Objector.
- 15.8 The Objector responded to questions from Members on issues including: the lack of community facilities as part of the proposed application.
- 15.9 Members considered the representation from David Morris who spoke as the Applicant.
- 15.10 The Applicant responded to questions from Members on issues including: the proposed highway improvements for Ellis Street, conversations between the applicant and the parish council, and the consultation response from highways.
- 15.11 Members considered the representation from Councillor Bryn Hurren who spoke as the Ward Member.
- 15.12 The Ward Member responded to questions from Members on issues including: the current amount of affordable housing in Boxford, the connectivity between Ellis Street and Swan Street, agricultural land within Boxford and its suitability for development, and the potential impact of future developments in Boxford on Swan Street.

15.13 Members debated the application on issues including: the highways consultation response from SWECO, the potential impact on Swan Street and Ellis Street, and the Boxford Neighbourhood Plan.

15.14 Councillor McCraw proposed that the application be refused as detailed in the Officer recommendation.

15.15 Councillor Hinton seconded the proposal.

By a vote of 10 For and 1 Against

It was RESOLVED:

That the application is REFUSED planning permission for the following reason:

1. The proposal would be contrary to policies CS2, CS11 and CS15 the Babergh Core Strategy (2014), policy BOX 4 of the emerging Boxford Neighbourhood Plan and paragraphs 110d) and 111 of the NPPF. The scheme would result in an unacceptable and severe impact on the highway network and its users without an acceptable mitigating solution. There would be a severe and unacceptable impact on one of the main roads within Boxford (Swan Street) by way of increasing the risk of incidents without acceptable mitigation.

16 DC/22/00682 PARCELS 12,13 & 15 OF THE LAND OFF SPROUGHTON ROAD, FORMER BRITISH SUGAR FACTORY, SPROUGHTON, IPSWICH, SUFFOLK, IP1 5FF

16.1 Item 6B

Application Proposal	DC/22/00682 Application for Approval of Reserved Matters following Outline Approval DC/17/05687 - Submission of details for Appearance, Landscaping, Layout and Scale for an Industrial development with ancillary office space (B2/B8 & E(g)ii)/E(giii)), including related servicing arrangements, car parking, landscaping, and associated works.
Site Location	SPROUGHTON - Parcels 12, 13 & 15 Of The Land Off Sproughton Road, Former British Sugar Factory, Sproughton, Ipswich Suffolk IP1 5FF
Applicant	HE2 UK Enterprises 16 GP Ltd

16.2 A short break was taken between 11:37am and 11:53am before the commencement of application number DC/22/00682.

16.3 The Case Officer presented the application to the Committee outlining the proposal before Members including: the location of the site, the application boundary, the constraints of the site, the location of the tree preservation

order (TPO) in relation to the site, the proposed layout of the site, the landscape concept plan, the three-dimensional illustrative mock-ups of the proposal, the proposed site levels, the external lighting scheme, the proposed fencing details, elevations and floor plans of the units, the refuse storage plan, the proposed pedestrian routes across the site, the proposed drainage plan, and the Officer recommendation for approval.

- 16.4 The Case Officer responded to questions from Members on issues including: the tree preservation order (TPO), electric vehicle charging points on site, the noise impact on nearby properties, and the pedestrian access to the wider site as agreed upon by a previous application.
- 16.5 Members considered the representation from Andy Pepler who spoke as the Agent.
- 16.6 The Agent and the Applicant responded to questions from Members on issues including: who will be constructing the units, and the exterior design of the units.
- 16.7 Members debated the application on issues including: the written representation from Sproughton Parish Council, the consultation response from Suffolk County Council Highways, and the potential noise impact of the site.
- 16.8 Councillor Holt proposed that the application be approved as detailed in the Officer's recommendation.
- 16.9 Councillor Osborne seconded the proposal.

By a unanimous vote

It was RESOLVED:

That the reserved matters planning application is GRANTED and includes the following conditions:

- **Approved Plans (Plans submitted that form this application)**
- **Construction Plan to be agreed including construction hours, contractors parking, delivery routes and measures to decrease the impact of the development on local air quality.**
- **Details location of plant and validation of the acoustic assessment using the actual plant installed prior to first operation**
- **Details of location and design of acoustic barriers**
- **Implementation of noise management and mitigation**
- **Implementation of ecological mitigation**
- **Wildlife friendly lighting plan**
- **Revisions to parking proposals for any non B8 user**
- **Height limit for outside storage**

- **EV charger strategy**
- **As further required by SCC (LHA)**
- **Local employment and training opportunities plan**
- **Development in accordance with the arboricultural report**

The business of the meeting was concluded at 12:22pm.

.....
Chair



PL/22/6

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

10 AUGUST 2022

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	15 - 42	DC/22/00985	Belle Vue Park, At The Roundabout Junction Of Cornard Road And Newton Road, Sudbury	BH
6B	43 – 74	DC/21/06519	Belle Vue House & Old Swimming Pool, Newton Road, Sudbury, CO10 2RG	BH
6C	75 - 86	DC/22/02948	1 Northern Road, Chilton Industrial Estate, Sudbury, Suffolk, CO12 2YH	EF
6D	87 - 110	DC/20/03083	Erwarton Hall Farmyard, The Street, Erwarton, Suffolk	RW
6E	111 - 136	DC/22/00754	Former Chambers Bus Depot, Church Square, Bures St Mary, Suffolk, CO8 5AB	OF

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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Agenda Item 6a

Committee Report

Item No: 6A

Reference: DC/22/00985

Case Officer: Bradly Heffer

Ward: Sudbury South West.

Ward Member/s: Cllr Sue Ayres.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Demolition of existing retaining wall to former swimming pool site.

Construction of new retaining wall, park entrance landscaping to Belle Vue Park and pedestrian crossing to Cornard Road.

Location

Belle Vue Park, At The Roundabout Junction Of Cornard Road And Newton Road, Sudbury

Expiry Date: 31/07/2022

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Babergh District Council

Agent: Hamson Barron Smith

Parish: Sudbury

Site Area: 0.13 hectares

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

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

Has the application been subject to Pre-Application Advice: Yes – DC/21/6163.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The applicant is the District Council and in this case is also the land owner.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. Whether or not a finance consideration is material or not will depend upon the circumstances.

However, noting the advice within the Planning Practice Guidance, it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority.

On that basis, officers afford no determinative weight to the consideration of any financial gain to be made by the Council in relation to this application noting its synergy with the related application for the conversion of Belle Vue House and erection of retirement apartments.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework 2021

Core Strategy – February 2014

CS1 - Applying the presumption in Favour of Sustainable Development in Babergh
CS13 - Renewable / Low Carbon Energy
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development
CS16 - Town, Village and Local Centres
CS21 - Infrastructure Provision

Babergh Local Plan saved policies – June 2006

EN22 - Light Pollution - Outdoor Lighting
CN01 - Design Standards
CN03 - Open Space within Settlements
CN04 - Design & Crime Prevention
CN06 – Listed Buildings – Alteration/Extension/Change of Use
CN08 - Development in/near conservation areas
RE07 - Large Scale Recreation
TP15 - Parking Standards - New Development
SD02 - Sudbury Town - MUAs - Business & Service
SD03 - Sudbury Town - MUAs -Shopping & Commerce
SD04 - Sudbury Town - Mixed Use Areas - Residential Development

SPD – Open space, Sport and Recreation Strategy (Sept 2010)

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

Sudbury Town Council has commented as follows:

REFUSE on the following grounds:

- *Safety concerns over the location of the crossing based on the information available, without a detailed report from Suffolk County Council. The pathway is very narrow and even adding the extra bit congestion could easily still occur. Does the pathway meet the standards of the Local Transport Note 1/20 Cycling Infrastructure Design?*
- *The location of the crossing so near to the roundabout could cause additional traffic congestion.*
- *The position of the gate (proposed location of the entrance). The Town Council have continuously supported the entrance facing King Street.*
- *It is unclear from the plans whether the ramps going into the park are wide enough for two buggies to pass, disability scooters etc.*
- *An ecological survey needs to be carried out on this site.*
- *What happens if Churchill Developments do not get permission?*

County Council Responses

SCC Highway Authority advises it fully supports the proposal for the park entrance and pedestrian crossing facility. A number of conditions are recommended for inclusion on a grant of planning permission. Following submission of a stage 1 road safety audit (post submission of the application) the following comments are made:

'We are satisfied that the submitted stage 1 road safety audit does not highlight any issues that the Highway Authority had not previously considered associated with locating a pedestrian crossing facility close to the roundabout. The type of arrangement is commonplace around the county, along with other arrangements that require motorists to potentially stop and wait on a roundabout exit. The necessary visibility and advance signing of the crossing can be managed within the detailed design and approval process.

Subsequently, it should be noted that no planters or other potential obstacles to clear visibility will be permitted within the forward visibility envelope to the proposed crossing. This may involve slight amendments to the proposed locations of such street furniture.

With regard to permeable paving, this will not be permitted within the maintainable highway and an alternative solution will need to be provided. We are satisfied that this can be managed via planning condition.'

The following additional comment has been received from the Highway Authority:

'The submitted drainage drawing (110284-hbs-dr-c-060(p4)) does not illustrate an acceptable drainage arrangement. However, we are still satisfied that the details could be subject to a planning condition so this submission does not change our overall position on the proposal and subsequently, the previously recommended planning conditions still apply (from our response dated 01/07/22)...'

SCC Archaeology has no objection to the proposals and advise that, in its opinion, there would be no significant impact on known archaeological sites or areas with archaeological potential.

SCC Lead Local Flood Authority states that as the development has no impact on flood risk or surface water drainage, it has no comment.

Internal Consultee Responses

The **Heritage Team** has identified that the proposal would cause a very low level of less than substantial harm to a locally listed (non-designated in NPPF terms) heritage asset. This is on the basis that the demolition of the boundary/retaining wall would remove a feature that may have some historic connection to Belle Vue House, but the historic interest of which has likely already been fairly eroded. It is also recommended that the harm is taken into consideration in accordance with paragraph 203 of the NPPF.

Environmental Health (Noise/Odour/Light/Smoke) has advised that no objection is raised in principle, but conditions are recommended to control demolition and construction works, the submission of a Construction Method Statement and also the installation of lighting.

Environmental Health (Land Contamination) has advised that there is potential for any urban site to have contaminants present. There are no known sources of contamination in relation to this site and it is recommended that a watching brief is maintained during the construction phase of the development.

The **Arboricultural Officer** has confirmed no objection to the proposals, subject to the works being carried out in accordance with the submitted protection measures.

Place Services – Ecology initially lodged a holding objection to the proposals due to insufficient information being available. Following the submission of additional information an update is awaited and will be provided to Committee.

Place Services – Landscape has advised it has no objections to the proposals and include some recommendations and a condition for consideration.

B: Representations

As a result of publicity and public notification, at the time this report was produced at least 59 representations had been received that raise objections to the proposal. The comments received may be summarised as follows:

- The proposed entrance is in a dangerous position and the development will lead to accidents. Pollution will increase with standing traffic.
- The development should form part of the same development proposal with the site immediately adjacent. Both proposals should be considered together.
- Cycling and disabled access provision is unsatisfactory. The access ramps are of inadequate width and design, and steps are not useable for elderly, disabled or those with young children. There is no disabled parking provided.
- The design is not suitable for disabled persons' access.
- The entrance location is in the wrong position and should be centralised in order to be visible from the town centre.
- The application lacks detail. The submission should include 3D drawings to enable proper consideration.
- The space created would not be welcoming.
- The cost of the retaining wall should be met by the developer of the adjacent site.
- The crossing should be in the form of a Toucan or Tiger/Parallel crossing.
- The proposal should include a transport statement to enable the impacts on the highway to be assessed.
- The ecological impacts of the development have not been properly assessed and trees will be lost.
- The proposal removes public open space and Sudbury suffers a deficit.
- There is no access for emergency vehicles and access via Ingrams Well Road is inadequate.

- The existing entrance is adequate, and the site should be refurbished. The proposal is a waste of money.
- Ongoing maintenance of the park would be made more difficult by the proposals.

Babergh Green Party has advised it objects to the proposal on the basis of the position of the entrance, the design of the entrance and the proposed new crossing.

The Sudbury Society advises that the proposals have its general support, but concerns are expressed about the proposed crossing

One representation has been received which expressed support for the proposal.

The above represents a summary of comments received. The full text of representations may be viewed on the case website.

PLANNING HISTORY

REF: DC/21/06519	Planning Application - Construction of 42no. Retirement Living apartments for older persons including communal facilities, access, car parking and associated landscaping. Conversion and restoration of Belle Vue House to form 2no. dwellings (following partial demolition)	DECISION: PCO
REF: DC/22/00985	Planning Application - Demolition of existing retaining wall to former swimming pool site. Construction of new retaining wall, park entrance landscaping to Belle Vue Park and pedestrian crossing to Cornard Road.	DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site for this proposal is an arc-shaped area of land, with a given size of 0.13 hectares, which is located at the western end of Belle Vue Park in Sudbury. The land is bounded to the north, west and south by Newton Road, a roundabout junction and Cornard Road, respectively. To the east the site includes part of the former outdoor swimming pool which is currently used as a depot facility, and an area of parkland (outside the depot) at the site's eastern end.
- 1.2. In addition to the above, the site includes a boundary wall feature that faces towards the roundabout junction. To the front (west) of the wall feature is a grassed/landscaped area of land that abuts the footway. The application site also includes an area of the highway within Cornard Road, immediately southeast of the roundabout junction.
- 1.3. The Design and Access Statement submitted with the application advises that there is an approximate 3 metre difference in level between the park and the highway that bounds the site.

2. The Proposal

- 2.1. This planning application, submitted on behalf of Babergh District Council, seeks full planning permission for the creation of a new entrance to serve Belle Vue Park, together with the provision of new retaining walls. The proposal also includes the provision of a new pedestrian crossing within Cornard Road, close to the roundabout junction immediately to the west of the site.
- 2.2 The submitted plans show the new entrance as a hard and soft-landscaped space, of approximately 22 metres width, which would contain both stepped and ramped access, leading to a new gated entrance to the park. This space would also include hard landscaping, walling and railings, seating, lighting bollards and soft landscaped areas and tree planting. Proposed works also include the provision of new hard surfacing treatment to that part of the site that immediately abuts the highway, together with soft landscaping immediately adjacent to a new boundary wall feature. The submitted Design and Access Statement ('DAS' - available to view on the Council's planning website) includes the following information which is included here for Members' information:

'...The park entrance design is based on a new axis line which runs parallel to the frontage of Belle Vue House and connects to the road and town centre beyond. Wide central steps lead directly up to the park along the main axis. New ornamental gates at the top of the space mark the entrance into the park. Re-designed pedestrian crossings will allow for safer access across roads, including new controlled signal crossings. A key part of the concept is to make the ramp a central feature of the space using the full width available to take people on a slow route up to the top. Instead of hiding the ramp away, this becomes an important design element leading the eye from side to side across the space. The steps and planting beds are connected into the ramp design to create an integrated arrangement. New seating will be introduced throughout the scheme to encourage people to spend time in the space. The wider steps allow people to use them for sitting, with additional street furniture for those who need more comfort. Seating and planters will be added along the street frontage to make this area more attractive, whilst providing the flexibility to allow for a future cycle lane. A dynamic range of planting will attract people to stay in the space and attract wildlife to the area. The hard landscape structure of walls, steps and ramps will act to contain planting beds, together with raised beds to allow softening of the space over time. Retaining walls contain the space on either side defining a clear direction of travel and addressing the changes of level on site. Handrails provide help for climbing the steps and ramps...The proposed metal railings and gate to the park entrance will be a bespoke design incorporating the park name. An opportunity exists here to commission a local artist, encourage local input and/or hold a design competition. Metal railings will be co-ordinated to blend in with the conservation surroundings...There is also an opportunity to develop a Sudbury heritage and art mural along the wall to encourage community ownership of the space (Arts Council funding to be explored)...

- 2.3 The DAS also advises that the retaining wall along the northern boundary of the site would be constructed in brick, whilst the southern walling would incorporate flint – both of which are judged to be locally traditional materials and have been used in other Sudbury re-developments such as at Gainsborough House. The DAS states that an existing plaque commemorating the opening of the adjacent, former swimming pool site could be incorporated into the new wall, as could an art mural panel, heritage mural panel interpretation board etc. It is noted that the inclusion of these features is dependent on *'...funding and working with artists and local groups...'* In terms of hard

surfacing, this would consist of permeable block paving in three grey tones. Raised timber planters incorporating cycle stands would be located within the area of the development adjacent to the roadside.

3. The Principle Of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* In this regard, the relevant development plan documents consist of the Core Strategy (2014) and the saved policies of the Local Plan (2006). A key material consideration is the National Planning Policy Framework (NPPF) 2021. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9).
- 3.2 It follows that the planning evaluation process should start with the development plan provisions for the site. In this regard, in the adopted development plan the majority of the site for this proposal falls within an allocated as a Mixed Use Area, with a smaller part being within an area allocated as open space. This Mixed Use and open space designation is shown on Inset map 1b of the Local Plan and an extract will be made available as part of the Committee presentation.
- 3.3 The policies of particular relevance to the Mixed Use Area allocation are identified as Local Plan policies SD02, SD03 and SD04. In the case of open space policy CN03 is engaged. Notwithstanding the age of the policies, they are not judged to be in conflict with the NPPF and therefore may be afforded full weight.
- 3.4 It is appropriate to refer to the supporting text in Chapter 10 (paragraph 10.14) which describes Mixed Use Areas thus: *'The principal shopping area is fringed with areas of mixed land uses, including shops, small businesses, housing and community facilities. It is intended that the very mixed nature of these areas, which is an essential and particular feature of the town centre, should continue. However, it will be important to ensure that different uses can exist side by side and remain. Development proposals will therefore be assessed against Policy SD02.'* This text does not carry "development plan" weight but sets the scene for such Mixed Use Areas. In relation to policy SD02, this states:

'In the Mixed Use Areas of Sudbury, uses in Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted.'

In this regard, the proposal does not involve the introduction of a B2 use, and therefore there is no perceived conflict with this policy/it is of no relevance to this application.

- 3.5 Policy SD03 states:

'Change of use of premises to retailing and the introduction of small-scale retail developments in the Mixed Use Areas of Sudbury town centre will be permitted, provided there is no adverse effect on the environment, residential amenity and the highway network, and the scale is compatible with the surroundings.'

Again, the scheme submitted for consideration does not include a proposed change of use of premises to retailing, so no tension with this policy arises.

3.6 Lastly policy SD04 states:

'In the Mixed Use Areas of Sudbury town centre, residential development will be permitted, particularly where:

- use is made of vacant or under-used buildings, or*
- residential development would result in a more appropriate use of land, provided it has no adverse effect on the vitality and viability of the town centre.'*

Clearly there is no residential element to the proposal, so the requirements of this policy are not directly applicable to this proposal.

3.7 In relation to the relevant open space policy CN03, this states:

Development leading to the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted.

In consideration of this policy, the intention of the scheme is to create a new access to an existing recreational and amenity resource within the town, and therefore the proposal is not judged to result in the loss of part of this facility as such. In addition, the proposals would not result in the loss of a gap in the street scene but would create a new visually important space when perceived from the surrounding streets. This is judged to be an improvement to the street scene

3.8 In addition to the above identified policies, other key development plan policies relevant to the consideration of this proposal are identified to include CS1, CS14, CS15, CS16, CS21 and CN08.

3.9 In relation to policy CS1 this clearly establishes the Council's commitment to securing sustainable development in the District. The policy is reflective of the NPPF and has full weight in the determination of planning applications. In this regard, the scheme is considered to present a sustainable development proposal in that it seeks to improve access to the town's park and would encourage non-car mode movement as a result.

3.10 Policy CS14 specifically relates to green infrastructure and inter alia identifies that existing provision will be protected and enhanced. As this proposal seeks to improve accessibility to an existing facility and would not compromise its purpose as an amenity facility, there is no perceived conflict with the aims of this policy.

3.11 Policy CS15 is a lengthy and wide-ranging criteria-based policy, and it is inevitable that not every criterion will apply to a given development. The policy is concerned with the implementation of sustainable development in the district and sets out nineteen criteria which may be broadly summarised as relating to economic benefits, supporting local services, sustainable design, and creation of green spaces, minimising waste and surface water run-off and promotion of healthy living. In consideration of the proposal in the light of the policy requirements it is noted that the nature of the scheme means that some would not be directly applicable (for example those relating to job creation, provision of local services, demand for potable water, minimising waste etc.) Where there is a synergy between the nature of the scheme and the requirements of the policy, there is not considered to be a tension as such. For example, the proposal is considered to be designed to be respectful of its setting and would improve the townscape in this location, thereby making a positive contribution to local character. In addition, the proposal seeks to improve the main entrance access to an existing important green space within the town. The scheme also includes proposals to enhance overall biodiversity opportunities through the introduction of appropriate soft landscaping. As a planning judgment, in consideration of the

relevant criteria it is considered that the application accords with the policy when viewed in the round.

- 3.12 In relation to policy CS16 this identifies that, inter alia, leisure development will continue to be focussed on Sudbury and Hadleigh, and in village and local centres. The relevance of this policy to the current proposal is that it would seek to improve access to an established facility within the town and therefore the terms of the policy requirement are upheld.
- 3.13 Policy CS21 relates to infrastructure provision within the District and within the text of the policy it advises that ‘...*The Council will protect, safeguard and enhance existing services, facilities and amenities that are important to the sustainability of local communities...*’ In this regard it is considered that the proposal would seek to enhance the park’s entrance, and this would accord with the identified elements of this policy.
- 3.14 Development plan policy CN08 is of particular reference to the consideration of this proposal, as it refers to proposals for development that impact on the District’s conservation areas, or on views into and out of conservation areas. The location of the site is outside of the conservation area for Sudbury; however, it is in close proximity to it and the Council must afford great weight to the Conservation Area’s consideration even if statutory duties are not actively engaged¹. Whilst more detail is provided elsewhere in this report, to summarise, the Council’s Heritage Team does not object to the proposals on the grounds of impacts on the character of the conservation area. Specifically, the following comment is made in this regard:

‘...Visual connections, likely historic, exist between Belle Vue Park and Sudbury Conservation Area, reflecting the likely historic relationship of dense town centre core and greener, less developed surroundings. Nonetheless, I consider that the proposed development would not erode any contribution these make to the character and appearance of Sudbury Conservation Area...’

The advice to officers is clearly that the proposal would not result in an adverse impact on the setting of the nearby conservation area and, on this basis, a conflict with the identified policy would not arise. A very low level of harm would result to the significance of Belle Vue House, a non-designated asset, and therefore a balanced judgement is required in weighing up that very low level of harm on the one hand, and what officers consider to be very significant public benefit in light of the nature of this scheme and the proposed park enhancement on the other.

- 3.15 In addition to the above identified policy base, the Council’s adopted SPD document titled Open Space, Sport and Recreation Strategy (Sept 2010) provides an overview of open space, sport and recreation provision in Babergh district. The document includes a section which refers to key issues, trends and recommended action in relation to Belle Vue Park (along with Toppesfield Gardens in Hadleigh) and identifies key priorities as follows:

‘Toppesfield Gardens and Belle View Park are important facilities for the market towns in the district. Improvements to the quality of these parks, particularly the entrance, toilets, bins, seating and information in Hadleigh and main entrance, information, toilets and cleanliness in Sudbury should be a priority, together with maintaining the overall quality of the facilities and ensuring improvements and updating of facilities is maintained in accordance with the requirements of the users.’

¹ In this sense the “great weight” advocated by the NPPF is considered to be on all fours with the “considerable importance and weight” that case law has directed applies to the preservation of designated assets as required under the listed buildings Act.

- 3.16 In seeking to improve the main entrance to Belle Vue Park, the current application is aiming to address one of the identified key priority issues that the Council had identified. Notwithstanding that the SPD was adopted in 2010, it is still retained as a public statement of Council planning policy as an SPD document on the Council's website and is considered to be a material consideration in relation to this application.
- 3.17 As Members are aware, the examination of the Council's emerging Joint Local Plan (JLP) is currently paused. Members will be aware from previous officer advice that limited weight may be attached to JLP policies as part of the consideration of development proposals and this advice remains the case. To advise, within the submission version of the emerging Joint Local Plan (JLP), the majority of the site for this proposal is on unallocated land i.e., there is no specific designation, with a smaller area to the east in an area allocated as designated open space. In this regard, policy LP30 – Designated Open Space is of relevance and identifies, inter alia, that *'The total or partial loss of designated open spaces (as defined on the Policies Maps) may be permitted where a. The development will support the enjoyment and functionality of the space, be sensitive to its character and function and would not result in detrimental impacts on local amenity or distinctiveness...'*
- 3.18 In regard to the above, it is considered that the nature of the development would mean that a loss of the space would not occur per se, bearing in mind that the proposal seeks to improve access to the park and also create useable public realm. Nevertheless, even if a contrary view were taken, the proposal clearly seeks to enhance the functionality and enjoyment of the park overall, through improvements to its access. In addition, the design of the proposals is judged by officers to be a significant improvement to visual amenity in this area which would be sensitive to local character. On this basis, and notwithstanding the limited weight attached to the draft policy LP30 there would not be an overwhelming tension with the requirements of that draft policy.
- 3.19 In the light of the above assessment of the relevant adopted development plan and related policy documents it is considered that these should attract material weight in the decision and that the emerging policy base, which may be afforded limited weight in the determination of this application, lead to a conclusion that the proposal accords with relevant policies and requirements of the Council.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. The location of the site is close to the core of the town centre. The proposal seeks to improve the accessibility of the park and its overall connectivity with the town. It is also considered that the provision of a formalised entrance feature and access as proposed would assist in improving the role of the park as a leisure amenity destination for residents and visitors to the town.

5. 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. Paragraph 111 recognises that development *'...should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe...'*
- 5.2 In this regard the proposed new entrance to the park would clearly seek to attract greater visitor movements, primarily pedestrian, into the vicinity. As a consequence, the proposals include the

provision of a new 3m wide (approx) pedestrian crossing on Cornard Road. The crossing would be signal controlled. In regard of this feature the DAS advises as follows:

'...Proposals have been developed based on consultation with the highways department. Opportunities to locate the crossing further along Cornard Road were investigated, however deemed unfeasible due to the presence of an existing retaining wall on the northern side of the road. A fallback position was also investigated however deemed unsuitable due to the existing road layout and traffic flow which was deemed likely to become heavily congested with the implementation of a signal-controlled crossing...'

5.3 Post submission of the application a phase 1 road safety audit of the proposed works was provided, and this has also been considered by the Highway Authority. The audit has, in relation to the proposed crossing, recommended that *'...the location...and its proximity to the roundabout is reviewed and finalised in liaison with the Highway Authority, with reference to relevant guidance, such as the Traffic Signs Manual Chapter 6...'* In addition, the audit comments as follows in relation to the forward visibility of the proposed crossing as follows *'...It is noted that some planting is proposed in the vicinity of the crossing which could potentially interfere with forward visibility...It is recommended that adequate forward visibility of the crossing and signal heads is provided based on likely approach speeds. This should include ongoing planned maintenance of any planting as appropriate...'*

5.4 The Highway Authority, having considered the audit, has provided the following comments as part of its latest consultation response which are included for Members' information:

'We are satisfied that the submitted stage 1 road safety audit does not highlight any issues that the Highway Authority had not previously considered associated with locating a pedestrian crossing facility close to the roundabout. This type of arrangement is commonplace around the county, along with other arrangements that require motorists to potentially stop or wait on a roundabout exit. The necessary visibility and advance signing of the crossing can be managed within the detailed design and approval process. Subsequently, it should be noted that no planters or other potential obstacles to clear visibility will be permitted within the forward visibility envelope to the proposed crossing. This may involve slight amendments to the proposed locations of such street furniture. With regard to permeable paving, this will not be permitted within the maintainable highway and an alternative solution will need to be provided. We are satisfied that this can be managed via planning condition.'

5.5 On the basis of the above, in terms of highway impact, providing a pedestrian crossing in the proposed location is clearly deemed to be acceptable by the relevant authority, subject to the imposition of conditions that would require approval of final details of the crossing facility. Another condition recommended by the Highway Authority would require approval of details of other works within or abutting the highway, and this would include details of final location of the proposed planters as shown on the submitted drawings. Other details controlled by recommended condition would include the means of controlling surface water discharge, and agreement of a Construction Management Plan. Your officers support the inclusion of the Highway Authority's recommended conditions in the event that planning permission is granted for the proposed development.

5.6 It is noted from a number of representations received that concerns are raised with regard to emergency vehicle access to the park being available, as no provision is made within the proposed development, and if development proposals on the adjacent site to the north were to go ahead an existing access point would be lost. In this regard, the applicant's agent has advised that improvements to the existing access to Ingram's Well Road would be intended as part of wider improvements to the park and these would include a widening of the existing gate (if

necessary) and footpath to allow for emergency and also service vehicle access. In this regard, it is considered that a condition be imposed on a grant of planning permission that required details of the improvements to the Ingram's Well Road access to be approved, together with a timescale for the works.

- 5.7 It is also noted from representations received that cyclist access through the new entrance is raised as a concern. Members will be aware that Babergh and Mid Suffolk District Councils have recently published their Local Cycling and Walking Infrastructure Plan. Within this document it is noted that two short term ambitions are identified in the vicinity of Belle Vue Park: these being a desire for the extension of the current cycle path on Cornard Road to the junction, and provision of a safe access to the park and improvements to the junction. In this regard, this application does propose an improved access to the park, including a new crossing in the highway. In addition, the DAS inter alia advises that '*...The area fronting the highway has been designed to futureproof should the Highways authority pursue the installation of a cycle highway in the future. The proposed planting in this area is to be within raised planters, to mitigate the installation of tree pits, which if installed may cause additional issues for future works...Cycle parking provision has been included with the scheme, this is intended to reduce the likelihood of bicycles being locked / chained to the proposed fencing and or pedestrian guard rails...*'
- 5.8 In relation to pedestrian and cycling issues, the following further explanatory comments have been received from the applicant that are included below for Members' information for context:

GENERAL IMPROVEMENTS TO CYCLING AND PEDESTRIAN ROUTES FROM THE SCHEME

The plans presented bring significant improvement to pedestrian and cycle access to and round the site. As is characteristic of historic market towns and their infrastructure, there are some potential pinch points where the design is not be able to accommodate every aspect of LTN-1/20 compliancy. The LTN-1/20 guidance on cycle infrastructure design states (within the core design principles, section 1.5.4) that "reasonable" adjustments to the existing built environment should be made to ensure the design of infrastructure is accessible to all. In order for complete compliancy, the wider road network and surrounding infrastructure would need to be entirely re-engineered, and the complexities and costs associated with this would not be within reasonable possibility. LTN/1-20 guidance also states (point 22, section 1.6.1) that in cases where it is unavoidable, a short stretch of less good provision, rather than jettison an entire route which is otherwise good, is acceptable. Given other planned cycle infrastructure improvements within Sudbury, which aim to improve routes through the town in a wider context, this exception applies.

Exacerbating historic market town cycle-network constraints, for the Belle Vue site there are also local topographical challenges to contend with - in particular, the significant and sharp levels difference with the park being approximately 3m above road level. The principle of the new accessible entrance and associated public realm improvements is that it is a flexible and pleasant entry point into the park for all users and better connecting the park to the wider town. The new entrance is therefore broader than just an Active Travel enhancement. The new entrance is of course accessible for cyclists, envisaged as dismounting and wheeling into the park directly from the entrance, or else exiting the park if arriving via the Ingrams Well Road entrance and having traversed the proposed widened cycle-friendly pathway.

Neither the Highways Authority, nor other delivery partners, can reasonably address the wider road layouts, network and associated infrastructure limitations. Some of those same

constraints and medieval streetscape are also contributors towards Sudbury's uniqueness as a historic and heritage market town. This scheme proposed is itself only a small and incremental contribution towards wider improvements for the local community and visitors to the town.

WIDER PLANNED JUNCTION IMPROVEMENTS IN SUDBURY TOWN CENTRE – INCLUDING INGRAMS WELL ROAD PARK ENTRANCE POINT

The junction designs incorporate improvements to both pedestrian and cycling provision in accordance with LTN 1/20 design guidance and principles of Gear Change vision. The current level of service for cyclists in Sudbury is poor. Transformational investment is needed to bring the whole network up to standard. The discrete junction improvements proposed do not provide opportunity for linear route improvements. However, improvements to cycle provision supporting wider plans for routes set out in the Local Cycling and Walking Infrastructure Plans (LCWIP) of both local councils are included within the package.

Funding secured through Active Travel Fund for improvements on Melford Road provides a safe, direct, coherent low-traffic route to North Street. This connection links to the Girling Street bus stop proposals with cycle parking in the vicinity to improve connectivity between modes.

The bus scheme proposal on Ingram's Well Road provides an active travel link to Belle Vue Park access and a safer/more direct/comfortable/attractive cycling route through the park than the equivalent route on Cornard Road - whilst overcoming a significant constraint on the network. The route improves pedestrian provision by introducing signalised crossing points at the junction with Newton Road and a continuous footway to negate the current need for pedestrians to walk in the carriageway. A lightly segregated cycle lane is proposed on the approach to the signal junction with Advanced Stop Line and early release for cyclists. Pedestrian improvements are present for each scheme with improved crossing points, footway widening and other significant upgrades to the walking environment.

Ingrams Well Road improvements, through the bus route and junction improvement schemes, also include potential blue badge parking space provision to further support linkages and access into the park. This will align with the widened foot and cycle path amenity through the park and making this stretch of travel more pleasant and user-friendly as well as removing some journeys from the road network along Cornard Road. The proposal for a new Cornard Road crossing to the park supports pedestrians and wider future connectivity between the park site and developments down Station Road and across at Hamilton Road, including new on-street bus facilities.

CYCLE STORAGE & SECURITY AT THE PARK

There is already significant cycle parking provision within the park and more planned with the new café development proposal, which will be subject to a further planning application later in 2022. Cyclists can be further reassured from existing and proposed additional CCTV coverage within the park and surrounding Newton Road roundabout area. Further, the Levelling Up Fund bid also proposed a 40-cycle secure cycle storage, with lockers, in the vicinity of the nearby Kingfisher Leisure Centre – a short distance from Belle Vue and for those arriving into Sudbury by cycle, including the Cornard/Riverside Walk and then exploring the town on foot. There is no cycle storage requirement arising from pre-application planning discussions, including highways element. In the pre-app it is noted that the new entrance will not include a cycle access as is not currently a part of a cycle route. The proposed 8no. cycle parking spaces, which are attached planters, are not as a

result of requirements but to ensure some availability while using the entrance - which is the final destination in this context. There are additional cycle parking spaces within the park for this destination and more will be included with the park café application to be submitted later in the year.

TECHNICAL DESIGNER RESPONSE ON ENTRANCE AND PUBLIC REALM

Due to the site's size and levels difference restrictions, it is not feasible to incorporate a 3m width ramp. It would negatively impact on the lower steps area (with hazard warning paving) which would end up as close as 1.8m to the planter and create a too steep (as steep as 1:9) lower plaza section. Even if the footpath alters partially to become a one-way cycle lane in the future, the park entrance design will still encourage cyclists to dismount to use the steps/ramps for safety reason. A 2m wide ramp exceeds the 1.5m width requirements of BS 8300-1, and this is achievable within the constraints.

There are currently no specific mobility scooter size requirements included within BS 8300-1. Class 2 mobility scooters are accepted on some buses and have a turning circle of 1200mm which is easily accommodated within the ramp design of the new entrance.'

- 5.9 In conclusion, the proposals have given rise to a number of concerns locally with regard to impacts on the highway, access etc. However, Members will note that the Highway Authority has not raised an objection to the proposals and has confirmed that conditions can be attached to a grant of planning permission to agree details of individual elements of the proposals such as the crossing and works within or adjacent to the public highway. Importantly, the submitted scheme is cognisant of the Council's aim to achieve cycling infrastructure improvements in the future and is considered to provide safe and suitable access for all persons.

6. Design And Layout

- 6.1 Members are advised that, as part of the rationale underpinning the proposed entrance, the DAS notes that development is proposed on land adjacent (currently subject to application under reference DC/21/06519) and identifies elements of that development that could contribute to the value of this proposal. In addition, the DAS also references a masterplan for Belle Vue Park that includes features such as a new café/toilet facility (which is indicated on some of the submitted drawings). Whilst these elements are acknowledged, to clarify, Members are not being asked to consider other development proposals (either current or potentially submitted in the future) as part of this particular application. This proposal should be considered on its own planning merits and these other elements are not for evaluation or determination at this point.
- 6.2 As Members are fully aware, good design is a key aspect of sustainable development, as made clear in the NPPF. This requirement is reflected in adopted development plan policies CS15 and CN1, both of which identify that development will be of high-quality design that respects the local distinctiveness and built heritage of Babergh.
- 6.3 The Design and Access Statement (DAS) submitted as part of the application describes the vision of the proposal is :

'...to create an attractive and accessible route between the centre of Sudbury and Belle Vue Park. The aim of the new entrance is to give the park a stronger presence in the town and to attract new and existing users to enjoy the facilities in the park...The project aims to create a well-used public space to give locals and visitors an opportunity to sit down and enjoy clear views towards St Peter's Church and town centre. The design should be built from vandal-proof materials and be arranged to discourage anti-social behaviour...Local

heritage will be referenced throughout the design, and traditional materials will be used in combination with appropriate contemporary elements. Additional funding is to be sought from the Suffolk Inclusive Growth Investment Fund, the Heritage Fund, Changing Places funds and the Arts Council for arts elements within the design...

- 6.4 The DAS identifies relevant constraints presented by the site's location – not least the difference in levels between the park and the roundabout. Clearly the proposed entrance should enable access for all users and as a result the proposed design would incorporate a series of ramps in addition to steps. Another constraint is the need to retain land on adjacent sites and, in this regard, a new retaining wall is proposed to the boundary of the site with the land immediately adjacent, which is the site for a concurrent application for development. Other identified constraints include the local highway network which creates a barrier to convenient access to the park when approached from the town. A further important consideration is the local historic context, bearing in mind the location of the town's conservation area which includes a number of listed buildings in the vicinity of the site. Lastly the retention of trees is seen as an important issue for consideration.
- 6.5 Much as there are constraints there are opportunities. The DAS identifies that a major opportunity arises to improve connectivity between the town centre and the park, and hence to increase the park's overall public presence. The opportunity to improve views of St Peter's church from the park are also identified. Turning to more intangible considerations an opportunity to improve levels of social interaction is also noted, resulting from the increase in the attractiveness of the park as a local amenity and focus on pedestrian activity etc.
- 6.6 Clearly, a key requirement of provision of a new access to the park would be to increase the park's attractiveness as a facility and public asset in the town and in this regard the space would need to be welcoming and, importantly, accessible. In this regard, it is noted from representations received that the width and incline of the ramps proposed is not considered to be acceptable and would not enable easy access by disabled users etc. In this regard, the applicant's agent has advised that further liaison has taken place with the Council's Building Control department in relation to this issue and the following commentary is provided:

'We have liaised with Local Authority Building Control to seek advice regarding the points raised which has resulted in a revised drawing (110284-HBS-XX-00-DR-L-800-P03 Landscape Plan) being produced.

Following advice from Building Control and reviewing the requirements we note the following. During Stage 3 an alternative design to remove the set of central steps has been considered. This approach created segregated design by separating users one for well used quicker northern steps and the other for less popular longer zig zag sloped access and fails to create integrated well used entrance space where users would sit and spend time. Also just one narrower main access step route is unlikely to cope with the increased user volume. The agreed approach was to improve the existing design as much as possible within the site constraints to incorporate BS 8300- 1:2018 recommendations which was reviewed by a Building Control officer.

Following elements were improved;

(1) 9.1.2 Redesigned to avoid a tapered riser

(2) 9.1.6 Redesigned to have longer level landing which length to be minimum step width to be provided at the top and bottom of each flight of steps, along with corduroy hazard warning surface.

(3) Reduced central step width to meet landing length

(4) Reduced central step going from 450mm to minimum 300mm to give more landing space required

(5) Angle of ramp changed to provide slightly longer ramps and landings

(6) the bottom central steps partially being replaced with planting to avoid tapered steps

(7) additional central handrails to the central steps

(8) Ramp landing length widened from 2m to 2.5m to allow for easier turning for larger wheelchairs/ motorised wheelchairs

(9) 9.1.7 Lighting - bollard lighting is included.

The client has previously received comments from Mid Suffolk Disability Forum as part of the engagement event for the masterplan / entrance undertaken at the end of 2021. The attached revised design takes into account the feedback received.

Finally we note that the recommended ramp width according to British Standard is minimum 1.5m wide which is also consistent with Part M which we do not need to comply with. Our proposed ramp width is 2m and more than recommended.'

- 6.7 The design solution for the entrance proposes the creation of a wide stepped access to the park, with the entrance defined by new ornamental gates. The submitted DAS goes on to explain that an important part of the overall concept *'...is to make the ramp a central feature of the space using the full width available to take people on a slow route up to the top. Instead of hiding the ramp away, this becomes an important design element leading the eye from side to side across the space...'* Users of the space would be encouraged to spend time within it; the steps (served by handrails) would be wide enough for sitting, and seating would also be provided. The use of soft landscaping would further enhance the attractiveness of the space for users. In relation to the proposed materials for the feature, clearly the nature of the scheme would mean that a significant amount of hard landscaping would be necessary. This would consist of the use of brick and flint for walling, the provision of a new entrance gate of bespoke design (incorporating the name of the park) and associated railings.
- 6.8 Members are advised that during pre-application engagement, it was suggested that the final design of the new entrance gates to the park could be determined through a local design competition etc. Such an approach would ensure that a truly bespoke design was achieved in this respect, and this would add overall public amenity value to the development. In addition, the DAS advises that the detailing of the northern retaining wall could include various features such as the insertion of the commemorative plaque for the former swimming pool, and murals etc. This approach is endorsed by officers as such features would also add local value to this feature and ensure a bespoke feature was achieved. This view is reflected in the summarised list of conditions at the end of this report.
- 6.9 Surface treatments would include the use of permeable block paving in three different tones. As regards the proposed street furniture, the DAS advises that this *'...will be appropriate to the landscape setting and proximity to the Conservation area and listed buildings. Materials will be chosen to coordinate with the surrounding walls, railings and paving. All furniture will be robust and durable as appropriate for a public setting and will be designed to minimise damage from*

vandalism or skateboarding. Anti-skateboard measures such as studs or ridges to be considered for all furniture design...'

- 6.10 As well as proposed hard landscaping solutions, the scheme would also include the provision of soft landscaping and, in this regard, the concept behind the planting would be to create three zones within the overall area: these comprising a lower plaza, upper plaza and the steps/ramp area connecting these two spaces. The lower plaza is that area of the overall site that is located to the front of the proposed northern retaining wall, between this feature and the highway. Within this space, a significant proportion would be finished with hard landscaping. However, an area to the front of the retaining wall would be soft landscaped. In addition, the space would include planters that would contain further planting. The upper plaza would contain the new entrance gates and associated railings, and to the front of this feature a soft landscaped area would be provided. The DAS advises that '*...planting will be chosen to blend with Belle Vue Park's formal garden, using a low evergreen hedge to frame the park entrance...*' Lastly, the 'linking' area between the upper and lower plaza would feature small specimen trees as well as ground cover planting.
- 6.11 Bearing the above in mind it is considered that the proposal would represent a significant improvement to the townscape in which it would be located. It is considered that the overall space would be visually attractive, particularly in comparison with the current situation. Furthermore, the design would enable and promote increased access to the park, as well as encouraging users to spend time in the new space itself, rather than serving purely as a transition space between the street and the park. Furthermore, officers encourage an approach whereby the final design of the entrance gates was the subject of further involvement by local groups, artists etc. This would ensure that the design of this particular feature was bespoke and therefore added further public worth to the overall design.

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

- 7.1. Conservation and enhancement of the natural environment is a fundamental theme of the NPPF, and one reflected in relevant policies CS4, CS14, CS15, CS16 and CN03 of the development plan. The site identified for the development does contain natural features such as hedging and trees and the impact of the proposed development on these features is material to the consideration of this proposal.
- 7.2 In regard to impact on landscape, the proposed development would fundamentally alter the appearance of the site, as it is currently perceived from various public viewpoints within and outside of the park. Currently the appearance of the majority of the site is as a contained area, characterised by established boundary features including walling that were associated with its former outdoor swimming pool use, and areas of vegetation. The part of the site that is immediately viewable from the surrounding road network is that part which abuts the public highway and consists of highway verge and associated planting, with a boundary wall of the former swimming pool site as a 'backdrop'. In addition, the eastern end of the site is within the park itself and has a character and appearance associated with that established use.
- 7.3 Bearing in mind the above, it is your officers' view that the change to the local landscape (or more accurately, townscape) would be significant, but not harmful. The appearance of the site from the west is currently mainly as a contained space, and it would be difficult to immediately determine from a distance, without the benefit of local knowledge, that the land beyond comprises a public park. In contrast, the creation of a new entrance would enable a clear spatial relationship between the park and the surroundings to be established. This is considered to be a tangible benefit in landscape terms and one which weighs in favour of the proposals. In this regard Members will note that the Council's Landscape consultants do not object to the proposals. It is recommended

that specific details are addressed in relation to tree pits, street furniture, planting specification etc. Officers consider that these issues can be addressed through the imposition of a suitably worded condition. The inclusion of the consultant's recommended condition in relation to a Landscape Management Plan is also supported.

- 7.4 In relation to impact on trees the site does contain a number at present, and these have been assessed as part of the Arboricultural Impact Assessment (AIA). This assessment identifies that as part of the proposed development, it would be necessary to remove two sycamore trees and a birch from that part of the site that falls within the site of the former outdoor swimming pool. In the part of the site that is within the parkland, it is proposed to remove a holly and a sweet chestnut. The AIA advises that the removal of these trees is required due to level changes associated with the development proposals. The removal of the chestnut was specifically identified by the Council's Tree Officer as follows:

'...Although a small number of trees are proposed for removal they are generally of limited importance and their loss will have a negligible impact within the wider landscape. However, tree T8 [the sweet chestnut], as the largest and most valuable, should be retained if at all possible. If this is not feasible then significant replacement planting should be secured in mitigation.'

- 7.5 Members are advised that further liaison has taken place with the applicant's agent regarding this point and the following further comment has been received:

'T8 tree is proposed for removal to allow suitable access/gate arrangements to the new entrance and it is not feasible to retain this. To mitigate the loss of the B1 tree, we have included 12no new proposed trees in the scheme.'

The Tree Officer has subsequently advised that the proposed planting should be secured via condition. In your officers' view it is acknowledged that the loss of the identified tree is an adverse consequence of the development taking place. It is nevertheless considered that the benefits arising from the development would outweigh this loss. In addition, it is pertinent to note the extent of new tree planting that is proposed and the positive impact this will have in the street scene over time.

- 7.6 The issue of impacts arising from the development on ecology is an important material element to be considered. In this regard the application submission was supported by a Preliminary Ecological Appraisal.
- 7.7 Members are advised that the consideration of the initially-submitted material by the Council's ecological consultants resulted in a holding objection being raised to the proposal. This was on the basis that buildings were identified in the applicant's Appraisal as being potentially suitable for bat roosts (albeit outside of the red line application site). Further information was requested to provide *'...further clarification on whether these buildings will be impacted and provide updated recommendations and conclusions if this is not the case.'* Furthermore, clarification was requested on the impact on a native hedgerow that was identified in the Appraisal; this on the basis that such a hedgerow is not recorded as being on the identified site on the UK Habitats Classification Map.
- 7.8 This response was raised with the applicant's agent and the following comments have been received. Firstly, in relation to the presence of bats it is advised that:

- *Building one is required to be demolished as part of the development, whilst building two is outside of the application site boundary. We have been unable to source the*

recommended bat emergence survey due to lack of availability of specialist surveyor and time constraint within which the survey must be carried out, with August being the latest date for survey.

On the basis of the above, the applicant's agent has requested that a suitably-worded condition requiring further survey work prior to demolition works commencing be imposed on a grant of planning permission.

In relation to the query regarding hedgerows the following clarification has been provided:

- *We can confirm that the ≈50m of native hedgerow referred to within the Preliminary Ecological Assessment is not within the site boundary of the application and therefore not relevant to this application.*

The further views of the Council's ecological consultants have been sought in regard to the above and Members will be updated accordingly.

- 7.9 In summary the development will impact on the landscape/townscape, but this impact is judged to be positive in comparison with the impact of the site in its present condition, particularly when considering the nature of the public park facility that the new entrance is intended to serve, and the aim to establish an easily legible focal point in the townscape. In relation to impact on trees, some loss would result. However, the majority of tree loss relates to lower category examples following assessment. The loss of the higher value chestnut is considered to be positively compensated by the proposed replacement tree planting. Lastly, the impacts on ecology that would arise from the proposed development have been assessed appropriately. The proposal includes elements that would assist in promoting a biodiversity gain in this urban location and this is considered to be a benefit arising from the development.

8. 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, paragraph 184 makes clear that where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. In addition, development plan policy CS15 inter alia identifies the Council's intention to ensure that any risk of contamination is identified and adequately managed. In this regard, the proposal has not given rise to concerns from the Land Contamination officer. It is noted that the Local Planning Authority should be contacted in the event of unexpected ground conditions being encountered during construction. An informative would be added to a grant of planning permission to that effect.
- 8.2 In relation to flood risk and drainage the NPPF identifies at paragraph 159 that '...Inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk (whether existing or future)...' Leading from this, development policy CS15 inter alia identifies that '...Proposals for development must...minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk...'
- 8.3 In this regard it is noted that the site for the proposed development is located within flood zone 1 i.e., an area having a less than 1 in 1000 annual probability of river (fluvial) flooding. In addition, available mapping indicates that the site is within an area of very low risk for surface water flooding. Therefore, the site is not considered to be liable to unusual flooding events, and in that

regard accords with the identified requirements of the NPPF and development plan policy in this regard. The DAS advises that, in relation to drainage, as follows:

'...The park entrance and amenity area will be drained via two separate infiltration blankets due to the proposed change in levels on the site. Infiltration testing was conducted and identified that infiltration was feasible. Therefore as per the SuDS hierarchy, proposals seek to implement permeable paving with a permeable geotextile to allow water to infiltrate into the ground. Combined, the infiltration blankets have an approximate area of 690m² and are sufficient to serve the proposed development. The step and ramp area is proposed as an impermeable paving which will be served by a series of ACO channels to collect and convey flows to the larger of the two infiltration blankets due to the change in levels. Calculations for both blankets have been carried out to ensure their capacity is sufficient...'

- 8.4 Members will note that SCC Lead Local Flood Authority has not raised an objection with regard to the proposals.
- 8.5 In relation to waste, the development does not give rise to specific waste disposal requirements, save during the construction period. This element of the proposals can be controlled through the imposition of a condition that requires the submission and agreement of a construction management plan. In addition, the scheme would incorporate waste bins as part of elements within the public realm.

9. Heritage Issues

- 9.1 The protection of heritage assets from inappropriate forms of development is an established tenet of planning control. Section 66(1) of the Planning (LBCA) Act 1990 requires local authorities to afford special attention to the desirability of preserving or enhancing the character or appearance of listed buildings, including setting. In addition, in the relation to conservation areas, section 72 of the Act identifies that *'...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area...'* The NPPF at paragraphs 194 – 198 describes how development proposals affecting heritage assets should be considered. In addition, paragraph 199 makes clear that *'...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance...'* The NPPF also identifies at paragraph 202 that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...'* Lastly, paragraph 203 states that *'...The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset...'*
- 9.2 Core Strategy policy CS15, inter alia, identifies the Council's aim to ensure that proposals for development should *'...respect the landscape, landscape features, streetscape/townscape, heritage assets, important spaces and historic views... Proposals for development must ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation... In particular proposals should protect and where possible enhance the landscape and heritage areas...'*

- 9.3 Leading on from this, local plan policies CN06 and CN08 are specifically concerned with development proposals that would impact on the setting of the District's listed buildings and conservation areas. There are listed buildings within the vicinity of the application site. In addition, although the site for the proposal is not within Sudbury conservation area, it is located adjacent to it, and therefore the development is considered to impact on its setting and on views in and out of the conservation area. Regard is therefore had to those impacts as set out below.
- 9.4 In this regard, the views of the Council's Heritage Team were sought on the proposals; the full comments received may be viewed on the Council's website. Inter alia, the following comments have been made:

'I consider that the proposal would probably cause a very low level of less than substantial harm to a locally listed (non-designated in NPPF terms) heritage asset because the demolition of the boundary/retaining wall would remove a feature that may have some historic connection to Belle Vue House, but the historic interest of which has likely already been fairly eroded. I would recommend that the harm is taken into consideration as per para.203 of the NPPF...'

- 9.5 Further comment in relation to the boundary wall is made as follows:

'...The part of the park proposed for re-development already does not appear to be particularly reflective of its original form as part of the gardens of Belle Vue House. The only obvious potential remnant on the historic form of this particular area is the brick boundary/retaining walls. The oldest phases of brickwork may be C19 and correspond to the date of Belle Vue House, although they also appear to have been subsequently altered, not entirely sympathetically, with the addition of cement render in parts and added sections above the earlier phases. What remains may also not represent the full extent of the walls historically.

Consequently, I consider that the walls may make some contribution to the significance of Belle Vue House, but probably do not retain sufficient significance to be considered a non-designated heritage asset in their own right. The proposal would include the removal of the entirety of the boundary/retaining wall within the site, with the replacement of some sections. However, due to the subsequent alterations to the wall, I would therefore identify only a very low level of less than substantial harm to the significance of Belle Vue House through its loss...'

- 9.6 The impact of the proposed new crossing was also considered by your Heritage Officer, and it is concluded that the proposals would not detract from the significance of an identified group of locally-listed buildings in Cornard Road. Overall, the advice received is that the proposals *'...would therefore meet the requirements of Local Plan policies CN06 and CN08, subject to condition...'*
- 9.7 Bearing in mind the identified requirements of the NPPF, and in consideration of the comments received from the Heritage Team, Officers consider that there is significant tangible public benefit that would arise as a result of the proposed development taking place. This includes improvements to the public's access to an important facility within the town, and enhancements to the townscape in the locality. These are considered sufficient to materially outweigh the very low level of less than substantial to heritage assets which has been identified.

10. Impact On Residential Amenity

- 10.1 Paragraph 185 of the NPPF identifies that new development should be appropriate to its location, taking into account issues such as impacts on health, living conditions etc. This aim is reflected in development plan policies CS15, CN01 and CN04.
- 10.2 The location of the proposed site entrance is within proximity to residential development and therefore the likely impacts arising from the proposal on the amenity of the occupiers of these buildings is a material consideration in the determination of this planning application. There is residential development located along the southern side of Cornard Road, close to the roundabout junction, which would be within proximity to the proposed new park entrance. In addition, there is residential development above the commercial/retail development to the west of the site, and further residential development along Newton Road, to the north.
- 10.3 As a planning judgement it is considered that a new entrance, in itself, would not give rise to unacceptable adverse impacts on residential or local amenity per se. For example, it is not anticipated that unacceptable noise or odour nuisances would be generated by the completed development of itself. It is recognised that a public park such as this may be a focal point for members of the public of all ages and that some noise and general activity can be foreseen associated with people meeting or recreating in and about the park area. This potential would be little different to any other focal point in the park or the town centre at present. Impacts during the construction phase would nevertheless have to be properly controlled. In addition, potentially, proposed lighting could give rise to light spill etc. In this regard, the following comments have been made by the Council's Environmental Health officer:

'...Environmental Protection have no objection in principle but have some concerns over potential noise from demolition and construction works and impacts of proposed lighting. A lighting plan is included with the application, however the contours do not extend beyond the site boundary to allow assessment of impacts on existing or proposed neighbouring properties. The contours appear to show light levels up to 20Lux at the boundary with the proposed retirement living properties to the north. I therefore have no objection in principle subject to further lighting details lighting impacts and mitigation for demolition and construction works...'

Various conditions are recommended for inclusion on a grant of planning permission, including a restriction on hours of demolition and construction work, approval of a Construction Method Statement, provision of further lighting details and a ban on burning materials. The inclusion of these conditions is supported by officers.

- 10.4 In addition, the physical alterations to this part of the street would alter the outlook from some residential properties hereabouts (accepting that there is no right to a view over third party land). Nonetheless, it is judged that the proposals would result in a positive improvement in the overall appearance of the streetscene and character of the place, when compared with its appearance and character at the present time. In regard to the proposals, it is considered that these elements in themselves would not cause harm to residential amenity per se.
- 10.5 In addition to the issues mentioned above, the public use of the new entrance will clearly be a material consideration, bearing in mind that a key aim of the proposal is to make the park a destination that is easier to locate, and thereby increase its attractiveness as a leisure facility. As well as seeking to enable improved access to the park, the proposal would include elements such as seating which would mean that visitors would be encouraged to meet and spend time within the space itself.

10.6 Development Plan policy CN04 states that *'Development proposals will need to ensure that the design and layout of buildings, highways and the spaces around them provide for public safety and deter vandalism and crime.'* The location of the site is such that the new entrance space would be a prominent, open element in the street, which would benefit from passive overlooking from the surrounding locality and existing development. In addition, users of the space would be visible, and the nature of the space would mean that it would be an attractive amenity in its own right which would also increase passive surveillance by users and passers-by. In addition, the proposal would also include the provision of lighting as well as CCTV cameras. In this regard the following comments are made in the Design and Access statement:

'...CCTV cameras proposed are PTZ (pan, tilt, zoom) cameras which can be remotely controlled from the CCTV monitoring centre in Bury St Edmunds, but otherwise they run a 2-minute looping 'patrol' covering the areas of most interest. Cameras could be added to the existing CCTV scheme wirelessly (connecting to an existing CCTV site located on the roundabout nearby) so the proposed cameras will need only a mains supply. Two cameras are proposed, one at the bottom of the steps. The second camera will be located on top of the entrance ramps in a location away from trees. They will be mounted on 4m anti vandal pole...'

10.7 It is considered that the location of the cameras as part of the development proposals would act to further discourage anti-social behaviour and safeguard local amenity.

10.8 In summary, the construction phase of the facility would be controllable via conditions attached to the grant of a planning permission, and issues such as lighting impacts may be controlled in the same way. The proposal is clearly intended to increase the attractiveness of the park to visitors and, it is not expected that the use of the space would give rise to unacceptable impacts or disturbances that would justify planning permission being withheld on this basis. In this regard the comments of your Environmental Health officer are noted.

11. Town Council Comments

11.1 The comments received from Sudbury Town Council are fully acknowledged and appreciated. The following responses are made to the points raised:

- The Highway Authority has advised that it has no concerns regarding the proposed location of the crossing, and effects on traffic flows. Post submission of the application a safety audit has been produced which has been considered by that authority. In addition, the submission advises that a cycle lane could be accommodated in the future as sufficient space would be available adjacent to the carriageway.
- The location of the entrance in the position shown would, in your officers' view, create a new focal point for the entrance to the park, within the street. In addition, the new entrance would be visible when approached from the west along King Street, notwithstanding that its proposed location would not directly face the street.
- The width of the paths serving the entrance have not met with an objection from the Highway Authority and the applicant has undertaken further liaison with the Council's Building Control department regarding this issue which has led to adjustments to the design.
- The application submission included a preliminary ecological appraisal and further clarification was obtained, following a request from the Council's ecology consultants. It is

considered that the information has enabled appropriate consideration of potential impacts on ecology to take place.

- The submitted application, whilst having a clear synergy with the proposed redevelopment of the adjacent site, has to be determined on its own merits. If the current application proposal were to be approved, it would be for the applicant to determine whether to exercise the permission.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The recent case of Corbett has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.
- 12.2 There is a statutory presumption in favour of the development plan. The NPPF, an important material consideration, reiterates this fundamental point. Members will be aware that this places the provisions of the development plan as carrying significant statutory weight in a decision and that it is for the decision maker to reasonably attach weight to the material considerations in their totality. Within the adopted development plan, the majority of the identified site is located within a defined mixed-use area. In this regard, the development plan policies that are considered to be most relevant are policies SD02, SD03 and SD04, which relate specifically to the mixed-use area allocation within Sudbury. Officers have determined that the proposal does not contradict the requirements of these specific policies in this regard, as explained elsewhere in this report.
- 12.3 Other development plan policies that are identified as being key in the determination of the application are identified to include CS1, CS14, CS15, CS16, CS21, CN05 and CN08. Notwithstanding their age they should be afforded development plan weight in determination of this application. In relation to the development proposal, the aims of the various policies are considered to be met. In addition, in seeking to improve the main entrance to Belle Vue Park, the current application is aiming to address one of the identified key priority issues that the Council had identified in the Open Space, Sport and Recreation SPD.
- 12.4 The Council embraces its statutory duties in relation to the historic environment and considerable importance has been attached to the harm, albeit limited, that has been identified in relation to a non-designated heritage asset. Nevertheless, the benefits of the development are determined to outweigh that harm and the application satisfies the relevant policies of the development plan and the NPPF.
- 12.5 Overall and in the round the application is considered to accord with the development plan as a whole. The policies directly engaged by this proposal are up to date and it is considered that in the circumstances of this application the plan is up to date. The material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, your Officers advise that in accordance with policy CS1 and NPPF para 11.c) they recommend that *planning permission should be granted without delay*.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to grant full planning permission for the development as proposed, subject to the following conditions, subsequent to receiving written confirmation from the Council's Ecological consultant that there is sufficient information available to enable the Council to determine the impacts on ecology arising from the development, and these can be properly mitigated.

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Final details of all hard landscaping elements, including the design of entrance gates, to be agreed in writing with the LPA prior to the commencement of development.
- Agreement of external facing materials, murals, insertion of commemorative plaques etc. for new retaining walls prior to their erection.
- Controls over timing of demolition and construction works
- Agreement of a Construction Method Statement prior to the commencement of development
- No burning of demolition or construction waste
- Prior to installation, further details showing that lighting is compliant with Guidance Note 1 for the reduction of obtrusive light 2021 to be submitted and approved
- Development being carried out in accordance with the measures identified in the submitted Arboricultural Impact Assessment
- Details of the proposed pedestrian crossing facility to be submitted to and approved in writing by the LPA before the commencement of development.
- Details of works within or abutting the highway maintainable at public expense submitted to and approved in writing by the LPA before the commencement of development.
- Means to prevent the discharge of surface water from the development on to the highway submitted to and approved in writing by the LPA before commencement of development.
- Construction Management Plan submitted to and approved in writing by the LPA prior to the commencement of development.
- Approval of a detailed landscape plan inter alia addressing the issues raised in the Place Services – Landscape consultation response.
- Approval of a Landscape Management Plan.
- Approval of details of the improvements to the Ingram's Well Road access to the park, together with a timescale for the works.

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

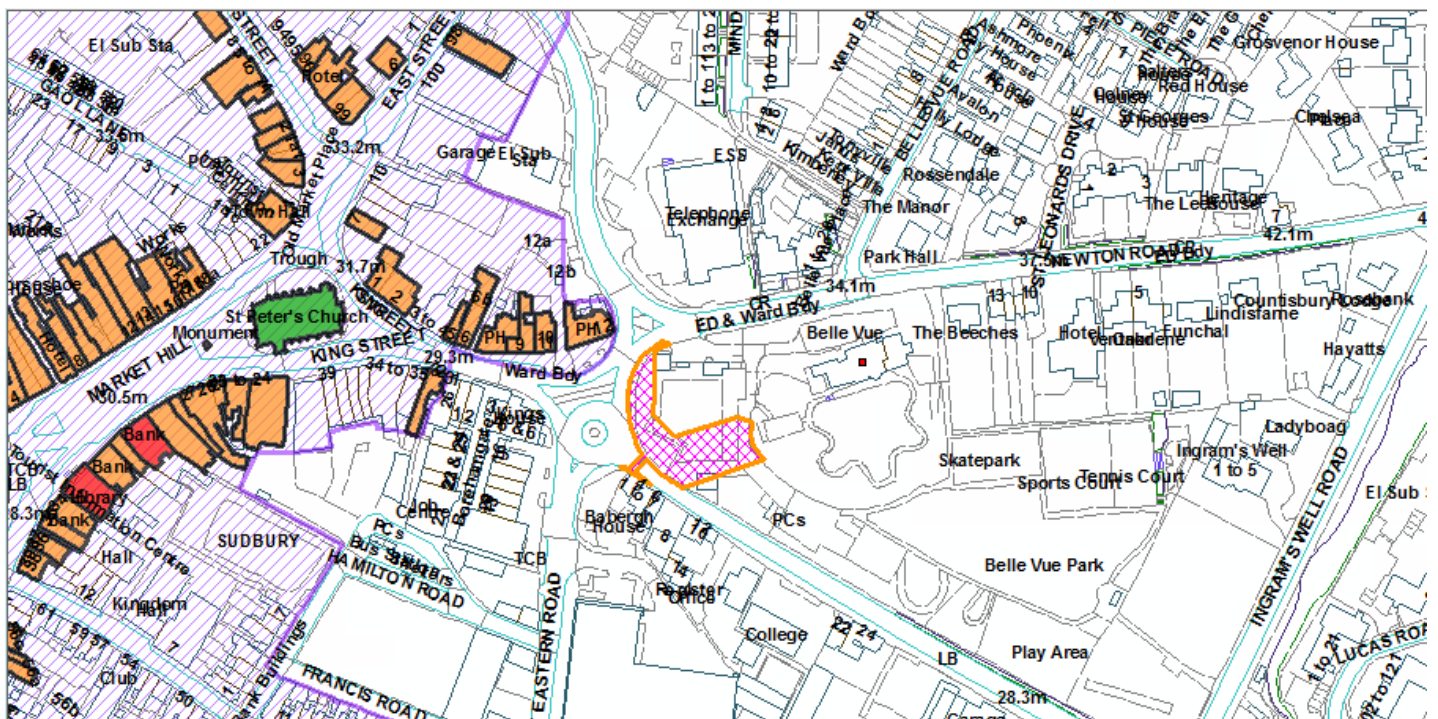
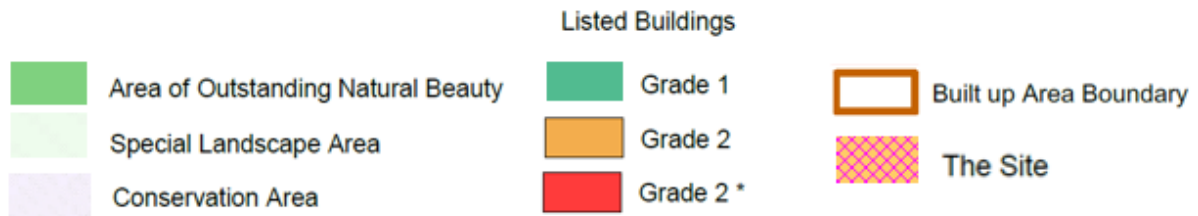
- Proactive working statement
- SCC Highways notes
- Notes in relation to land contamination

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Application No: DC/22/00985

Parish: Sudbury

Location: Belle Vue Park, Sudbury At The Roundabout Junction Of Cornard Road and Newton Road



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Agenda Item 6b

Committee Report

Item No: 6B

Reference: DC/21/06519

Case Officer: Bradly Heffer

Ward: Sudbury South West.

Ward Member/s: Cllr Sue Ayres.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Construction of 41no. Retirement Living apartments for older persons including communal facilities, access, car parking and associated landscaping. Conversion and restoration of Belle Vue House to form 2no. dwellings (following partial demolition)

Location

Belle Vue House & Old Swimming Pool, Newton Road, Sudbury, CO10 2RG

Expiry Date: 30/06/2022

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Churchill Retirement Living Ltd

Agent: Planning Issues Ltd

Parish: Sudbury

Site Area: 0.57 hectares

Density of Development:

Gross Density (Total Site): Approximately 76 units per hectare

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

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

Has the application been subject to Pre-Application Advice: Yes – DC/21/03378

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

This is a major application to develop on land that is owned by the District Council.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in

payment of the Community Infrastructure Levy. Whether or not a finance consideration is material or not will depend upon the circumstances.

However, noting the advice within the Planning Practice Guidance, it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority.

On that basis, officers afford no determinative weight to the consideration of any financial gain to be made by the Council in relation to this application noting its synergy with the related application for the new park entrance.

SEQUENCE OF APPLICATION CONSIDERATION – NOTE TO MEMBERS:

It should be noted that this report has been drafted on the basis that application DC/22/00985 has been considered and that Committee have resolved to grant planning permission therefor. That outcome is a material consideration in the determination of this application and if that is not the case then a verbal update will be given by Officers to guide Committee.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF – National Planning Policy Framework 2021

Core Strategy – February 2014

CS1 - Applying the presumption in Favour of Sustainable Development in Babergh
CS2- Settlement Pattern Policy
CS13 - Renewable / Low Carbon Energy
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development
CS18 – Mix and Types of Dwellings
CS19 – Affordable Homes
CS21 - Infrastructure Provision

Babergh Local Plan saved policies – June 2006

EN22 - Light Pollution - Outdoor Lighting
CN01 - Design Standards
CN03 - Open Space within Settlements
CN04 - Design & Crime Prevention
CN06 – Listed Buildings – Alteration/Extension/Change of Use
CN08 - Development in/near conservation areas
RE07 - Large Scale Recreation
TP15 - Parking Standards - New Development
SD02 - Sudbury Town - MUAs - Business & Service
SD03 - Sudbury Town - MUAs -Shopping & Commerce
SD04 - Sudbury Town - Mixed Use Areas - Residential Development
EM24 -

SPD – Open space, Sport and Recreation Strategy (Sept 2010)

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

Sudbury Town Council has commented as follows:

‘Sudbury Town Council recommend **REFUSAL** of this application on the following grounds:

- The land on which the retirement home would be built is NOT ‘Brownfield’ land, but ‘Open Space’. The definition of ‘Brownfield’ excludes *land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, **parks, recreation grounds** and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.* This area was once the outdoor swimming pool, then a BMX park. Both activities within an ‘Open Space’. Assuming the site is classed as ‘Open Space’, then the proposed plans are contrary to the National Planning Policy Framework (NPPF) paragraph 84 which requires;
"d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."
- The proposal is overdevelopment and would cause detrimental harm to the historical town centre, Conservation area and neighbouring grade 1 and grade 2 listed buildings along King Street and especially St Peter’s Cultural Centre. Currently there is a view of St Peter’s from within Belle Vue and there is a view of Belle Vue from the tower of St. Peter’s. This development would mean the loss of the existing historical view looking down King Street towards Belle Vue. This proposed building would be too big and too high for this key site at the entrance to the town centre.
- Lack of car parking provision – Churchill’s case studies are based on larger towns and cities where public transport is more frequent. This isn’t the case in a Suffolk market town like Sudbury. Most public transport isn’t available during the evenings or on Sundays. Car usage would be much more than anticipated and the residents of these apartments are likely to have visitors arriving by car.
- Highways issues – The Town Council note the comments made by Suffolk County Council Highways, however they still have concerns over the safety of the public

crossing this junction. This area is already busy and congested even before the potential increase of traffic from approved housing developments.

- The Town Council support the comments and concerns made by Anglian Water and Suffolk County Council regarding the disposal of surface water.
- The Town Council support the comments made by Babergh's Arboricultural Officer.
- A survey of the bat population within this area should be carried out before any permission is granted for development.
- There is a lack of evidence provided that Sudbury needs this type of retirement living accommodation.
- Sudbury Town Council are concerned that these plans would close the existing vehicle and pedestrian entrance to Belle Vue Park before planning permission has been granted for an alternative entrance. Full details of the new entrance to Belle Vue Park should be confirmed before any planning application is granted to close the existing entrance.'

National Consultee

National Highways (formerly Highways England) has advised it has no objection to the proposals.

Sport England advises that the application proposal does not fall within its statutory or non-statutory remit.

Historic England does not wish to comment on the proposals and advises that the views of the Council's own specialists should be sought.

Natural England has no comments to make but draws attention to its standing advice in relation to development impacts on protected species.

Anglian Water has requested that an advisory note be added to an approval decision notice which identifies it has assets close to or crossing this site. It is also advised that foul drainage from this development is in the catchment of Sudbury Water Recycling Centre that will have available capacity for flows. Lastly it is advised that the preferred method of surface water disposal would be to a SuDS.

County Council Responses

SCC Highway Authority has confirmed it has no objection to the proposals subject to the imposition of conditions on a grant of planning permission. It is also identified that Suffolk County Council is currently investigating the feasibility of further crossing facilities in the area and a contribution of £42 000, secured through s106 agreement, is requested in order to make the development acceptable in this regard.

SCC Growth and Sustainable Planning has identified that a CIL contribution of £9 072 would be sought, to enhance and improve library provision that would serve the proposed development.

SCC Active Travel Officer has identified that the development does not meet the threshold to require a Travel Plan in accordance with Suffolk Travel Plan Guidance.

SCC Suffolk Fire and Rescue Service requires that access to buildings for fire appliances and fire fighters must accord with Building Regulations. It is identified that no additional water supply for firefighting purposes is required in respect of this planning application.

SCC Lead Local Flood Authority has advised that conditions should be attached to a grant of planning permission.

SCC Archaeology advises that the conclusions of the desk based assessment submitted as part of the planning application are supported; the potential for the proposal to impact archaeological remains can be considered low, and conditions are not considered necessary in this case.

Suffolk Constabulary has confirmed that there is no objection to the proposals. Various comments are made in relation to aspects of the development and also the use of the wider park.

The Sudbury Society advises it supports the proposal put forward for consideration by Members as it secures the future of Belle Vue House and improves the appearance of this prominent site. The density of development should be checked and further exploration of direct access to the park should be explored. A further representation states that it is absolutely essential that any planning approval imposes a condition on the applicant to undertake the conversion and renovation of Belle Vue House.

Internal Consultee Responses

Strategic Housing has lodged a holding objection to the proposals on the basis that affordable housing provision is not made on the site. Inter alia the following comment is made, ‘...subject to consideration and judgement by planning colleagues, it is not necessarily accepted that affordable housing should not be provided on this site...’

This issue will be considered further in this report.

Economic Development are supportive of the proposal; identifying it as a significant step forward in realising the Sudbury Vision objectives for the regeneration of the town. It is noted that the last use of Belle Vue House was as offices and in this regard policy EM24 of the adopted plan is relevant. In this regard, the following comment is made:

‘...As referenced in the applicant’s planning statement, the Council has actively marketed the site for a variety of commercial and community uses on multiple occasions between 2015 and 2021 with no viable alternative use identified. The site has been vacant and subject to anti-social behaviour since this point. We feel that this extensive marketing meets the criteria for EM24...’

The **Heritage Team** has identified that the proposal would be likely to cause impacts on the settings of identified heritage assets. In addition, some heritage benefits to Belle Vue House are identified. It is stated that if the application is approved various conditions should be attached to a grant of planning permission.

Waste Services has identified that the development must be suitable for a 32 tonne refuse collection vehicle. Waste storage and bin collection points should also be provided.

Place Services Ecology has a holding objection in place at the time this report was written, and Members will be updated at the Committee meeting.

Place Services Landscape has recommended that conditions be added to a grant of planning permission.

The **Arboricultural Officer** has noted that the proposed development would require the removal of a number of trees; their loss can be offset with an appropriate planting scheme. It is however identified that a yew tree (T13) should be retained if at all possible. It is also noted that a detailed arboricultural method statement will be required via condition.

Environmental Health – Noise, Odour, Light and Smoke requests the imposition of conditions on a grant of planning permission.

Environmental Health – Air Quality has identified that the development is unlikely to affect the good air quality at and around the site. It is also advised that DEFRA and the Institute of Air Quality Management (IAQM) provide benchmarks for the scale of development that may start to cause a deterioration of air quality that requires further assessment. IAQM indicate that concerns may start to occur on developments which generate 500 vehicle movements a day, and that this development falls short of this threshold.

Environmental Health – Land Contamination has no objection to the proposed development. It is requested that the LPA is contacted in the event that unexpected ground conditions are encountered, and it is noted that responsibility for the safe development of the site rests with the developer.

Environmental Health – Sustainability has recommended the imposition of a condition on a grant of planning permission.

Private Sector Housing has no comments to make.

Public Realm has provided a lengthy consultation response in which the following summarised points are made:

- The former swimming pool site was replaced by a bespoke pool and leisure centre in 1987 (refurbished and extended in 2019).
- The former swimming pool site was utilised as a BMX park, but this use has since ceased. A replacement facility was provided in the park in 2019.
- Negative feedback has previously been received regarding the existing access to the park of Newton Road.
- The redundant areas and empty buildings give rise to vandalism.

Representations

At the time of writing this report at least 161 comments have been received. It is officers' opinion that this represents 159 objections and 2 in support. A petition has also been received that has been signed by 813 signatories digitally and 220 on paper. A verbal update shall be provided, as necessary.

The following issues, in summary, have been identified below:

Affect local wildlife/ecology
Air quality
Application is lacking information
Boundary issues
Building work
Conflict with district plan
Conflict with neighbourhood plan
Conflict with NPPF
Cumulative impact of reducing open space
Design
Development too high
Dominating/overbearing
Drainage
Harm to listed building
Health and safety

Inadequate access
 Inadequate parking provision
 Inappropriate in a conservation area
 Increase in pollution
 Increased danger of flooding
 Increased traffic/highway issues
 Landscape impact
 Light pollution
 Loss of light
 Loss of open space
 Loss of outlook
 Loss of privacy
 More open space needed on development
 No benefits to local residents
 No recreational space in Sudbury
 Noise
 Not a brownfield site
 Out of character with the area
 Over development of site
 Overlooking
 Potentially contaminated land
 Residential amenity
 Scale
 Sequential test
 Strain on existing community facilities
 Sustainability
 This would make another eyesore
 Trees

A separate objection has been received from Babergh Green Party which identifies loss of amenity space, sustainability, building height, pedestrian access and safety and biodiversity net gain as areas of objection.

Representation has been received from the Sudbury Society that expressed support for the scheme presented for Members' consideration. It is also requested that a condition be imposed on the applicant to undertake the conversion and renovation of Belle Vue House.

This represents an officer summary of the representations received. The representations received are available to view on the Council's website.

PLANNING HISTORY

REF: DC/21/06519	Planning Application - Construction of 41no. Retirement Living apartments for older persons including communal facilities, access, car parking and associated landscaping. Conversion and restoration of Belle Vue House to form 2no. dwellings (following partial demolition)	DECISION: PCO
REF: DC/22/00985	Planning Application - Demolition of existing retaining wall to former swimming pool site. Construction of new retaining wall, park	DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site for this proposal comprises part of the former outdoor swimming pool located at Belle Vue Park, Sudbury, Belle Vue House and associated land, and part of the park land itself. The site is roughly rectangular in shape and has a given area of approximately 0.6 hectares. It is bounded to the north and west by Newton Road (including the adjacent roundabout junction). To the east the site bounds the curtilage of the first in a row of established dwellings that front the south side of Newton Road. To the south the site abuts and includes Belle Vue Park. Topographically, the site slopes from east to west and also towards the existing vehicular entrance to the site off Newton Road, located towards the north-western corner.
- 1.2 The application site contains Belle Vue House, which has locally listed status and is considered to be a non-designated heritage asset. Originally a dwelling, the two storey building has previously been utilised for office purposes but is currently unoccupied. The site also contains part of the former open air swimming pool and associated walls, gates etc. Following its discontinuance as a pool, the site was subsequently used as a BMX facility – now ceased. This part of the site is currently utilised as a depot. The overall site also contains a number of mature trees and other vegetation.
- 1.3 In the surrounding area is a mix of commercial and residential development. Notably King Street, to the west of the site, contains a number of shops and other commercial premises and leads towards the historic core of the town. There are a number of listed buildings in the vicinity of the site, as well as locally listed buildings (including Belle Vue House). In addition, site is in close proximity to Sudbury conservation area – the nearest boundary of which is drawn around development in King Street.

2. The Proposal

- 2.1. This planning application seeks full permission for the following elements:
 - Construction of a new building to contain 41no. retirement living apartments on part of the site, together with the provision of a new vehicular access off Newton Road, and new parking and servicing spaces.
 - The restoration and conversion of Belle Vue House to form 2no. dwellings.

Members should note that the original submission proposed 42no. apartments. However, subsequent changes to the design of this building have resulted in a reduction of the proposed units to 41no.

- 2.2 The proposed retirement living accommodation would be contained within a single L-shaped building, comprising individual elements of between 3 and 4 storeys in height, which would be located at the western end of the identified site. Vehicular access to the site would be provided via new access from Newton Road, to the east of its current position. This access would lead to parking/servicing areas to serve the proposed development, as well as a gated access to the

converted Belle Vue House to the east. The submitted plans also show the provision of outdoor amenity spaces to serve the proposed development.

- 2.3 The following extracts are taken from the Planning Statement submitted as part of the application and are included here for Members' information:

'...The accommodation proposed is specifically designed to meet the needs of independent retired people, and provides self-contained apartments for sale. A key aspect of the design is that the units are in a single block. This is essential for control over access, with safety and security being a key concern for individuals as they age. It also provides much greater benefits for social interaction. This is enhanced with the communal space, in particular the owners lounge, coffee bar and garden...The apartments are sold by the Applicant with a lease containing an age restriction which ensures that people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55, can live in the development. It is suggested that this is secured...by condition...Notwithstanding the age restriction, the average age of purchasers of the apartments are 78 years old, with the average age of all occupiers being late 80s. Typically, 70% of apartments are single occupancy, often occupied by a widow. The decision to purchase this type of development is predominantly needs based, with residents forced to move as their existing property is no longer suitable or they can no longer access the shops or services that they need...'

- 2.4 In regard to the proposals for Belle Vue House, the submitted scheme seeks to sub-divide the building vertically, in order to create 2no. semi-detached dwellings. The works would include the demolition of an existing single storey side extension to the east side of the existing building, in order to increase the amount of garden amenity land available to the east and improve internal accessibility. As part of the works, it is also proposed to provide a new ground floor extension serving the westernmost dwelling with a roof terrace above, together with a converted attic space (to enable a fifth bedroom) served by reinstated dormer window features. Each dwelling would be served by its own ground floor access, and parking/turning facilities would be provided to the north of each new dwelling, accessed via a gated access leading from the parking/service area serving the apartment accommodation proposed to the west.

3. The Principle Of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* In this regard, the relevant development plan documents consist of the Core Strategy (2014) and the saved policies of the Local Plan (2006). A key material consideration is the National Planning Policy Framework (NPPF) 2021. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9).
- 3.2 Members are advised that, within the adopted development plan the site for the proposal is located within a defined Mixed Use Area, with a smaller part of the site having an allocation for open space and/or recreation. This Mixed Use and open space designation is shown on Inset map 1b of the Local Plan and an extract will be made available as part of the Committee presentation.

3.3 In the adopted development plan, it is identified that the policies of particular relevance to the Mixed Use Area allocation are identified as policies SD02, SD03 and SD04. In regard to the part of the site with an open space allocation, policy CN03 is engaged. Notwithstanding their age, policies SD02, SD03 and SD04 are not considered to be in conflict with the NPPF and therefore may be afforded full weight. Policy CN03 is not considered to be wholly consistent with the NPPF and as a result less weight is given to it; as will be explained in subsequent paragraphs of this report, it is the application of national policy in relation to the loss of designated open/recreational space that is given greater weight in the circumstances of this application.

3.4 It is appropriate to refer to the supporting text in Chapter 10 (paragraph 10.14) which describes Mixed Use Areas thus: *“The principal shopping area is fringed with areas of mixed land uses, including shops, small businesses, housing and community facilities. It is intended that the very mixed nature of these areas, which is an essential and particular feature of the town centre, should continue. However, it will be important to ensure that different uses can exist side by side and remain. Development proposals will therefore be assessed against Policy SD02.”* This text does not carry “development plan” weight but sets the scene for such Mixed Use Areas. In relation to policy SD02 this states:

‘In the Mixed Use Areas and SD04 of Sudbury, uses in Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted.’

As this proposal does not include a B2 use (which defines general industry within the Use Classes Order) this policy is not of relevance to this particular application.

3.5 Policy SD03 states:

‘Change of use of premises to retailing and the introduction of small-scale retail developments in the Mixed Use Areas of Sudbury town centre will be permitted, provided there is no adverse effect on the environment, residential amenity and the highway network, and the scale is compatible with the surroundings.’

In this regard, Members will note that the proposal does not include a proposed change of use of premises to retailing, so no tension with this policy arises.

3.6 Finally, policy SD04 states:

‘In the Mixed Use Areas of Sudbury town centre, residential development will be permitted, particularly where:

- use is made of vacant or under-used buildings, or*
- residential development would result in a more appropriate use of land, provided it has no adverse effect on the vitality and viability of the town centre.’*

3.7 This policy is of specific relevance to the proposal, bearing in mind that the application seeks approval for residential development, albeit that the majority would be for a specific type of occupancy. The proposal seeks to re-use a locally listed building for residential purposes, and in addition would result in the redevelopment of a site formerly occupied by a leisure facility which is no longer in operation. In addition, it is not judged that the proposal would have an adverse effect on either the vitality and viability of Sudbury town centre. In fact, the introduction of a residential use in this location has the potential to increase demand for services and facilities in the town centre. On this basis, it is considered that the proposal would not conflict with the aims of the identified policy.

3.8 In relation to the relevant open space policy CN03, this states:

'Development leading to the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted.'

- 3.9 A small part of the application site is designated as open space and the area coincides with retained trees and amenity open space of the proposed retirement apartments. As such there would be a change in the tenure of this space from public open space to private open space. Therefore, and on a strict view, there is tension with the identified policy in this regard. In consideration of the weight to be afforded to this policy, bearing in mind its wording, it is noted that the NPPF, at paragraph 99 does address the issue of the loss of open space in a more flexible way as follows:
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 3.10 In regard to the above NPPF requirements, the wording of policy CN03 arguably may be judged to be inconsistent with the Framework as it does not include criteria that identify mitigation for the proposed loss (criteria a – c listed above) and is inflexible and too restrictive as a result. Additionally, the identified requirements of the NPPF are considered by officers to be satisfied due to the synergy between this scheme and the associated proposal to improve the public entrance to the park, as part of wider improvements that are intended by the landowner (criterion b). Officers consider that the identified loss should be balanced against the broader parkland improvements that this development would facilitate, as described in the adjacent park entrance improvements application reference DC/22/00985. The consideration of this application and any resolution thereon **should only** follow the consideration and a resolution to grant permission on application DC/22/00985 as this engages paragraph 99 (b).). As a consequence, the significance of any conflict or tension with policy CN03 is less weighty as a result because it is the application of national planning policy that is preferred. In any event, and notwithstanding the application of national planning policy, the amount of land to be “lost” as a result of the development is relatively minor. With the park entrance improvement works delivered it is considered that such loss as is foreseeable by reason of this application would be replaced by better provision of space in quantity and quality in a suitable location. Accordingly paragraph 99 NPPF would be satisfied with the delivery of that space and for this reason an appropriate Section 106 obligation to link the two proposals is recommended.
- 3.11 In addition to the above identified policies, other key development plan policies relevant to the consideration of this proposal are identified to include CS1, CS2, CS14, CS15, CS18 and CS19.
- 3.12 In relation to policy CS1 this identifies the Council’s commitment to securing sustainable development in the District. The policy is reflective of the NPPF and has full weight in the determination of planning applications. In this regard, the scheme is considered to propose residential development in a sustainable location on the periphery of the town. The redevelopment of the site is considered to comply with the spatial strategy of CS2 which sequentially directs most new development to the towns and urban areas of the district.

- 3.13 Policy CS14 specifically relates to green infrastructure and inter alia identifies that existing provision will be protected and enhanced. The element of the proposals that would involve the loss of public access to an area of parkland is considered earlier in this section of the report.
- 3.14 Policy CS15 is a lengthy and wide-ranging criteria-based policy, and it is inevitable that not every criterion will apply to a given development. The policy is concerned with the implementation of sustainable development in the district and sets out nineteen criteria which may be broadly summarised as relating to economic benefits, supporting local services, sustainable design, and creation of green spaces, minimising waste and surface water run-off and promotion of healthy living.
- 3.15 In consideration of individual criteria of the policy it is considered that the proposal is respectful of its setting and would make a positive contribution to the locality. In addition, the proposal would promote employment opportunities both during the construction and operational phases. The location of the site would mean that accessibility to service provision was convenient, and these can be accessed via non-car modes. The development includes sustainable construction elements, and has the potential to enhance overall biodiversity opportunities through the introduction of appropriate soft landscaping. In addition, the site is not subject to flood risk, and drainage systems appropriate to the site can be provided. In regard to relevant open space requirements, the scheme does make provision for amenity space for residents. However, in the case of the apartment building element of the proposals it is reiterated that an area of publicly-accessible parkland would be utilised as private amenity space.
- 3.16 Policy CS18 states that residential development that provides for the needs of the District's population, particularly the needs of older people will be supported where such local needs exist, and at a scale appropriate to the size of the development. Read alongside policy CS15 it is considered that the application proposal would, through the mix, type and size of units to be delivered, provide important accommodation to meet identified housing needs for older persons. Of itself this is a matter of significant weight.
- 3.17 Policy CS19 states that in order to promote inclusive and mixed communities all residential development will be required to provide 35% affordable housing. The policy goes on to explain that the onus is on developers to provide documentary evidence to support cases where development viability is a proven issue, and where such cases are accepted the local planning authority will determine an appropriate proportion of affordable homes, tenure mix and/or appropriate levels of commuted sums on a site-by-site basis.
- 3.18 In this case the Applicant does not propose to provide any affordable housing either on-site or by way of off-site financial contribution. Rather than provide documentary evidence to demonstrate issues of viability would prevent such a contribution being made, the Applicant points to the evidence base supporting the emerging JLP as opposed to the now historic evidence base that informed the drafting of policy CS19.
- 3.19 For ease, their commentary is set out below:

“The Viability and CIL review study for Regulation 19 stage was published in October 2020 and provides a significant level of detail in respect of testing for housing for older people typologies. Paragraph 8.3 of this study definitively concludes that:

‘Older Persons accommodation is unviable with 0% affordable housing and all other policies including CIL. We recommend that this type of development is zero rated for CIL and no affordable housing is sought.’ (my emphasis)

This recommendation is then further set out within Table 8-1 Proposed new CIL rates where elderly accommodation (age restricted, self-contained homes with design features and support services available to enable self-care and independent living) is recommended to be exempted from a CIL charge and an affordable housing requirement.”

- 3.20 Officers have given this position careful review and it is accepted that even if it is considered that there is a breach of policy CS19 insofar as there is no affordable housing contribution, and no documentary evidence has been provided to make out a viability case, the site-specific and contextual circumstances affecting the application are of greater weight. On balance, and giving significant weight to the JLP viability study that underpins the emerging plan (even if only limited weight is given to the JLP as a document and material consideration of itself) the lack of affordable housing contribution in this case is not fatal to the application.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. Sudbury is the largest town in Babergh district. The town has an important role in serving the shopping, leisure, social and cultural needs of the western part of the district. It benefits from extensive service provision and has public transport links to the wider area, including a train station. The nearest bus stops to the site are located at the bus station, which is approximately 150 metres southwest of the site.
- 4.2 The site for this proposal is located on the periphery of the town centre core, and it is considered that occupiers of the proposed development would have convenient access to the services that the town has to offer.

5. 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. Paragraph 111 recognises that development ‘...should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe...’
- 5.2 As part of the application submission, a Transport Statement has been produced. This document includes an assessment of existing conditions and site accessibility together with an assessment of trip generation. The summary findings of the Statement are that the site is in a sustainable location, the scheme would relocate vehicular access to an improved position in comparison with its current location, a new safe means of access can be provided and parking provision for the development reflects the requirements of the occupiers. In addition, the Statement advises that the site can be accessed by a refuse vehicle and an emergency vehicle can get within 45m of all parts of the building in accordance with building regulations requirements.
- 5.3 Members will note that the proposal inter alia seeks to create a new vehicular access point off Newton Road, which would serve both the retirement apartments and also the proposed dwellings in the converted Belle Vue House. The Transport Statement advises this access would be located approximately 20 metres east of that existing, and would be in the form of a bellmouth junction – measuring 7.4 metres in width, with 2.5 metre radii. These dimensions are advised as being adequate to allow two cars to pass simultaneously. The new junction would be served by 2.4m x 43m visibility splays and footways would be provided adjacent to the vehicle access for pedestrian access. In regard to this aspect of the development, the Highway Authority has confirmed that it has no objection to the proposals, requiring final details of the proposed access to be secured through condition.

- 5.4 In terms of parking the retirement apartment proposal would provide 17no. communal spaces, of 2.4m x 4.8m dimensions. This provision is a reduction in the number that would normally be required under the Council's adopted standards, as the standard would call for 41no. spaces for the amount of units proposed. The guidance advises that this provision is required '*...unless there is the evidence base to support a reduction in the standard...*'
- 5.5 In this case the applicant company advises that independent research has been undertaken at previous Churchill developments in regard to parking demand. This has identified an average car parking demand of 0.28 spaces per apartment – which equates to a need for 12 parking spaces for a 41no. apartment development. The DAS also identifies that research identifies that, due to the average age of purchasers (at 79 years old), car ownership is lower than normal.
- 5.6 In regard to the level of parking provision proposed for the site, Members are advised that this has previously been discussed with the Highway Authority as part of pre-application engagement. That Authority has subsequently confirmed that the parking provision for the development is acceptable to it, as appropriate justification for a reduction in the amount of spaces exists. In relation to parking provision generally, it is also pertinent to note that the site is located on the periphery of the town centre and therefore access to services etc. by non-car modes would be more convenient than a location further away from the core. In this regard it is noted that the proposals include a storage facility for mobility scooters for residents of the apartments. In addition, cycle ownership is anticipated to be low, based on the occupancy of the proposed apartments. In this regard, the Transport Statement advises that covered space would be available within the mobility scooter store.
- 5.7 In relation to the parking provision that would be made for the converted Belle Vue House (1no. 3 bed unit and 1no. 5 bed unit), this would accord with the Council's standards in that adequate space is provided on each plot to accommodate 3-4 cars.
- 5.8 Clearly, a consequence of the development taking place on the identified site would be that vehicular access to the park from this location would be removed. At present it is possible for maintenance vehicles and emergency access to take place from this point. Having raised this point with the landowner, it is understood that, as part of the wider park improvements that are proposed, the access to the park from Ingram's Well Road would be improved, as necessary.
- 5.9 In addition to the above, in relation to mitigation of impacts arising from the proposed development, the Highway Authority has advised as follows:

'...In order to access local amenities and transport connections, occupiers of the development would need to cross highly trafficked roads (such as Bell Vue Road and Cornard Road) at a busy junction using uncontrolled crossing points. Furthermore, we would consider that a high proportion of the occupiers would be vulnerable road users. Whilst several signalised crossings have been provided close to the development site, Suffolk County Council are currently investigating the feasibility of further crossing facilities in this area with the intention of providing further improvements. In order to accord with NPPF para 112, a S106 contribution is sought towards improvements to the pedestrian crossing facilities in the immediate vicinity of the development to make the development acceptable in this regard.

Paragraph 57 of the National Planning Policy Framework (NPPF) 2021 sets out the requirements of planning obligations, which are that they must be:

- a) Necessary to make the development acceptable in planning terms.*

- b) Directly related to the development; and,*
- c) Fairly and reasonably related in scale and kind to the development.*

A contribution of £42,000 accords with the above requirements and is required to make the development acceptable to the Highway Authority...'

- 5.10 In relation to the above mitigation request, Members are advised that the applicant has confirmed the requirement is acceptable to them.
- 5.11 In summary, notwithstanding the objections to the proposals that have been received on highway safety and impact grounds, Members will note that the proposals put forward for determination have not given rise to an objection from the Highway Authority. A number of conditions are proposed for inclusion on a grant of planning permission; an element of which would include the provision of electric vehicle charging points in accordance with the Council's adopted standards. Officers support their inclusion. Further mitigation would also be secured through a s106 agreement as identified above.

6. Design And Layout

- 6.1. Members are advised that the DAS submitted as part of the planning application identifies the park entrance development that is proposed on an adjacent site (currently subject to application under reference DC/22/00985) and identifies elements of that development that could contribute to the value of this proposal. To clarify, Members are not being asked to consider other development proposals (either current or potentially submitted in the future) as part of this particular application. This proposal should be considered on its own planning merits. Nevertheless this report is predicated on the acceptance of the recommendation to grant planning permission in relation to DC/22/00985 and is in part contingent on the improvement in parkland quality which engages the NPPF paragraph 99(b) consideration reported above. If that recommendation is not accepted then further review of that aspect is required.
- 6.2 Good design is a key aspect of sustainable development, as made clear in the NPPF. This requirement is reflected in adopted development plan policies CS15 and CN1, both of which identify that development will be of high-quality design that respects the local distinctiveness and built heritage of Babergh.
- 6.3 The proposed retirement apartments would be contained within a single L-shaped building that is designed to appear as a series of incremental components. Individual elements of the building would achieve either three or four storeys in height. Architecturally the building would follow a vernacular, traditional approach and materials would include the use of red and buff brick, with a reconstituted slate used on some roof elements, and red interlocking concrete roof tiles on others. Other details proposed for the exterior of the building would include the use of balcony features, and reconstituted stone cill details for some windows.
- 6.4 Internally, the building would contain a mix of 1 bed and 2 bed flats on each floor that would be accessed by a central corridor. A lift access would be provided to each floor. The upper ground floor of the building would also contain communal facilities for residents, including coffee bar, owners lounge, reception and lobby. A guest suite would be provided on the lower ground floor as would the refuse rooms.
- 6.5 The DAS advises that the position of the proposed building has been informed by the constraints of the site, including the requirement to allow vehicular access to Belle Vue House. Although the proposed building would sit forward (north) of Belle Vue House it does follow the same general orientation, which is also found on other buildings located further along Newton Road to the east.

Another intention of the design of the proposal is to present a frontage to the roundabout junction to the west of the site.

- 6.6 The context of the site surroundings is a key consideration in determining the merits of proposals for new built form. A design response proposed for one location may appear wholly incongruous in another. In this regard, an assessment of the surrounding form of development reveals a variety of building form and styles. Older buildings in the locality, including Belle Vue House itself, generally follow a traditional form, utilising materials such as brick and render, with pitched roofs clad in tiles or slates. Newer instances of built form include the shopping precinct to the west of the application site, which has a modern architectural style associated with the 1960s and 1970s. This development is of its time and visually compares unfavourably with older buildings along King Street, not least St Peters church building, which is an established landmark. There is also an instance of recent development in proximity of the application site; this being the four-storey apartment building on Newton Road, to the north of the site. This building has a contemporary architectural appearance, which introduces another design response in the locality.
- 6.7 Members will note that the proposed apartment building follows a more traditional approach architecturally, which reflects that taken with the older buildings in the area. In relation to the design of the proposed apartments, the DAS advises that inspiration has been drawn from the wider area including Belle Vue House, reflected in the use of gable features within the design as well as the use of a dark grey roof finish on some elements. The use of contrasting brick detailing is intended to be a reflection of the character of buildings found elsewhere in Sudbury. As a design response it is considered that this approach is appropriate to this prominent location on the periphery of the historic core of the town.
- 6.8 While the building is of significant size, it is considered that its overall scale would not be unacceptably intrusive in visual terms, being visually 'subdivided' into an amalgam of individual volumes, as opposed to a visually unrelieved, single volume structure. In addition, the development is designed to reflect the sloping topography of the site. In relation to the four storey elements of the proposed building, the fact that a four storey building is located in the vicinity of the application site enables an appreciation of the impact that built form of this height would have. Clearly the provision of development at four storeys in the locality has been considered to be acceptable to the Council previously. Nevertheless, liaison with the applicant regarding the apartment building's size (particularly in relation to its potential impact on the setting of nearby heritage assets) has resulted in some elements being reduced to three storeys in height, which further manages the overall visual impact this building would have.
- 6.9 In consideration of the proposed residential conversion of Belle Vue House, it is borne in mind that site constraints exist, and these would have to be factored as part of the consideration of the proposed works. For example, the circumstances of the building's location in relation to the park means that the shared boundary is in close proximity to the south elevation of Belle Vue House. However, officers consider that the private spaces serving the converted building can be achieved satisfactorily through the introduction of a suitable boundary treatment at this point, potentially augmented by soft landscaping.
- 6.10 Furthermore, the proposed dwelling nearest to the apartment building would have a limited amount of ground level amenity space. This would be offset to some extent by the provision of a terrace feature above the proposed new extension to the side (west) of this dwelling. The adjoining dwelling would have an amenity area to the side which extended to the shared boundary with the adjacent dwelling in Newton Road (identified on the submitted plans as 'The Beeches').

- 6.11 In themselves, the proposed works to the exterior of Belle Vue House are not considered to cause detriment to the appearance of this building. The existing extension to be removed at the eastern end of the building is a newer addition, and it is considered its loss would not be harmful in the overall context of the appearance of the converted building. Furthermore, the proposed extension to the west would include a parapet detail that would successfully mask its flat roof – bearing in mind the intention that this space is intended to provide a terrace facility. The reintroduction of the dormer features on the roof is also not considered to be harmful to the overall appearance of the building. Lastly, works to the western-most dwelling would also include the provision of a timber framed porch feature, in order to create a separate ground floor entrance for this dwelling. Again, it is judged that the introduction of this feature would be in keeping with the overall appearance of the converted building.
- 6.12 In regard to the proposed organisation of spaces across the site, it is considered that the scheme submitted for consideration by Members provides a responsive approach. For example, while the space to the front (north) of the apartment building would provide the parking and servicing facilities for this building, as well as the means of vehicular access for the converted Belle Vue House, the impact of this space in the street scene would be visually softened by the retained mature trees on the boundary, which would assist in filtering views. The introduction of planted features such as hedging and trees would also assist in reducing the overall impact of this space.
- 6.13 In relation to sustainable construction etc. the DAS advises that an aim of the design process for the new apartment building has been to limit both energy consumption and CO2 emissions, and utilise renewable energy. In this regard, the design would include the use of solar PV on the roof of the building, the use of energy efficient appliances, fixtures and fittings, low energy lighting, electric heaters etc.

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

- 7.1. The conservation and enhancement of the natural environment is a fundamental theme of the NPPF, and one reflected in relevant policies CS4, CS14, CS15, CS16 and CN03 of the development plan. The site identified for the development does contain trees and the impact of the proposed development on these features is material to the consideration of this proposal.
- 7.2 In regard to visual impacts of the development on the landscape, it is of particular relevance that the site is in a prominent position in the streetscene. The introduction of a new building of the scale proposed for the retirement flats will clearly have an impact on the immediate and wider area, with extensive views available from the surroundings including from King Street. In addition, the apartment building would have a visual impact on, and be clearly visible from, the park immediately to the south of the site. In regard to Belle Vue House, it is considered that its impact may be considered neutral bearing in mind it is an established element in the street, and the scheme does not propose the significant enlargement of this particular building.
- 7.3 As mentioned elsewhere in this report, the application site has a sloping topography towards its north-western end. In this regard, the apartment building has been designed to reflect the sloping topography, with lower elements adjacent to the roundabout junction. This management of overall scale does, in your officers' view, reflect a responsive approach to the site's topography, and avoids a situation whereby a large block of development achieving a uniform height were to be proposed. In combination with the proposed building comprising a series of incremental elements, it is considered that the overall scale of development would not appear as visually incongruous in this setting. In this regard, Members are advised that following the original submission of the proposal, liaison took place with the applicants with regard to the overall scale of the proposed building as it was considered to be visually excessive, particularly when considered in the context

of its likely impacts on nearby identified heritage assets. The scheme that is put forward for determination is considered to be of sympathetic scale in this regard.

- 7.4 In relation to impact on trees on site the application submission includes an Arboricultural Impact Assessment, which includes details of the trees that would be impacted as a result of the development taking place. The Assessment identified 44no. individual trees on the application site, 4no. groups and 2no. hedges. None of the features surveyed were found to fall within category A (high quality), whilst 26no. features are considered to be within category B (moderate quality) and the remainder in category C (low quality).
- 7.5 The Assessment advises that 4no. trees would have to be removed to enable construction of the proposed apartment building. In addition, a group of small trees (identified as G33) would require removal to enable construction of a wall and vehicular gate. A further group of small trees (G29) and part of a hedge (H48) would be removed to enable construction of parking bays. In relation to the site of Belle Vue House, the Assessment notes that several stems within an identified group of trees (G38) would have to be removed to enable access around the building to affect safe demolition of an existing extension.
- 7.6 In regard to the above, the Council's arboricultural officer does not object to the proposed tree loss per se, stating that in the main the losses can be offset with an appropriate planting scheme. It is recommended that a yew tree (identified as T13 on submitted plans) should be retained, if at all possible, as it may have an historical association with the site. Members are advised that the identified tree is located within the proposed footprint for the apartment building and therefore would clearly be removed as a consequence of the development taking place. In this regard, retention of this particular feature has to be considered in relation to the benefits of the proposals, as part of the planning balance. In addition, as part of a compensatory planting scheme, secured by condition, appropriate replacement tree planting can be introduced on site.
- 7.7 In relation to ecology, biodiversity and protected species the application submission included an Ecological Appraisal. This Appraisal identified that the habitats on site are common in the wider landscape and are generally of low quality. An invasive plant species (Wall cotoneaster) was recorded on site, and its removal was recommended. In terms of protected species, the site is determined to have low potential for reptiles. However, there is likely presence of hedgehogs based on the suitability of habitat and a search by hand is recommended before any removal of dense vegetation etc. Similarly, clearance of buildings or vegetation should be completed outside of the bird breeding season. If this is not possible the Appraisal recommends that a suitably experienced ecologist *'...should check for active bird nests immediately prior to clearance of the hedgerow (within 48 hours). If an active nest is discovered, then work in that area must cease and an appropriate buffer zone installed around the nest site where no works are undertaken until such a time that the young have fledged, and the nest is no longer in use...'*
- 7.8 In relation to the presence of bats Belle Vue House was identified as having a high suitability for roosting bats, and the Appraisal recommended that further survey works should be undertaken in this regard. Having considered the submitted information, the Council's Ecological consultants lodged a holding objection, on the basis that additional survey information was required prior to the determination of the application.
- 7.9 The applicant has provided a further survey as requested and the Council's consultants have maintained their holding objection, commenting as follows, *'...The Interim Bat Survey Report (Tera Tech Ltd, June 2022) indicates that the building is unlikely to contain hibernating bats. However, a Common Pipistrelle day roost is likely present on the southwest elevation of building 1. As a result, further bat activity surveys are still required to further confirm the presence of roosting bats and characterise any roost sites. This necessary to allow the LPA to have certainty*

on the likely impacts upon roosting bats and allow sufficient information to be present to inform a European Protected Species licence (EPSL) application if required for this scheme...'

- 7.10 In regard to the above, the applicant has been made aware of the comment and, at the time this report was produced a further response was expected, but had not been received. Members will be updated accordingly at the Committee meeting.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 Member will be aware that paragraph 183 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use. Additionally, paragraph 184 identifies that where a site is impacted by contamination, responsibility for securing a safe development rests with the developer and/or landowner. In addition to the above, adopted policy CS15 inter alia the Council's intention to ensure that any risk of contamination is identified and adequately managed. In this regard, the site of the proposed retirement apartments would include land that has previously been utilised for other purposes; a swimming pool development and latterly a BMX facility and a storage depot. Members will note that the Council's Land Contamination officer has no objection to the proposals but has requested that the LPA is contacted in the event that unexpected ground conditions are encountered during construction works. A suitable note could be added to an approval decision notice in this regard. The works to Belle Vue House would include a limited amount of demolition and extension, and the proposed informative would also apply to this aspect of the overall development.
- 8.2 In relation to the issue of flood risk, the application submission includes a Flood Risk and Drainage Technical Note, which has been considered by the County Council as Lead Local Flood Authority. The identified site is located wholly within floodzone 1 and as such is assessed as having a less than 1 in 1000 annual probability of fluvial flooding (less than 0.1%). In relation to surface water flooding, the Technical Note identifies '*...that the Newton Road junction to the west of the site may be susceptible to flooding below 300mm within the 100 year design life of the scheme (medium risk). The same area is indicated to be at risk of flooding greater than 300mm during the low risk event (beyond the 1 in 1000 year event). The developable extents of the site remain at a higher elevation above Newton Road and are therefore not at risk of flooding in either event. It is important to note that the mapping ignores the presence of existing drainage infrastructure, which might otherwise serve the site and surrounding developments...*'
- 8.3 In relation to surface water drainage, the Technical Note concludes that the prevailing ground conditions are such that soakaway-based attenuation of surface water is not considered feasible. It is therefore considered necessary to discharge suitably attenuated flows to the Anglian Water surface water system. The strategy includes the provision of cellular attenuation tanks in the parking areas of the proposed development. Notwithstanding the above comment the provision of a suitable surface water drainage system, preferably SuDS, is an established aim of the Council.
- 8.4 Members are advised that when originally consulted on the application the LLFA submitted a holding objection to the proposals. This was in for the applicant to submit further information as identified by that authority. Further liaison has since taken place between the applicant's drainage consultants and the LLFA and this has resulted in the LLFA recommending that it has no objection to the proposals, subject to the imposition of conditions on a grant of planning permission. These conditions reflect the points raised in the initial consultation response, and the LLFA is therefore content to receive the requested information post-determination of the application. A specific condition would require the agreement of a strategy for the disposal of surface water, and officers consider the issue of the use of soakaways, bearing in mind the feasibility issues identified in the Technical Note, can be considered further at that stage.

- 8.5 In regard to foul water, the proposals would include the provision of a new private gravity foul network, utilising a new connection to the Anglian Water foul sewer network. In this regard Members will note Anglian Water advises that capacity for flows generated by the development is available.
- 8.6 In relation to waste, access to the site by refuse vehicles would be from the new Newton Road access. Waste would be stored in the designated integral refuse store at lower ground level, and collected within the front service area on collection days. In this regard, Members will note that the proposals have not given rise to an objection from the Council's Waste services team. The key point is that the development has been designed to be accessible to a refuse freighter, which would be able to enter and leave the site in forward gear.

9. Heritage Issues

9.1 Legal Duties and Policy Context

- 9.2 Section 66(1) of the listed buildings Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision taker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.
- 9.3 Section 69 of the same Act relates to the designation of conservation areas and requires that local planning authorities determine which parts within its administrative ward are areas of special architectural or historic interest; the character or appearance of which it is desirable to preserve or enhance. Section 72(1) provides for a similar duty to s66(1) with respect to any buildings or other land in a conservation area. For decision taking it requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of such an area.
- 9.4 The effect of those statutory provisions (ss.66(1) and 72(1)) is that the desirability of preserving the setting of a listed building (or character/appearance of a conservation area) must be treated as a matter of "*considerable importance and weight*", with such duties regarded as presenting a "*strong presumption*" against a grant of planning permission where harm to a designated heritage asset is identified¹.
- 9.5 The development plan policies directly applicable to this application in heritage terms (as opposed to policy CN01 which is of tangential relevance²) are policies CN06, CN08, and CS15. They are among the most important for the determination of this application, where they specifically reference the historic environment. Members will be familiar with the content of those policies and their requirements.
- 9.6 The above local policies are considered to be consistent with the relevant provisions of the NPPF, particularly Chapter 16: '*Conserving and enhancing the historic environment*'. Within Chapter 16, paragraph 189 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 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 the weight should be). The great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

¹ *South Lakeland District Council v Secretary of State for the Environment and Another* [1992] 2 AC 141; *R (Barnwell Manor Wind Energy Ltd) v East Northamptonshire DC* [2014] EWCA Civ 137.

² Naturally, failure to comply with the most important policies cited – due to unresolved heritage conflicts – would also mean non-compliance with policy CN01 which seeks to secure development appropriate for its environmental context.

- 9.7 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 9.8 Further direction relating to assessment and treatment of harm is provided at paragraphs 196 and 204. The former states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. The latter states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure that new development will proceed after the loss has occurred.
- 9.9 Paragraphs 206 and 207 specifically reference conservation areas and among other things state that local planning authorities should look for opportunities for new development within them (as well as within the setting of heritage assets) to enhance or better reveal their significance. It is stated that proposals that preserve those elements of a setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. It is also recognised that not all elements of a conservation area will necessarily contribute to its significance. Loss of a building or other element which does make a positive contribution to the significance of a conservation area should be treated as harmful, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole.
- 9.10 Paragraphs 201 and 202 address the balancing of harm to designated heritage assets against public benefits, whether that be “less than substantial harm” (para. 202) or “substantial harm” (para. 201). As will be made clear it is only the paragraph 202 test that applies to this application.

Paragraph 202 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

- 9.11 Harm to non-designated assets is dealt with under paragraph 203, which states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.12 In light of the clear and methodical bundle of policies set out within the NPPF, Members are directed to work through them as set out above (even if the local plan policies are considered to be consistent with the Framework which officers consider to be the case). This is because, if properly applied, Members can be satisfied that they will have adhered to national planning policy and satisfied their statutory duties.

9.13 Assessment

- 9.14 The works would be undertaken close to a range of listed buildings, as identified at the start of this report and within the submitted Heritage Statement and comments of the Heritage Team.
- 9.15 As set out above, in accordance with s66 of the listed buildings Act special regard has been paid to the desirability of keeping those designated heritage assets from harm; in practice this means affording considerable importance and weight/great weight to any harm identified and recognising that any such harm gives rise to a strong presumption against granting permission.

- 9.16 S72 of the same Act does not apply, strictly speaking, because the site is outside of the Sudbury Conservation Area ('CA'). Nevertheless, where the site falls within the setting of the CA, local and national heritage policy still applies and great weight is still given to the conservation of that asset; thus, impact upon the CA remains an of issue of considerable importance even if the statutory duty is not in play.
- 9.17 The submitted Heritage Statement is detailed and has been prepared by a suitably qualified person. It follows the stepped approach to assessing impacts upon significance through setting, as advocated by 'The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3 (2nd Edition).' Its ultimate conclusions, however, differ from those provided by the Council's own Heritage Team. On balance, and adopting a cautious stance, it is the advice of the Heritage officer that is preferred.
- 9.18 Through negotiation the application has been evolved as an iterative process and it is important to set out the overall summary of the Heritage Team, in relation to the final proposed scheme, as follows:

"I consider that the proposal would likely cause:

- *A very low to low level of less than substantial harm to the Bear Hotel (Grade II) because the proposed apartment block would likely be a somewhat dominant feature within the setting of this listed building, that would to some extent draw attention away from this asset and appear out of keeping with the prevailing scale of development within its setting. I consider that a very low level of harm would occur to the other Grade II listed buildings along King Street listed below for the same reasons, gradually decreasing to no harm before reaching the Church of St Peter.*
- *A very low level of less than substantial harm to the character and appearance of Sudbury Conservation Area, as the proposed building would be somewhat out of a scale with historic development within that part of the Conservation Area in close proximity, along King Street, and erode the visual connection between the Conservation Area and Belle Vue Park.*
- *A low level of less than substantial harm to the significance of the Church of St Peter (Grade I), as the proposed apartment block would likely obscure or else draw attention away from a good view of this listed building from Belle Vue Park.*
- *A low level of less than substantial harm to a non-designated heritage asset because the proposed apartment block would likely be a fairly dominating intrusion into the historic formal garden setting of Belle Vue House, although not quite as extensively as previously. Additionally, the conversion of Belle Vue House to residential may be at odds with its later history as a fairly public building.*
- *Some heritage benefits to Belle Vue House, by providing this redundant heritage asset with a new use reasonably in keeping with its significance, the removal of an unsympathetic extension, and overall restoration, thus helping ensure its long-term preservation."*

- 9.19 In respect of the identified designated heritage assets (including the Sudbury CA), it has been identified that the proposed development would cause less than substantial harm to their significance. Irrespective of findings of "very low" and "low" less than substantial harm, the harms remain serious and ss66(1) of the listed buildings Act is actively engaged alongside the policies of the development plan and the NPPF. There is a strong presumption that planning permission will be refused. It is a rebuttable presumption but there must be compelling countervailing

considerations/clear and convincing justification. Great weight should be given to the conservation of a heritage asset (and the more important the asset, the greater the weight should be).

9.20 The harms identified require to be weighed against the public benefits of the development.

The PPG defines public benefits as:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (para. 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”³

9.21 With that in mind, it is necessary to address those benefits and they are set out as follows:

- Delivery of residential development in a sustainable location
- Contribution to the local economy
- Provision of accommodation specifically for older persons where there is an identified need
- Provision of new jobs, including during the construction phase of the development

No weight is given to the financial benefits that would result to the Council should this application be approved, and that includes the receipt of any land transaction.

9.22 The development would also generate a return in terms of CIL receipts at the present time, which is of itself an economic benefit, albeit of limited weight. While the primary purpose of the CIL is to mitigate the impact of new development, it would nevertheless allow for improvements to existing services and facilities that could result in wider public benefit. In any event the limited weight given to this benefit has no material effect on the heritage and planning balances to be struck.

9.23 A further benefit, in heritage terms, has been put forward in relation to the improvements and long-term security posed to Belle Vue House, alongside its restoration. However, for sake of prudence, whilst the removal of an ungainly extension is welcomed, officers afford no weight to this suggestion and Members should note NPPF para. 196 which states: *“where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision”*. This factor therefore plays no role in the heritage and planning balances relevant to the various assets affected by the development; thus, the public benefits are those bullet-pointed above.

9.24 Applying the NPPF balance under paragraph 202 it is not clear if the harm identified in respect of the various designated assets should be dealt with as independent balancing exercises between the assets harmed, or together i.e., as a cumulation of heritage harms; it is assumed from the language of the policy that each asset must be treated in turn. Regardless, officers have considered the relevant balance all ways, but the outcome nevertheless remains the same each time.

9.25 Notwithstanding the findings of harm to the significance of designated heritage assets, including to particularly important buildings of more than/exceptional special interest (noting the GI Church),

³ Historic Environment: Paragraph: 020 Reference ID: 18a-020-20190723 (revised July 2019).

and the strong presumption against the grant of planning permission in such circumstances, it still remains possible for other considerations to be even more weighty.

- 9.26 In the circumstances of this application, it is judged that the heritage harms, while notably serious and clearly appreciable, do not outweigh the particularly strong and compelling public benefits identified above. This also includes the “balanced” judgement required in relation to Belle Vue House if treated as a non-designated heritage asset.
- 9.27 The application is therefore acceptable in heritage terms though it is recognised that the heritage harms must be weighed again, alongside the various benefits as material considerations, in the overall s38(6) planning balance set out in the conclusion to this report.
- 9.28 If Members are minded to accept officers’ recommendation, then it will be important to impose the conditions suggested by the Heritage Team.

10. Impact On Residential Amenity

- 10.1. Members will be well aware that impacts arising from development on residential amenity is an important planning consideration. Paragraph 185 of the NPPF identifies that new development should be appropriate to its location, taking into account issues such as impacts on health, living conditions etc. This aim is reflected in development plan policies CS15, CN01 and CN04.
- 10.2 The location of the application site is such that there is residential development within proximity. To the north of the site, on the opposite side of Newton Road and facing the site, is a recent four storey apartment building. The entrance to Belle Vue Road is adjacent to this site, which contains a number of dwellings. In addition, there is an established residential development fronting Newton Road, to the east of Belle Vue House. To the west of the application site, some residential development is mixed with the commercial development. There is also residential development located along Cornard Road to the south, although the park is located immediately adjacent.
- 10.3 In relation to the proposed retirement apartment building, the location of this is such that it is judged to avoid creating an unacceptably overbearing effect on the amenity of the dwellings in the vicinity, notwithstanding its scale. Whilst the outlook from these properties would change, this in itself is not deemed to be a harmful consequence of the development taking place, per se. Members will be aware that the protection of views across third party land is not in the remit of planning control. Nevertheless, in any event the new build is not considered by officers to constitute a visually harmful new element in the street scene.
- 10.4 In relation to issues of loss of light, shading etc. it is considered that the new building would be positioned sufficiently distant from existing dwellings so that unacceptable impacts were avoided. In assessing this issue, the fact that Belle Vue House itself would be converted to residential use as a consequence of the development proposal means that the amenity of the future occupiers of this building is also a material consideration.
- 10.5 Similarly, it is considered that the new apartment building would not result in an unacceptable loss of privacy for surrounding dwellings by reason of overlooking. In relation to the northern and western elevations of the proposed building, these would face across the public realm (Newton Road and the roundabout junction). In addition, in the case of Newton Road, the apartment building would be set back from the northern boundary, which would further limit this impact. In this regard, the newer apartment building located to the north of the site in Newton Road sits closer to the road than would be the case with this current proposal.

- 10.6 The southern elevation of the apartment building would face across the park, which is also public realm. Lastly, the eastern elevation would face towards Belle Vue House, and in this regard, it is the case that the nearest above ground floor windows facing towards the building would serve a kitchen and provide a secondary light for a living room. The position of these windows is such that they would face towards the front amenity space/parking area serving the nearest dwelling resulting from the conversion works. Therefore, it is considered an unacceptable loss of privacy would be avoided.
- 10.7 In relation to the conversion works to Belle Vue House, again it is judged that these would not result in harm being caused to the residential amenity of surrounding dwellings. The residential use of this building per se would be appropriate bearing in mind its location, and former original use. The conversion works would utilise existing openings within the building and two existing dormer features would be reinstated, which would not give rise to an unacceptable degree of overlooking due to their distances from the adjoining curtilage of the nearest dwelling in Newton Road, or the proposed apartment building. A new extension would be added to the building, on its western end, and this element would include a terrace facility at first floor, with a parapet wall detail, to provide a degree of screening. In order to further reduce the opportunity for overlooking of an outdoor amenity space that would serve the apartment building, a suitable screen feature could be secured through condition.
- 10.8 As well as consideration of the impacts arising from the development on the amenity of existing residential development in the locality of the application site, it is also necessary to consider likely impacts on the amenity of the occupiers of the proposed development itself, bearing in mind for example the proximity of the site to a busy road junction etc. The initial consultation response received from the Environmental Health officer identified a need for a Noise Impact Assessment to be undertaken, in this regard. Following receipt of the Assessment, the officer noted that road traffic noise is likely to cause an adverse effect to varying degrees. Mitigation in the form of glazing options for the affected apartments and alternative means of ventilation have also been considered. The Assessment also included consideration of noise that may arise from the park itself, specifically the skate park facility, and the impact this may have.
- 10.9 The officer, in consideration of the findings of the Assessment, has recommended the inclusion of conditions on a grant of planning permission, including a requirement for a detailed acoustic mitigation report, control of hours of construction or demolition, the agreement of a Construction Method Statement and no burning of waste and materials. Officers support this inclusion of these conditions.
- 10.10 In summary, the submitted proposal would not, in officers' view, give rise to adverse impacts on residential amenity that would justify a refusal of planning permission on these grounds. Where impacts are judged to occur, these can be addressed appropriately through the imposition of conditions attached to a grant of planning permission.

11. Planning Obligations / CIL

- 11.1. Paragraph 57 of the National Planning Policy Framework (NPPF) 2021 sets out the requirements of planning obligations, which are that they must be:
- a) Necessary to make the development acceptable in planning terms.
 - b) Directly related to the development; and,
 - c) Fairly and reasonably related in scale and kind to the development.

- 11.2 Members are advised that in order to mitigate impacts arising from the development the Highway Authority has identified that a contribution of £42 000 is necessary, to be used towards improvements to the pedestrian crossing facilities in the immediate vicinity of the development to make the development acceptable in this regard. In liaison with the applicant it is established that the figure is acceptable to them.
- 11.3 Members will also note the CIL request that is made by Suffolk County Council in relation to the provision of library services, which equates to £9 072. In addition, a monitoring fee of £412 is requested.

12. Town Council Comments

- 12.1 The comments received from the Town Council are fully acknowledged and appreciated. The following comments are made by officers in response:
- The adopted development plan identifies the majority of the application site as falling within a defined mixed-use area, with part of the site within an area of open space. The adopted plan includes an inset map that defines the various areas. That part of the site that is defined as a mixed use area includes the site of the former outdoor swimming pool plus Belle Vue House. It is your officers' opinion that these parts of the site do constitute previously-developed land, whereas that part of the site that is in defined open space does not.
 - The impacts of the proposed development on defined designated and non-designated heritage assets in the area have been considered in accordance with the requirements of legislation and the NPPF as well as identified development plan policies. The height of elements of the apartment building have been reduced following liaison with the applicants, to address concerns raised by the Heritage Team. In this regard officers consider that the overall height and scale of this new building are not excessive.
 - The amount of parking proposed for the apartment buildings reflects the demand that is generated on other sites run by the applicant. This reduction is justified on the basis of lower vehicle use by older residents as explained in the application submission. Having considered the information, the Highway Authority has accepted a lower standard. It is also pertinent to note the sustainable location of the site in relation to parking provision.
 - In relation to concerns regarding highway safety, this issue has not given rise to an objection from the Highway Authority. In addition, the proposals seek to create a new access to serve the overall site and this element of the application is also deemed acceptable. Various conditions suggested by the Highway Authority would be imposed on a grant of planning permission, in the event that Members accepted the officer recommendation.
 - Technical assessment provided by the applicant does identify that soakaway-based attenuation of surface water is not feasible due to ground conditions. In this regard, the LLFA has recommended conditions on a grant of planning permission that inter alia would require the applicant to submit a surface water disposal strategy.
 - The proposal would result in tree removal, as identified elsewhere in this report. This includes removal of an established yew tree. As Member will be aware, the impacts arising from the loss of trees needs to be balanced with the benefits that would result from the development, as part of the overall consideration of the planning application.

- Surveys for the presence of bats have previously been undertaken and the Council's ecology consultant has requested that further survey work is undertaken in relation to a particular building. This issue has been raised with the applicant and, at the time this report was produced a response had not been received. It is considered that the appropriate survey works can be undertaken and the recommendation to Members reflects this situation.
- The application submission provides details of the growing need for accommodation for older persons nationally and adopted policy CS18 inter alia identifies the aim to support development that seeks to meet this need.
- As noted elsewhere, a current application for a new entrance to serve the park is also under consideration. In terms of planning, each application has to be considered on its own merits. Nevertheless, there is clearly a synergy between this application and that for the new entrance. The Council, as landowner in each case, would have to address the issue of maintenance of access to the park, in the event that this planning application were to be approved. Specifically in relation to vehicular access, the park benefits from an access in Ingrams Well Road which may also be utilised and, it is understood, could be improved as part of wider improvements to the park.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The recent case of Corbett has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.
- 13.2 There is a statutory presumption in favour of the development plan. The NPPF, an important material consideration, reiterates this fundamental point. Within the adopted development plan, the majority of the identified site is located within a defined mixed-use area. In this regard, the development plan policies that are considered to be most relevant are policies SD02, SD03 and SD04, which relate specifically to the mixed-use area allocation within Sudbury. Officers have determined that the proposal does not contradict the requirements of these specific policies in this regard, as explained elsewhere in this report.
- 13.3 Clearly the development does conflict with the terms of policy CN03, as far as the area of the application site that is currently parkland would be utilised for private amenity purposes serving the retirement apartment development. In your officers' view, this aspect of the proposals may be considered in relation to the landowner's wider aspirations for improvements to the park – evidenced by the current application submission to improve the entrance and as such is considered acceptable in planning terms subject to an appropriate Section 106 obligation to secure those improvements. The significance of any conflict with the policy therefore falls away and it is the application of national policy in this regard that is given greater weight.

- 13.4 Other development plan policies that are identified as being key in the determination of the application are identified to include CS1, CS2, CS14, CS15, CS18, CS19, CS21, CN06 and CN08.
In relation to the development proposal, the aims of the various policies are considered to be addressed satisfactorily.
- 13.5 The Council embraces its statutory duties in relation to the historic environment and considerable importance has been attached to the harm, albeit broadly limited, that has been identified in relation to designated heritage assets, with a balanced approach taken to the non-designated asset of Belle Vue House. Nevertheless, the benefits of the development are determined to outweigh those identified harms and the application satisfies the relevant policies of the development plan and the NPPF.
- 13.6 Overall and in the round the application is considered to accord with the development plan as a whole. The policies directly engaged by this proposal are up to date and it is considered that in the circumstances of this application the plan is up to date. Therefore, in accordance with policy CS1 and NPPF para 11.c) *planning permission should be granted without delay*. Furthermore, the benefits of the development – including the major provision of accommodation for older persons – are considered to be particularly weighty such that they clearly and decisively outweigh all identified adverse impacts including to built heritage and the minor loss of parkland (the latter of which, in any event, is subject to mitigating proposals).

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:

- A contribution of £42 000 to be used towards improvements to the pedestrian crossing facilities in the immediate vicinity of the development to make the development acceptable in this regard.
- A monitoring fee payment of £412
- Delivery of park entrance improvement works under DC/22/00985 phased to programme of application site works DC/21/06159 to ensure development within that part of the site within the open space area is linked to the construction and delivery of park entrance improvement works to the satisfaction of the Chief Planning Officer.

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

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Agreement of external facing and roofing materials prior to commencement of works above slab level

- Agreement of the new windows and doors to Belle Vue House prior to their installation.
- Following removal of the extension to Belle Vue House to be demolished, adjacent fabric to be made good using matching materials and methods.
- Removal of any Permitted Development Rights for both the apartment block and Belle Vue House, for further boundary treatments, outbuildings, and extensions, as considered appropriate by the LPA, in order to control further works that may harm the setting of nearby heritage assets.
- Condition to ensure that the proposed conversion of Belle Vue House takes place as part of the approved works, in accordance with an agreed timescale, to ensure that the heritage benefits of the scheme are realised.
- Development being carried out in accordance with the measures identified in the submitted Arboricultural Impact Assessment
- Construction Management Plan submitted to and approved in writing by the LPA prior to the commencement of development.
- Approval of a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and operational phases, prior to the commencement of development.
- Approval of a detailed hard and soft landscaping scheme plan including replacement tree planting prior to the commencement of development
- Approval of a Landscape Management Plan prior to the commencement of development
- Conditions as may be recommended by Place Services – Ecology
- Approval of details for waste collection as identified by Waste Services
- Approval of a detailed acoustic mitigation report prior to the commencement of development
- Controls over timing of demolition and construction works
- Agreement of a Construction Method Statement prior to the commencement of development
- No burning of demolition or construction waste
- Approval of a detailed strategy for the disposal of surface water prior to the commencement of development
- Approval of details for the implementation, maintenance and management of the approved strategy for the disposal of surface water prior to the commencement of development
- Submission for approval of a surface water drainage verification report, within 28 days of practical completion of the last dwelling or unit.
- Approval of a Construction Surface Water Management Plan prior to the commencement of development.

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

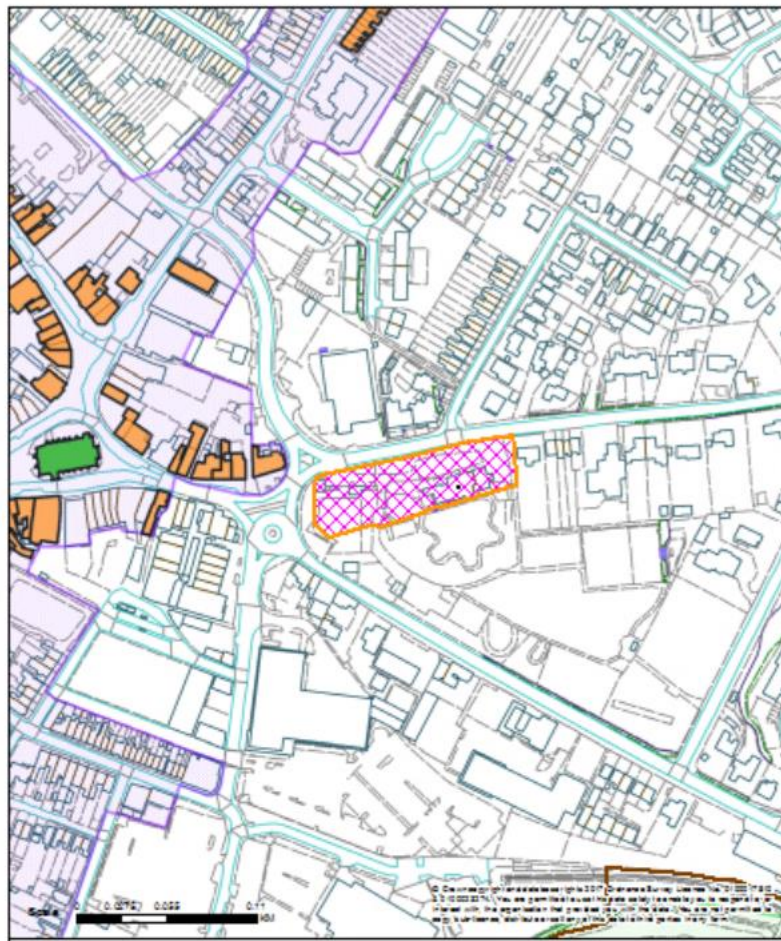
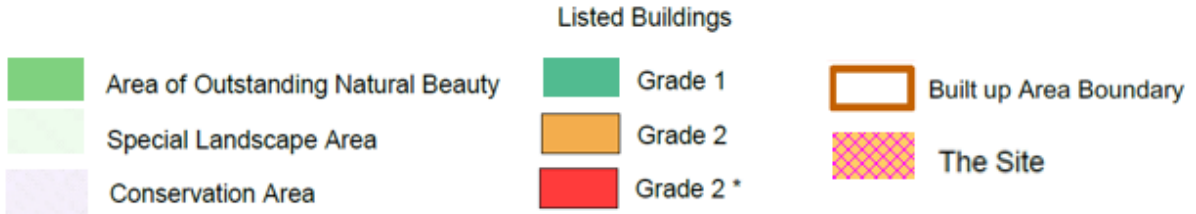
- Proactive working statement
- SCC Highways notes
- Notes in relation to land contamination
- Anglian Water informatives
- LLFA informatives

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

Application No: DC/21/06519

Parish: Sudbury

Location: Belle Vue House & Old Swimming Pool, Newton Road



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Agenda Item 6c

Committee Report

Item No: 6C

Reference: DC/22/02948

Case Officer: Elizabeth Flood

Ward: Lavenham

Ward Member/s: Cllr Margaret Maybury and Cllr Clive Arthey

RECOMMENDATION – PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Construction of solar park.

Location

1 Northern Road, Chilton Industrial Estate, Sudbury, Suffolk CO10 2YH

Expiry Date: 04/08/2022

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: JCS Hi-Torque Limited

Agent: Mrs Gillian Davidson

Parish: Chilton

Site Area: 0.98ha

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

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

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The development comprises a renewable energy development

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

EM02 General Employment Sites - existing

CN01 Design Standards

TP15 Parking Standards – New development

CS13 Renewable – Low Carbon Energy

CS15 Implementing Sustainable Development

CS03 Strategy for Growth and Development

Neighbourhood Plan Status

This application site is within an area where a Neighbourhood Plan is being progressed. It currently has no 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

Chilton Parish Council:

The Parish Council does not object to the principle of having a solar park on this site, we do have concerns and reservations about the proposed scheme and consider it needs improvement in certain respects which should be readily achievable by the Applicants.

We question why the panels need to be so high off the ground and why could they not be lower in height so as to reduce their prominence. The Parish council would like a detailed explanation of what construction system is to be used to mount the solar panels and what steps will be taken to mitigate noise and dust pollution

There is no explanation of the strategy underlying the height of and location of the CCTV cameras nor what areas or range each of these cameras will cover. By having a column 9 metres high plus a camera of uncertain dimensions located upon the top, these CCTV columns will be prominent and easily visible to pedestrians such as visitors to the Health Centre and from vehicles passing along Church Field Road. As three of the cameras will be located very close to the edge of Church Field Road issues of privacy and data protection arise. If it is necessary to have CCTV along this northern edge, about which there is no information, Chilton Parish Council would like to have assurances from the Applicants and / or their technical suppliers that the cameras range will not cover pedestrians or drivers along Church Field Road and their range will only cover inside the wire mesh fence.

The existing small tress and hedgerow along the northern boundary with Church Field Road has gaps in places and elsewhere is thin. We consider full details of the additional planting of trees and hedges with a detailed plan of the proposed biological enhancements needs to be provided now in advance of any decision on this application so that information can be considered as part of that application rather than by subsequent condition

The provision of areas of grassland by way of skylark suitable plots should be also provided which would help increase/ establish their network. No provision or information provided for what is intended to be the regime for the grassland strips and the areas in and around and under the solar panels themselves in our view this information should be provided upfront now and not be dealt with by condition.

Sudbury Town Council: Approve

County Council Responses

SCC Flood and Water Officer

Holding objection. Strategy for surface water disposal is needed.

SCC Highways

No objection subject to conditions. Construction management plan to be submitted

Internal Consultee Responses

Environmental Protection Sustainability

There is a need for an increase in renewable energy.

Environmental Protection Land Contamination

No objection, LPA to be contacted if any unexpected ground conditions are encountered.

Environmental Protection Noise/odour/light/smoke

No objection.

Place Services Ecology

No objection subject to conditions relating to Ecological Appraisal recommendations and Biodiversity enhancement strategy

B: Representations

At the time of writing this report no letters/emails/online comments have been received. A verbal update shall be provided as necessary.

PLANNING HISTORY

REF: B/0885/84/FUL	Construction of additional vehicular access.	DECISION: GRA 22.11.1984
REF: B/0248/84/FUL	Erection of extension to factory and office accommodation.	DECISION: GRA 26.04.1984
REF: B//92/00167	ERECTION OF SINGLE STOREY FACTORY EXTENSION AND CONSTRUCTION OF ADDITIONAL CAR PARKING	DECISION: GRA

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

1.1. The application site is located adjacent to the built-up area boundary of Sudbury and sits between Northern Road and Churchfield Road. The site is 0.98 hectares, is currently allocated as employment land and is surrounded by commercial units. The site is within the ownership of the

factory to the south, JCS Hi-Torque Limited which fronts onto Northern Road. There are very limited constraints on this site, it does not contain and is not in the setting of any listed buildings and is not located in any designated landscape area. The application site is within Flood Zone 1 and is at a very low risk of surface water flooding.

- 1.2. The character of the immediate area is predominantly employment and commercial units, with a relatively sloped landscape leading east of the site down Northern Road. The access point to the site would offer very little view of the site; however, Churchfield Road that runs along the rear offers views of the entire site. The rear of the site is also entirely made up of employment and commercial units.
- 1.3. The site does not fall within a designated Conservation Area. There are no listed buildings within the proposed site area. The closest nearest building is over 300 metres east of the site and is the Grade I listed Church of St Mary Chilton.

2.0 The Proposal

- 2.1. Full planning permission is sought for a photovoltaic solar park with associated battery storage and ancillary infrastructure, to provide electricity to the adjoining factory, JCS Hi-Torque Limited.
- 2.2. A brief description of the main infrastructure is set out below:
 - Solar panels – The solar panels are to have a maximum height of 2.4 metres and will be arranged in rows, facing south along the site. There will be a total of 1764 panels arranged over 15 rows.
 - Battery storage – The ancillary infrastructure required to house the batteries will measure no larger than 12.2 metres by 2.3 metres with a flat roof height of 3.7 metres.
 - Mesh fencing – 1.8-metre-high green mesh fencing is proposed along the boundary of the site, including the tree line along the northern boundary within the tree line.
 - CCTV – A total of 9 CCTV cameras will be installed on the site, these would be mounted on 3-metre-high poles in order to increase security of the site.
- 2.3. The proposed solar park would have a capacity of 697 kWp and would generate 803MWh which would provide enough energy to offset 75% of the adjoining business' needs. Whilst also preventing 482 tonnes of carbon dioxide emissions from JCS Hi-Torque Limited. It is estimated that 91% of the electricity produced by the solar park would be used in the adjoining factory.

3.0 The Principle Of Development

- 3.1. In considering this planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan includes the saved policies of the Babergh Local Plan 2006 and Core Strategy 2014.
- 3.2. The site is allocated within the Babergh Local Plan (2006) as an extension to the Chilton Industrial Estate General Employment Area. Policy EM2 states that planning permission will be granted for employment related development in principle. The solar park in itself will produce very few jobs and such a use would generally not be acceptable within a General Employment Area.

- 3.3. In this case, however, the land is adjacent to and within the ownership of JCS Hi-Torque Limited which manufactures hose clips. This business has been located in Sudbury since 1973 and currently provides 88 skilled jobs. The factory includes a metal plating plant which is a very high consumer of energy, recent increases in electricity prices have meant monthly electricity bills have risen from £14k to £75k. These costs are considered unsustainable and put the business at risk.
- 3.4. The development of the solar park would provide 75% of JCS Hi-Torque Limited's electricity costs and is likely to secure 88 jobs. While the development would not in itself create jobs it would protect existing jobs and therefore the principle of development within EM02 is acceptable.
- 3.5. It is estimated that, with the use of extensive use of storage batteries, 91% of the electricity produced by the solar park, will be used by JCS Hi-Torque with the remaining 9% available to the grid. The proposal is therefore clearly related to the needs of the business rather than a conventional solar park.
- 3.6. While there is a risk that the business could close or relocate and therefore the solar park would no longer be required, the solar park would be a major benefit to any proposed user of the wider site or could be used to provide renewable energy to the grid. The site has remained undeveloped, despite being allocated for employment use since 2006 which indicates that it is unlikely to come forward for an alternative employment related development.
- 3.7. The NPPF must also be taken into account as a material consideration in planning decisions.

Para 152 states:

"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

And goes on, at para 158, to set out how plans and decisions should provide for renewable energy development including stating that in determining applications for renewable energy developments: *"local planning authorities should:*

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."

- 3.8. It is also necessary to note a number of relevant documents that set out the Government's wider objectives for delivering renewable energy developments as part of the ongoing decarbonisation and net zero agenda, including:
 - National Policy Statements: These provide the policy context for the determination of NSIP scale proposals. This development is below the threshold for consideration as an NSIP, but EN-1 and the revised draft EN-3 provide helpful context and an indication of the government's direction of travel

in respect of renewable energy development, now specifically identifying the role of solar development as a key part of the government's strategy for low-cost decarbonisation of the energy sector.

- British Energy Security Strategy (2022): This reinforces the net zero agenda and sets out a package of priorities, funding and policy objectives to move the country back to energy independence. This includes provision for onshore wind, solar and other technology including recognition of the need for network capacity and flexibility such as battery storage;
- Net Zero Strategy – Build Back Greener (2021): This is a decarbonisation plan setting out the UK objective of achieving net-zero emissions by 2050. Part of the plan for “Building Back Better” after the covid pandemic;
- Energy white paper (2020): This builds on the ten-point plan for a green industrial revolution, addressing the transformation of the energy system, promoting high-skilled jobs and clean, resilient economic growth as the UK seeks to deliver net-zero emissions by 2050;
- United Kingdom Food Security Report (2021): This document sets out an analysis of statistical data relating to food security. It is relevant here as the development would take an area of agricultural land, in arable production, out of active use for the period of the development proposed.

3.9. The principle of renewable energy development is supported by the NPPF (and other existing and emerging Government policy). The proposal is considered to be in general accordance with EM02 such that, provided the impacts of the proposal are or can be made acceptable, in accordance with NPPF para 11c, the planning authority should grant permission without delay. The impacts of the development and accordance with topic-specific policies are discussed in the following sections.

4.0 Site Access, Parking And Highway Safety Considerations

- 4.1. Access to the site is to be from the existing access point to the adjoining factory, off of Northern Road. This access is already well established and can accommodate large delivery vehicles during construction phases as well as maintenance vehicles during operational periods.
- 4.2. During operational periods there would be a limited need for parking provision or staff parking. Any additional parking that could be needed would be accommodated by the already existing car park of the factory.
- 4.3. The Suffolk County Council Highway Authority has raised no objection subject to a condition. The condition to be imposed is to ensure a construction management plan is submitted to, and approved in writing by, the LPA to ensure that during construction phases the impact of heavy-duty vehicles does not have an adverse impact on highway safety.

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

- 5.1. The character of the immediate area is predominantly employment and commercial units, with a relatively sloped landscape leading east of the site down Northern Road. There are other commercial units surrounding the site, with Sudbury Community Health Centre directly north of the site, the manufacturing buildings of JCS Hi-Torque to the south, a commercial building to the east and McDonald's and Homebase to the west. The area holds no significant landscape value and this application has limited impact on this landscape. As stated above, the site is not subject to any statutory designations.

- 5.2. The closest residential dwellings are approximately 60 metres north of the site, situated on Waldingfield Road. The development is screened from these properties by the already existing vegetation to the south of the dwellings. There is some existing vegetation along the northern boundary of the site, which does not fall within the red line of this site.
- 5.3. The proposed development would not have an outlook or visual amenity impact on any neighbouring properties as these are all commercial units and not residential. The nearest dwellings are a sufficient distance from the proposal and, therefore, their visual amenity would not be adversely affected by this proposal.
- 5.4. The solar park may appear somewhat incongruous, surrounded by large scale commercial units; however, given the relatively low height of the panels and the retained vegetation, the development would not be particularly visible and could not be considered detrimental to the character of the area.
- 5.5. Chilton Parish Council has commented on this application with one aspect of it being the proposed height of the panels, stating that if there is to be no grazing of animals underneath the panels why is the height justified. In response, the height of these panels is considered typical for this sort of development and does not result in an adverse impact on the landscape.
- 5.6. On the basis of the above, there is not considered to be any unacceptable landscape or visual impact arising from the development as would warrant refusal of the application.

6.0 Flood Risk

- 6.1. The application site lies in Flood Zone 1 and is at a very low risk of surface water flooding.
- 6.2. The proposed development includes some additional hardstanding on the site, which consists of a crushed limestone roadway from the end of the existing access to the southern boundary of the site. This material is permeable and would therefore have limited effect on the drainage and surface runoff rates and is considered an acceptable material.
- 6.3. The Lead Local Flood Authority (LLFA) has a holding objection until details of surface water discharge are submitted. It is proposed that any decision is subject to providing details of surface water discharge which are acceptable to the Flood and Water Officer. Given the large size of the site and the relatively small area of non-permeable surfacing it is considered that this holding objection can be relatively easily resolved and should not delay the Committee making a resolution on the application.
- 6.4. An initial ecological appraisal and additional reptile surveys have been provided for the site. No reptiles were found during the surveys and the site has limited potential to provide habitats for other wildlife given its location surrounded by commercial development. The initial ecological appraisal notes that the grassland could provide nesting opportunities for skylarks, and it is proposed to mitigate against any impacts on breeding birds by preventing development during the nesting season, or for the site to be surveyed for bird nests before work start, by an ecologist. The Parish Council has requested that skylark plots are provided elsewhere. This is considered unnecessary given the small size of the site, which limits the opportunity for skylarks to nest and would be unduly onerous on the applicant.

6.5 Place Services Ecology is content that the proposed development would not be detrimental to biodiversity subject to conditions including biodiversity enhancement strategy.

10.0 Impact On Residential Amenity

10.1. The site is located amongst other commercial and employment units and has a sufficient separation distance from the nearest residential dwelling (Approximately 60 metres).

10.11. Due to the nature of the proposal, privacy and overlooking concerns would not arise from the development.

10.12. There would be an increased amount of traffic movements from the site during construction phases; however, it is assumed that this will decrease once the development is operational. A construction management plan is to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the works to ensure there will be minimal disturbance from vehicle movement.

10.13. The increase of traffic movements to and from the site would be via Northfield Road which is a well-established adopted highway. This road is used for several commercial units and can accommodate large and heavy vehicles that would be required during construction.

10.14. The proposed development includes electrical / mechanical equipment that would produce noise when operational; however, this is very unlikely to be heard from the residential dwellings to the north. The surrounding units are used for manufacturing, meaning that the immediate locality of the site is noisy during operating hours. The noise created by the equipment as part of this proposal is not considered to be unacceptable in the setting and would not be louder than the existing noise levels coming from the existing built environment.

10.15. Due to the location of the proposal being set back from the highway of Northern Road, there is very minimal potential for glint and glare to have an adverse effect on residential amenity. The location means that any glint and glare that is created would only possibly affect the JCS Hi-Torque Ltd buildings and the existing unit would screen most of the proposal from other neighbouring units and therefore minimise any concerns raised. There would be no impact to the safety of road users as the proposal is a sufficient distance from the nearest highway or turning areas and therefore would not affect the user's safety.

10.16. BMSDC's Noise/odour/light/smoke Officer has raised no objection to this application. Overall, there are not considered to be any unacceptable impact in respect residential amenity such as would warrant refusal of the application.

11.0 Parish Council Comments

11.1 The majority of matters raised by Chilton Parish Council have been considered in the above report, but the following issues have also been raised:

- Potential for CCTV to look outside of the site. The CCTV is located within the site, approximately 5 metres at the nearest point to Church Field Road, The CCTV is required to protect the solar panels and would, therefore, be positioned to provide surveillance of the panels rather than the road. Given the commercial nature of the surroundings there are already numerous other CCTV cameras within the vicinity.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1. The proposed solar park has been designed by JCS Hi-Torque Ltd. to allow the business to be nearly self-sufficient in energy production, protecting the business from high energy costs and fluctuations of electricity prices. This would significantly improve the long-term prospects of the business and help protect 88 skilled jobs. It would also significantly lower the carbon footprint of the business and allow the staff to have the benefit of electric car charging which, coupled with an electric car leasing scheme, would help employees lower their commuting costs.
- 13.2 The disbenefit of the scheme is that the land has been allocated for employment-related development and in itself the solar park would not produce jobs. However, the site has been allocated since 2006 and has not come forward for employment-related development, the solar park is directly related to JCS Hi-Torque Ltd and therefore is considered to be acceptable under Policy EM02.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to approve this application for planning permission subject to submission of a satisfactory strategy for the disposal of surface water and subject to the following conditions as summarised below and any others as may be deemed necessary by the Chief Planning Officer:

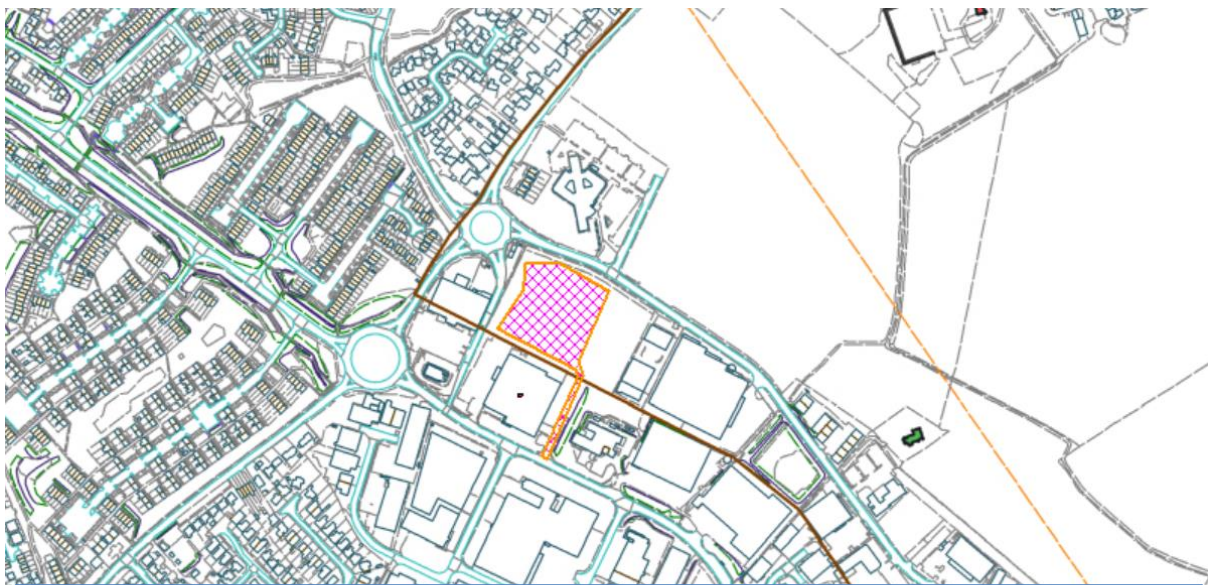
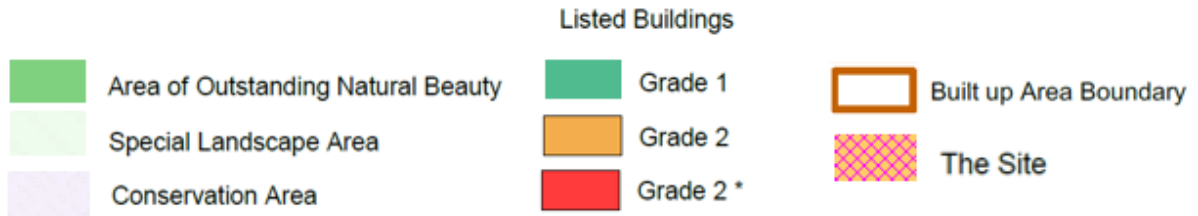
- **Standard time limit**
- **In accordance with the approved plans**
- **Construction Management Scheme**
- **Ecological appraisal recommendations**
- **Biodiversity enhancement strategy**
- **Landscaping scheme including details of boundaries landscaping and land between solar panels.**

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Application No: DC/22/02948

Parish: Sudbury

Location: 1 Northern Road, Chilton Industrial Estate



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Agenda Item 6d

Committee Report

Item No: 6D

Reference: DC/20/03083

Case Officer: Rose Wolton

Ward: Ganges.

Ward Member/s: Cllr Derek Davis.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application – Conversion, repair, and extension of existing farm buildings to form 5no. dwellings, erection of garage, the demolition of buildings (including the metal clad barn), provision of new vehicular access to The Street and associated landscaping.

NOTE – the application had also initially sought two extra dwellings to replace an existing Dutch barn, this element has now been withdrawn from the application.

Location

Erwarton Hall Farm Yard, The Street, Erwarton, Ipswich Suffolk IP9 1LQ

Expiry Date: 25/08/2021

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: JRH Veenbaas And Co.

Agent: Boyer Planning

Parish: Erwarton

Site Area: 0.96ha

Details of Previous Committee / Resolutions and any member site visit: Request for Site Visit Denied by Committee on 11.08.2021, and then subsequently allowed and took place on 11.05.2022.

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

Has the application been subject to Pre-Application Advice: Yes (DC/17/05148, DC/19/00990, DC/20/00543 and DC/20/04955).

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and consultees, as well as the extent and planning substance of comments received from third parties.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR02 - AONB Landscape
CR19 - Buildings in the Countryside - Residential
CS1 - Applying the presumption in Favour of Sustainable Development in Babergh
CS2 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development
HS09 – Affordable Housing
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 and taken into account. These are summarised below, but Members are directed to read the full contents of all consultation responses and representations received.

A: Summary of Consultations

Parish Council

Erwarton Parish Planning Committee

The Parish request for a site visit to take place with the committee.

The Parish support the proposal in principle.

“We want to see the development achieved in a manner that is considerate of, and sympathetic to the natural environment and our cultural heritage. The proposed plan contains elements of development with which we disagree – these have been outlined in our previous response”.

Elements of the proposed development not supported by the Parish include:

- Inappropriate design

- Two new dwellings were not supported
- Development should be restricted to the footprint of the original brick Victorian buildings
- The additional access is inappropriate.
- The Parish also requests a committee site visit to take place

National Consultee

Suffolk Preservation Society

Objection on the grounds of:

- Suburbanising impact
- Heritage harm
- Loss of tranquillity
- Light pollution and erosion of landscape character
- AONB impact
- Outside of settlement boundary
- The Council can demonstrate a five-year housing land supply

Save England's Heritage

Objection on the grounds of:

- Heritage impact
- Urbanising effect
- Impact to AONB

Historic England

No objection to the retention of the Dutch Barn rather than its replacement with 2no. dwellings.
Have concerns regarding the proposed access track. They state:

“Historic England have reviewed the revised plans and do not object to the retention of the Dutch Barn rather than its replacement with 2 additional dwellings. Although the Dutch Barn is a large structure, its retention would not result in harm to the significance of Erwarton Hall. Its utilitarian nature is in keeping with the character of a farm and it would not result in a harmful alteration to the long ranger viewed from the wider landscape.

The access track still remains in the location proposed and therefore our concerns relating to this element remain. Our previous letters with regards to the track should therefore be taken into account”.

Historic England's previous comments regarding the access track are:

“We note that although the metalled surface of the track has been made less wide, the verge is to be planted and is to be 2m side. The character of this piece of land at the moment is a field and as such contributes to the rural open setting of the Grade II listed Erwarton Hall. A formal access to a development across this field would wholly change this setting and, when viewed from The Street, would make the barn development more dominant in the landscape than the roofline of Erwarton Hall. The eye would be drawn to the barns along the track rather than taking in the wider setting of the Hall.*

*Although we **do not object to** the principle of the conversion of the barns, we remain concerned with the new access track...”.*

County Council Responses

SCC Highways

No objection, subject to conditions.

SCC Public Rights of Way

No objection. Informatives provided.

SCC Floods and Water Management

Informative comments.

SCC Fire and Rescue

Informative comments

SCC Archaeology

No objection, subject to conditions.

Internal Consultee Responses**BMSDC Heritage**

No objection, subject to conditions. The officer identifies no harm.

Place Services – Heritage

Do not object in principle. Have concerns regarding the glazing and new openings in the barns, as well as the materials. The materials can be secured via condition.

“Some level of less than substantial harm” has been identified.

Place Services – Ecology

No objection, subject to securing:

- a) A proportionate financial contribution towards visitor management measures for the Stour and Orwell Estuaries SPA/Ramsar
- b) Ecological mitigation and enhancement measures

This follows the submission of an up-to-date ecological addendum.

Dedham Vale and Stour Valley AONB Project Officer

Concerns regarding:

- Outside of settlement boundary
- Public interest/benefit not demonstrated
- Proposal creates more visually dominant development
- Secondary access should be moved closer to the hedge line

Welcome the removal of the external lighting.

Environmental Health – Noise/Light/Smoke/Odour

No objection in principle. Some concerns regarding potential impact to residential amenity of future occupants of the barns, and therefore, conditions are recommended to minimise any impact.

Environmental Health – Land Contamination

No objection

Strategic Housing

A commuted sum of £151,872 is required for affordable housing contribution.

B: Representations

At the time of writing this report at least 103 letters/emails/online comments of objection and 1 letter of support have been received in total. The total number of letters of objections were received from 40 individuals and/or properties. A verbal update shall be provided as necessary.

Views are summarised below:-

- Increased traffic
- Inappropriate design
- Harm to Listed Buildings
- Overbearing
- Harm to the setting of Listed Buildings
- Unsympathetic
- No public benefit
- Inappropriate location
- Landscape impact
- Unsustainable location
- Archaeological impact
- Threatens rural character
- Sets a precedent for future development in this area
- Inappropriate landscaping
- Not enough planting/greenery
- Inadequate access
- Affects to local ecology/wildlife
- Conflict with District Plan
- Conflict with NPPF
- Development too high
- Dominating
- Inappropriate in Conservation Area
- Loss of outlook
- Loss of privacy
- Overdevelopment
- Overlooking
- Out of character
- Building work
- Light pollution
- Inadequate public transport provision
- Noise
- Inappropriate scale

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

PLANNING HISTORY

REF: DC/18/02062	Planning Application. Conversion and restoration of existing redundant farm buildings to form 5 new dwellings.	DECISION: WDN 03.08.2018
REF: DC/19/02206	Planning Application. Conversion of farm buildings to form 3no dwellings including demolition of later Dutch barn. Erection of 2no contemporary barns(Dwellings).	DECISION: REF 21.06.2019
REF: B/0495/78/FUL	Change of use of part of ground floor of dwelling for display and sale of antique furniture.	DECISION: GRA 11.10.1978
REF: B/17/00515	Erection of extension to agricultural storage building	DECISION: GRA 11.05.2017
REF: B/78/00495	Change of Use pf part of ground floor of dwelling for display and sale of antique furniture Created by CS as part of the S106 project. This application has a Section 106 agreement with it	DECISION: GRA 11.10.1978
REF: B//86/00212	THE RETENTION OF HOUSEKEEPERS COTTAGE AND REBUILDING AND EXTENSION OF A FURTHER OUTBUILDING TO FORM PRIVATE SWIMMING POOL, GYMNASIUM, CONSERVATORY AND DOUBLE GARAGE	DECISION: GRA
REF: B/LB/86/80049	APPLICATION FOR LISTED BUILDING CONSENT - THE RETENTION OF HOUSEKEEPERS COTTAGE AND BUILDING AND EXTENSION OF A FURTHER OUTBUILDING TO FORM PRIVATE SWIMMING POOL, GYMNASIUM, CONSERVATORY AND DOUBLE GARAGE	DECISION: GRA 28.05.1986
REF: B/LB/93/00637	APPLICATION FOR LISTED BUILDING CONSENT - INTERNAL AND EXTERNAL ALTERATIONS	DECISION: GRA
REF: B//94/01203	ERECTION OF GRAIN STORE AND CAPPING OF WALL ADJOINING HIGHWAY (EXISTING STRUCTURE TO BE REMOVED)	DECISION: REF
REF: B//95/00008	ERECTION OF GRAIN STORE (EXISTING STRUCTURE TO BE REMOVED)	DECISION: GRA 16.02.1995

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site is located within the countryside, approximately 550 metres from the village of Erwarton, and approximately 450 metres from the village of Shotley. The site is known as Erwarton Hall Farmyard and is located along The Street, outside of the built-up area boundary of Erwarton or any of the surrounding villages.
- 1.2. The site is currently identified as having agricultural use; however, many of the buildings have been redundant for some time, with many in a state of disrepair or altered from their original form. It should be noted that many of the buildings on site are used for the keeping of and caring for horses. The buildings range from 19th and 20th Century, with all but the 19th Century barns to be demolished as part of this proposal. There is a 20th Century Dutch barn to be retained, as well as a modern steel-clad barn which is due for demolition and is considered to be visually intrusive on the site. There are neighbouring properties located to the west, and on the opposite side of the road to the north. To the west is the Grade II* listed Erwarton Hall, and its Grade I listed Gatehouse, which are of important historic significance. Grade II* buildings are of important historic significance and are considered to be of more than special interest; 6% of listed buildings in the country share this Grading. Grade I listed buildings are considered to be of exceptional interest; and only 2.5% of listed buildings in the country share this Grading. The application site is a farmstead property that was originally associated with Erwarton Hall, and the 19th Century barns subject of this application are non-designated heritage assets of historic significance. The site is also located within an AONB (Area of Outstanding Natural Beauty) landscape.

2.0 The Proposal

- 2.1. The proposal seeks the conversion, repair and extension of the existing farm buildings to form five dwellings, as well as the erection of garages, the demolition of the metal clad barn, and the provision of a new vehicular access to The Street and associated landscaping.
- 2.2. This is a full application, with no matters reserved. The proposal would consist of 1no. 2-bedroom dwelling, and 4no. 3 bedroom dwellings. The dwellings would have a range of garden sizes and two of the properties would have detached garages. The site area is approximately 0.96 hectares, and the 19th Century barns which form the north, east, and west boundaries would be repaired, converted and extended, with the metal clad barn being demolished and the Dutch barn to the south of the site to be retained. There is an existing access through the centre of the site, which is 2 metres wide. There would be a new vehicular access created on the eastern side of the site, across an existing grass paddock area, which would lead to an existing opening in the courtyard of the buildings. There would be planting of native trees and hedging along the highway boundary to help screen the access driveway.

3.0 The Principle of Development

- 3.1. The site is located outside the built-up area boundary of any of the surrounding villages and is identified as being located within the countryside. The proposal involves the conversion of redundant agricultural barns to residential use. Policy CR19 of the Babergh Local Plan allows for agricultural barns located within the countryside to be converted to residential use, subject to

meeting certain criteria. This application is not considered to be in accordance with this Policy, due to all alternative uses not being proven to be fully explored and discounted.

The Policy states:

“Proposals for the conversion of barns or other redundant or under used buildings in the countryside into dwellings or holiday accommodation will only be permitted if:

- *It can be demonstrated that the alternative uses for business, community and leisure uses have been explored and can be discounted;*
- *The building’s location makes it unsuitable for conversion to other uses;*
- *The buildings are of architectural or historic merit and is capable of conversion without significant rebuilding or extension;*
- *The method of conversion retains the character of the building and, in the case of barns, retains the single open volume with minimal change;*
- *The scheme is acceptable in terms of highway safety;*
- *The building is not at risk of flooding;*
- *There is scope for connection to a suitable drainage system; and*
- *There is no material adverse impact on protected species, particularly bats and barn owls”.*

Each of the criteria listed above, will be discussed in turn below.

- 3.2. Residential has been put forward as the most optimal and viable use of the buildings; however, evidence of proven viability has not been provided to support this. It is acknowledged that, due to its tranquil and sensitive location, commercial, leisure or business use could have an adverse impact in terms of noise and odour, as well as light pollution and harm to the character and setting of the heritage assets. However, as stated above, no evidence on viability has been submitted in order to support this.
- 3.3. The site is remote from other employment areas; however, it is also remote from any services for residential use. It has not been sufficiently proven that this site in its location only has a viable use for residential.
- 3.4. The barns the subject of this application are considered to be of historic merit, being undesignated heritage assets of historic significance. The structural reports submitted with this application show that the 19th Century barns are capable of conversion, without significant rebuilding; the barns would be extended; however, the extensions are not considered to adversely change the overall appearance of them, but the amount of glazing proposed is a concern and could cause harm to the heritage assets (this is discussed in more detail in the relevant heritage section below).
- 3.5. The method of conversion would largely retain the character of the buildings; however, as stated above, the amount of glazing proposed is a concern, and could cause harm to the heritage assets’ character and setting. The site would remain enclosed by the red brick wall, retaining the farmstead aesthetic, however, the additional access could have an urbanising effect on the farmstead character in a countryside setting.
- 3.6. The scheme is acceptable in terms of highway safety. During the course of determination, the SCC Highway Authority was consulted and raised no concerns on highway safety or efficiency grounds. Further details of this are included in Section 5 below.
- 3.7. The buildings are not at risk from flooding, The site is located within Flood Zone 1 where there is a limited potential for flooding and a limited history.

- 3.8. There is scope for a suitable drainage system, through a wastewater treatment plant.
- 3.9. There would be no material adverse impact on protected species. During the course of determination Place Services – Ecology was consulted and raise no objection to this scheme. Sufficient mitigation measures are proposed and secured via condition. It is acknowledged that during the course of determination, the Ecology documents did run out of date; however, to rectify this, an addendum was submitted on 26.04.2022 and this states that the 2022 survey that was undertaken shows no change to the biodiversity of the site, or the protected species found. The mitigation measures, therefore, are the same as previously proposed, and secured via condition.
- 3.10. Paragraphs 3.2, 3.3, 3.4 and 3.5 detail the reasons why this proposal is not considered to be fully in accordance with Policy CR19 of the Babergh Local Plan (2006).
- 3.11. The two new dwellings have now been omitted from the proposal, and the development comprises conversion and extension of the existing barns only.
- 3.12. The site is located within the countryside and Policy CS2 of the Babergh Core Strategy (2014) requires development to only be permitted in a countryside setting in exceptional circumstances, subject to proven and justified need. Policy CS15 of the Babergh Core Strategy (2014) seeks to identify whether the location is sustainable and appropriate for development. This proposal fails on parts iv) and xviii) of that Policy due to its location not being within a safe walking distance of any services.
- 3.13. As the site is located outside of the Built-Up Area Boundary of any nearby settlement, the proposal is not considered to be in accordance with Policy CS2, the limited public benefits arising from this scheme are not considered to outweigh this. In terms of Policy CS15, the proposal fails on parts i), iv) and xviii).

Part i) states:

“Respect the landscape, landscape features, streetscape/townscape, heritage assets, important spaces and historic views”.

As discussed in more detail below in the relevant landscape and heritage sections, the proposal causes harm to the character of the AONB through causing an urbanising effect on the farmstead aesthetic of the site, as well as causing harm to the character and setting of the neighbouring Grade II* and Grade I listed buildings, and the non-designated heritage assets of the barns themselves.

Part iv) states:

“Ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development”.

The site is remote from any established settlement and the services that accompanies them, therefore, creating a heavy reliance on the use of private motor vehicles to access basic services, such as shops, schools, pubs and healthcare facilities. The proposal does not provide any services and does not enhance access to services.

Part xviii) states:

“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 need for using cars would not be minimised from this proposal, the roads leading away from the site are typified by being narrow and unlit, with no footpaths, and are unsuitable and undesirable for pedestrians. There is also no provision for public transport in the vicinity or within walking distance, thus creating a heavy reliance on the use of private motor vehicles.

3.14. This is where Paragraph 80 of the NPPF (2021) is relevant. The Paragraph states:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) There is essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near to their place of work in the countryside.*
- b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.*
- c) The development would re-use redundant or disused building and enhance its immediate setting.*
- d) The development would involve the subdivision of an existing residential building; or*
- e) The design is of exceptional quality...”*

3.15. Paragraph 80 of the NPPF (2021) is considered to be relevant to this case, because although the site is not isolated from other dwellings and buildings, it is isolated from any settlements and therefore, can be considered as isolated homes in the countryside. Part c) of the Paragraph is relevant in this case and is discussed in detail below. Although the proposal could help to secure the future of the undesignated heritage assets, the proposed residential use has not been proven to be the most optimal and viable use through the submission of any evidence or viability statements. Therefore, part b) is not considered relevant in this case.

Part c) is relevant because the proposal does re-use redundant and disused buildings, which in part enhances the immediate setting. The demolition of the metal clad barn assists in enhancing the setting of the area; however, retaining the Dutch barn at the rear and the inclusion of the large amount of glazing and driveway is not considered to protect or enhance the setting. Therefore, the proposal is not considered to be in accordance with this Paragraph.

3.16. The principle of the development is not considered acceptable due to the potential harm that the proposal could cause to the adjacent Grade II* and Grade I listed buildings, the undesignated heritage assets barns subject of the application, and the AONB landscape. The limited public benefits arising from this scheme are not considered to outweigh this harm, as well as the harm caused by the proposal being in an unsustainable location.

3.17. It should be noted that a similar application was previously refused on this site. The application reference number is DC/19/02206 and was a planning application for “the conversion of farm buildings to form 3no. dwellings including demolition of later Dutch Barn; Erection of 2no. contemporary barns (dwellings)”. This application was refused for the following reasons:

- 1. The proposal would result in less than substantial harm to the heritage assets because the conversion of the existing barns and construction of two new builds would detract from the setting of the Grade II* Listed Erwarton Hall and Gatehouse. This would harm their significance because the scheme is poorly laid out, insensitively detailed and is domestic in character which give rise to a suburbanising effect which is out of keeping in this rural location within an Area of Outstanding Natural Beauty. Therefore, the application does not meet the requirements of Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990. The proposal conflicts with policies CN01, CN06, CR02, CR19 of the Babergh Local Plan (2006) and policies CS01, CS15 of the*

Babergh Core Strategy (2014). These policies are consistent with paragraphs 8, 127, 130, 172, 192, 194 and 196 of the National Planning Policy Framework (2019).

2. *Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will be permitted in the Countryside only in exceptional circumstances subject to proven and justifiable need. CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. No supporting evidence has been provided that justifies the need for the proposal, and that the site is a sustainable location. As a result, the proposal does not accord with policies CS2 and CS15. Whilst paragraph 11 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five-year housing land supply, it is considered that the unsustainable location, in relation to its connectivity to services and facilities, significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.*
3. *Proposals with site areas greater than 0.5 hectares are subject to a 35% affordable housing contribution. The application site is 0.81 hectares and is therefore liable for affordable housing. No such contribution has been offered or secured, and so the requirements of Policy CS19 of the Babergh Core Strategy have not been met nor the aims of the Planning Policy Framework (2019), in particular paragraphs 77 and 79.*
4. *Safe and suitable access cannot be evidenced, the existing access cannot adequately facilitate the intensification of use that would be created by the proposal.*

Speed survey results denote 85th %ile speeds of 27.5mph and 28mph meaning splays of x=2.4m by y=59m in each direction, to the nearside edge of the metalled carriageway with no obstruction over the height of 0.6m and must encroach 3^d party land.

Splays of x=2.4m by y=19m (to the West) and y=25m (to the East) have been measured, which fall 34m and 40m short. Therefore, the proposal conflicts with policies TP15 and CR19 of the Babergh Local Plan (2006) and with the aims of paragraph 109 of the National Planning Policy Framework.

5. *We are not satisfied that sufficient ecological information is currently available for determination of this application. This is because the Ecological Survey Report has recommended that bat emergence and re-entry surveys are required to assess the extent of which bat species will be affected by the proposed development.*

These surveys are required prior to determination because paragraph 99 of the ODPM Circular 2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

Consequently, these further surveys are required to provide the LPA with certainty of impacts on legally protected and Priority species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

Therefore, this proposal is considered to conflict with policy CR19 of the Babergh Local Plan (2006) which is consistent with the aims of National Planning Policy Framework paragraph 175.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1. The site is not within walking distance of any services. The closest village that has a range of services is Shotley. The village of Shotley is located to the east of the site and is approximately a 3-minute drive from the site, or alternatively a 17-minute walk, albeit along roads that do not have footpaths.
- 4.2. As discussed above, the limited public benefits arising from this scheme are not considered to outweigh the harm of being located in an unsustainable location.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1 The NPPF identifies at Paragraph 110 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 has an existing access that runs through the centre, this access would remain in use for this proposal; however, it would see an intensification of use. Therefore, a new vehicular access is proposed on the eastern side of the site across the existing grass paddock. The existing and proposed access is considered to be in accordance with Local Highway Authority standards, to be of an appropriate width and to afford appropriate highway visibility relative to the quantum of the development proposed.
- 5.3. During the course of determination, the SCC Highway Authority was consulted and raised no objection to the proposal, subject to conditions. The conditions relate to the access surface, visibility, parking and manoeuvring, bin storage and presentation, as well as HGV movements and parking. The SCC Highway Authority has deemed the proposed and existing accesses acceptable for use for this proposal and raises no concerns in terms of highway safety or increased traffic.
- 5.4. The proposed site layout shows each dwelling to have sufficient off-road parking provision, which offers more than required under the Suffolk Guidance for Parking (2019). The Guidance identifies that a development such as this one of 1no. 2-bedroom property and 4no. 3-bedroom properties should provide a minimum of 10no. parking spaces; this proposal offers 18no. parking spaces, which is beyond the standard requirement.

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 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 echo’s the provision of the NPPF.

- 6.2 Additionally, Policy CS15 of the Babergh Core Strategy (2014) requires developments to respect the landscape, landscape features, streetscape/townscape, heritage assets, important spaces and historic views, the proposal is not considered to be in accordance with this Policy ,as discussed above and within the relevant landscape and heritage sections below, the proposal causes harm to the character of the AONB through causing an urbanising effect on the farmstead aesthetic of the site, as well as causing harm to the character and setting of the neighbouring Grade II* and Grade I listed buildings, and the non-designated heritage assets of the barns themselves.
- 6.3. The proposed layout largely retains the farmstead aesthetic of the site through utilising the historic barns and extending them in a way that reflects the agricultural character in the majority. However, the extent of glazing proposed is considered to cause harm to this character, as well as the setting of the adjacent listed buildings, and AONB landscape. Externally, aside from the large amount of glazing, the barns would largely retain their agricultural appearance and would appear single storey. Three of the barns would have a small, converted loft space with an additional bedroom, and one (unit 5) would receive an extension that would mirror the historic Dutch barn style of the building to be demolished in the same location; whilst one of the barns would have all its accommodation at ground-floor level. The previously proposed balconies have been omitted from the plans and instead there would be dormer windows with shutters. The glazing on the barns is proposed to be IQ/Photochromic glazing, which darken on exposure of ultraviolet light (sun light) and would remain dark in the evening times to limit the amount of light spillage. The inclusion of the IQ/Photochromic glazing does somewhat reduce the light spillage at night, but there is still likely to be some element of light spill, although, this would not have an impact on the appearance of the glazing during the daytime. Notwithstanding this, there are still fundamental concerns regarding the amount of glazing proposed and the impact this could have on the character of the buildings. Reducing the amount of glazing would help to retain (as much as possible) the existing and distinct character of the building and the site as a whole.

The two new dwellings have also been omitted from the proposed, and the Dutch barn to the south of the site would remain as existing.

- 6.4. There would be a shared courtyard through the centre of the site, which would be used for access, parking and manoeuvring purposes. Each of the dwellings would have a modestly sized garden. No details of boundary treatments within the site have been provided; however, this could be conditioned. The existing boundary treatments of hedgerows and trees around the perimeter would be retained and enhanced and the private garden spaces would have groups of native tree planting to soften the appearance. On the western boundary, there would be views from the barns to Erwarton Hall, as the existing brick wall is low and is not proposed to be changed.
- 6.5. The proposed new access would also have additional planting along the highway boundary to help soften and screen the appearance of the driveway; however, this would create a new opening in the existing hedgerow along The Street.
- 6.6. The design and layout are not considered cramped or an overdevelopment, as there would be fewer buildings on the site than existing. The heights of the dwellings are also considered to be sympathetic to the surroundings.
- 6.7. The proposed layout is considered to be in accordance with Policy CN01 of the Babergh Local Plan (2006), however, the design of the dwellings, particularly in terms of the materials (glazing and weatherboarding), is not considered to be in accordance with Policy CN01 as it does not retain the distinct character of the historic barns.

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

- 7.1. The site is located within an AONB, The Countryside and Rights of Way Act 2000, Part IV, Section 85 requires Local Planning Authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The design of the proposal has incorporated features to limit the impact on the AONB and these features are largely supported by the Suffolk Coast and Heaths AONB Project Officer who was consulted during the course of determination of this application. The design includes photochromic or IQ glazing to limit light spillage into the AONB, which is supported, and offers planting to help soften the appearance of the development. The design of the proposal also largely retains its agricultural appearance from the roadside. There is some concern regarding external lighting in the courtyard area, as well as along the proposed new vehicular access driveway. The external lighting has been omitted from the proposal, and is therefore, no longer a concern. Although these additions and changes have been made to reduce the impact to the AONB, there is still concern that the proposal could cause an urbanising effect on the site and local area, as well as cumulative light spill, increased noise in a highly tranquil part of the AONB, as well as cutting back the hedgerow.
- 7.2. There is also some concern regarding the proposed new access which has the further potential to urbanise the appearance of the site. Efforts have been made in an attempt to address these concerns by the incorporation of additional planting along the roadside to help screen the driveway and soften the driveway appearance to appear less urban. The additional planting and driveway surface material, however, are not considered to be sufficient to reduce the harm to the AONB to an acceptable standard, as the existing hedgerow will still need to be cut back in order to create the driveway, which disrupts the character along The Street. In addition to this, the paddock where the driveway would be located is considered to be an important cohesive landscape feature within the AONB that also forms part of the setting to Erwarton Hall.
- 7.3. During the course of determination, the Suffolk Coast and Heaths AONB Project officer was consulted. In the officer's latest consultation response, strong concerns were still raised regarding the urbanising effect on the site, as well as light spill and impact to the hedgerow. The officer states:

"The AONB team provided extensive comments on previous interactions of plans for the site. In these we raised concerns about the intensification of the use of the site for residential development, the urbanising effect of the development on the Suffolk Coast & Heaths AONB, the impact on tranquillity from cumulative light spill and increased noise arising from the development in this highly tranquil part of the AONB and impacts on the neighbouring heritage assets of Erwarton Hall and Gatehouse an application submitted in 2019 (ref: DC/19/02206) was refused as it was considered that development would cause harm to the heritage assets by detracting from the setting of the Grade II listed Erwarton Hall and Gatehouse and because of the suburbanising effect the development would have in a rural location within an AONB.*

Even with the proposed changes to the scheme (the retention of the Dutch Barn and removal of unit 6 & 7), the concerns raised previously by the AONB team remain valid for the current proposal. The site sits outside the settlement boundary in open countryside. The 2019 application was also refused as 'the site was considered to be an unsustainable location, in relation to its connectivity to services and facilities'.

In our previous response (26.02.2021), the AONB team raised concerns about the effects of cutting back roadside verges and hedges to meet the required safety splay lines. The AONB team acknowledge the need to satisfy road safety requirements however, meeting and maintaining these splay line, will open up views of the proposed development particularly from the east. Cutting back the roadside hedges to accommodate the splay lines will undermine the effectiveness of the new

landscaping proposed. As a result, the whole development will be more visually dominant within the AONB. This is considered contrary to criteria (i) of Policy CS15.

The AONB team welcome that the lighting proposed along the secondary access to the site has been removed from the scheme. The proposal by Historic England and supported by the AONB team, to move the secondary access closer to the hedge line along The Street has not been addressed in the current scheme. Impacts on the integrity of the paddock as a cohesive landscape feature within the AONB that also forms part of the setting to Erwarton Hall remain unresolved and as such the proposal is not considered to accord with criteria i) of Policy CS15.

Finally, under the amended plans it is proposed to retain the continued equestrian and agricultural activities at the site alongside the proposed residential use. The site team question if these two uses on the same site are likely be compatible.

The scheme is not considered to accord with Paragraphs 176 or 177 of the NPPF, Policy CR02, or policies CS2 and CS15 of the Core Strategy. It fails against objectives L1, L3 and LUW1 in the Suffolk Coast and Heaths AONB”.

- 7.4. During the course of determination, Place Services Ecology were consulted, and have raised no objection to the proposal subject to securing a proportionate financial contribution towards visitor management measures for the Stour and Orwell Estuaries SPA/Ramsar, as well as ecological mitigation and enhancement measures. The ecology officer states, “we support the proposed compensation measures for bats and reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170(d) & 175(d) of the National Planning Policy Framework 2019”. As discussed above, an addendum has been submitted to show that there are no changes to the biodiversity or ecological value on the site since the previous surveys took place, and therefore the same mitigation measures as previously proposed still apply.

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, Paragraph 183 makes clear that, where a site is affected by contamination, the responsibility for securing a safe development rests with the developer and/or landowner.
- 8.2. A Land Contamination Report Assessment (received on 11.08.2021) was submitted with the application, which concludes that there are no notable features present in the context of land contamination other than inert made ground. Council land contamination specialists have assessed the information by the applicant and confirm they are in agreement with the report’s findings that further works on the site with regards land contamination remediation are unwarranted. Further occupants of the development are therefore not considered to be at significant risk from sources of land contamination.
- 8.3. In relation to flood risk and drainage, the NPPF identifies at Para.155 that “...*Inappropriate development in areas at risk from flooding should be avoided by directing development away from the areas at highest risk....*”. In regard to this, it is noted that the entire site for the proposed development is located within flood zone 1. Therefore, the site is not considered liable to unusual flooding events, and in that regard accords with the identified requirements of the NPPF and development plan policy in this regard.

8.4. A drainage strategy has been submitted with this application, which shows that a wastewater treatment plant would be installed and would discharge into the river Stour.

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 not located within a Conservation Area; however, it is within direct proximity of the Grade II* listed Erwarton Hall, and its Grade I listed Gatehouse; and the barns proposed to be converted on the site are non-designated heritage assets of historic significance.

9.2. In Historic England's latest response (11.04.2022), the officer welcomes the removal of units 6 & 7 and retaining the Dutch barn to the south of the site, there are still concerns raised however, regarding the additional driveway/access track. The Officer states:

"Historic England have reviewed the revised plans and do not object to the retention of the Dutch barn rather than its replacement with 2 additional dwellings. Although the Dutch barn is a large structure, its retention would not result in harm to the significance of Erwarton Hall. Its utilitarian nature is in keeping with the character of a farm and it would result in a harmful alteration to the long range views from the wider landscape.

Historic England have noted our concern relating to the additional access track since our initial comments. The access track still remains in the location proposed and therefore our concerns relating to this element remain. Our previous letters with regards to the track should therefore be taken into account".

9.3. Historic England's previous comments on the access track, which it still objects to, are as follows within its response dated 15.07.2021:

"We note that although the metalled surface of the track has been made less wide, the verge is to be planted and is to be 2m wide. The character of this piece of land at the moment is a field as such contributes to the rural open setting of the Grade II listed Erwarton Hall. A formal access to a development across this field would wholly change this setting and, when viewed from The Street, would make the barn development more dominant in the landscape than the roofline of Erwarton Hall. The eye would be drawn to the barns along the track rather than taking in the wider setting of the Hall.*

Although we do not object to the principle of the conversion of the barns, we remain concerned with the new access track. We consider that the access track should either be repositioned close to the hedge in order to screen it or should be removed from the scheme".

9.4. Our own Heritage Officer had identified no harm. Given these differing views between heritage experts, a third opinion was sought from a different heritage body (Place Services). Its response is below.

9.5. Place Services has not identified no harm, rather it has identified "some level of less than substantial harm". It does not object to the conversion of the dwellings in principle, and recommends some changes to the materials, as well as a reduction in the amount of glazing. The Place Services Heritage Officer does share some concern with Historic England in that the proposed access track will open the field which has remained undeveloped historically. The officer states:

"The historic relationship and close proximity results in the site having a positive contribution to the significance of the listed Hall and Gatehouse. There would inevitably be some level of less than

substantial harm to the significance of Erwarton Hall and Gatehouse arising from this application due to the fundamental changes to the character of the site; changing from a working farm which has a legible agricultural character to residential dwellings with associated domestic landscaping. The function of the site has historically been in agricultural use connected to Erwarton Hall and therefore, this site as existing positively contributes to the setting of the heritage assets. There have been some additional outbuildings constructed on the site over the years, however, the character of the site has remained largely rural and agrarian since the construction of Erwarton Hall in the sixteenth century.

As set out in Historic England's GPA3: Setting of Heritage Assets Guidance the way in which we experience an asset in its setting is also influenced by visual considerations and environmental factors such as noise and vibration as well as, land uses in the vicinity, and by our understanding of the historic relationship between places. Page 13 includes a non-exhaustive list of attributes that may be affected by development within a heritage assets setting, including light spill, introduction of movement/activity as well as, changes to general character and changes to land use.

There are concerns regarding the proposed new access as this would fundamentally alter an open field which has remained historically undeveloped. However, it is acknowledged that this matter conflicts with highway safety requirements.

There are also concerns regarding the introduction of large, glazed areas to the elevations which significantly alter the buildings character and the new openings proposed to all units are likely to result in the loss of historic fabric. The introduction of full height glazing is of particular concern as this can alter the scale and character of the building, given too much prominence to the opening. As noted in Historic England's Adapting Traditional Farm Buildings 'The Historic pattern of openings is related to the function of the building over time, and often makes a fundamental contribution to its mass and character'. There is particular concern regarding the glazed link of unit 4, as this would appear as an overly modern and prominent, resulting in a contrasting architectural feature which would be clearly visible from the streetscene. The large amounts of glazing would also exacerbate the light spill from the development. The scale and appearance of the glazing would detract from the rural, agrarian character of the site and would have an adverse impact on the setting of the aforementioned heritage assets, as well as having a direct impact on the non-designated assets.

New openings should be kept to a minimum and I recommend that the amount of glazing is reduced, and the link omitted. The continuation of a traditional roof covering instead of a glazed link would better uphold the functional character of the site.

The large barn located at the eastern edge of the site (proposed to form part of unit 5) is a traditional timber frame barn, weatherboarded with a brick plinth and a pan tiled roof. Architecturally, it is a unique structure within the site, with other existing outbuildings being of red brick construction. It should therefore remain the only building on site with black weatherboarding as an elevation treatment. The other outbuildings are of red brick construction, dating from the sixteenth century through to the nineteenth century. It would be typologically incorrect to clad these in black painted timber, given there is no evidence of them being weatherboarded. This aspect of the proposal would cover up historic and attractive brick work, detracting from the architectural character of the buildings. The incorrect material detailing, and the inappropriate glazing would detract from the architectural quality and interest of the non-designated heritage assets. It is also considered regrettable that the linear range of unit 2 is not being retained; the height and hipped roof element would detract from its original scale and form.

The proposed alterations would alter the character of the site and detract from our appreciation and

experience of the Grade II listed Erwarton Hall as an isolated country house set in an exclusively rural and agrarian setting which has remained largely unchanged since its construction.*

Due to the fundamental change of use from a working farmyard to residential dwellings, concern regarding the unsympathetic glazing and materiality, the proposal would have an adverse impact on the setting of the above heritage assets. Due to the connection and contribution made by the site to the significance of Erwarton Hall, retaining the character of the farm buildings is key to mitigating the harm as much as possible. In their current form, the proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the proposal would result in 'less than substantial harm' as per paragraph 202. given the proposal would also have an adverse impact on non-designated heritage assets, paragraph 203 would be relevant. 'Great weight' should be given to the heritage assets conservation as per paragraph 199".

- 9.6 Given that Historic England and Place Services Heritage have both identified some level of less than substantial harm, the cautious view must be taken that some level of harm *would* occur to the heritage assets. The limited public benefits arising from this scheme, are not considered to be sufficient to outweigh the harm identified, this is discussed further below.
- 9.7. The applicant has made various amendments – the exclusion of Units 6 and 7, a more sympathetic extension to Unit 3, detailed information on the boundary treatments and surfacing of the driveway and hard surfacing within the site. The access width was also reduced following comments from the AONB officer. Despite the amendments being made, some level of less than substantial harm is still identified by both Historic England and Place Services Heritage.
- 9.8. Due to less than substantial harm being identified by more than one heritage body, Paragraph 202 of the NPPF (2021) requires the harm to be weighed against the public benefits of the scheme. The public benefits arising from this scheme are limited and include securing the repair and future of the historic barns, employment during the construction stage (albeit this is a temporary benefit), securing a commuted sum towards affordable housing, as well as making use of a previously developed site, rather than developing a greenfield site. There are also limited heritage benefits arising from this scheme, which include the removal of some of the modern buildings on the site, and the repair of Unit 2. These public and heritage benefits are considered limited and insufficient to outweigh the identified less than substantial harm to the character and setting of the Grade II* Erwarton Hall and its Grade I Gatehouse, as well as the character, setting and significance of the undesignated barns subject of this application. In addition to this, the public benefits fail to outweigh the harm caused by the proposal being located in an unsustainable location, as well as harm to the AONB landscape.
- 9.6. During the course of determination, Suffolk County Council Archaeological Services were consulted, and raised no objection to the proposal, subject to conditions. The officer states:

"There will have been changes through time which could have had an impact on earlier remains, in particular 19th Century and more recent changes, but there is potential for traces to remain relating to activity contemporary to the hall and gatehouse and without historical record, archaeological remains would be the main source of evidence for the farm area of this period.

I would advise that a programme of archaeological monitoring of groundworks would be appropriate, or, depending on the final details of proposals, evaluation upfront to investigate the potential prior to construction".

- 9.7. The County Archaeological Unit has advised that there are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with NPPF paragraph 194, it is advised that any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 9.8. Should a programme of archaeological work, agreed by the County Archaeological Unit, be undertaken on site prior to commencement of development, then the proposal is not considered to result in harm to any buried heritage assets which may exist.

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 for overlooking, loss of privacy and loss of outlook are acknowledged, however, the proposal is not considered to cause any adverse harm to residential amenity in terms of a loss of privacy or a loss of outlook.
- 10.2. The buildings to be converted to dwellings would remain low-set and the design is sympathetic so as to not cause any adverse overlooking potential. The heights of the dwellings also do not create any adverse light blocking potential. One of the tall buildings on the site would be demolished and buildings of a low height, with a single-storey appearance would be erected. The demolition of the metal clad barn is considered to improve the outlook of the site.
- 10.3. During the course of determination, the Environmental Health team was consulted and raise no objection in principle; however, it does have concerns regarding the potential impact to the residential amenity of the future occupants of the barns due to the proximity of the Dutch Barn being retained for equine and agricultural use. As a result, the Environmental Health Officer has recommended a series of conditions to minimise this impact. These include limiting the hours of operation of the Dutch Barn, and times when tractors and other agricultural machinery can use the shared access.
- 10.4. The officer has also identified the use of wood burners within the barns and has recommended a condition to reduce any potential fumes from the flues. With the imposed conditions, the proposal is not considered to cause any adverse harm to residential amenity to warrant refusal.

11.0 Planning Obligations / CIL

- 11.1. The application, if approved, would require the completion of a S106 agreement to secure the commuted sum of £151,872 as a contribution towards affordable housing, as well as a financial contribution towards the Suffolk Recreational Disturbance Avoidance Mitigation Strategy.

12.0 Parish Council Comments

- 12.1. The matters raised by Erwarton Parish Council have been addressed in the above report. To recap, these were as follow:
- Two new dwellings opposed (these were removed from the scheme)
 - Request a Committee site visit take place (this has taken place)
 - Inappropriate design
 - Access is inappropriate (these last two points have informed the reasons for refusal).

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1. The site is located within the countryside, outside the built-up area boundaries of any established settlement, creating a heavy reliance on the use of private motor vehicles to access basic services. It is, therefore, contrary to Policies CS2 and CS15 of the Babergh Core Strategy (2014). The limited public and heritage benefits arising from this scheme, are not considered to sufficiently outweigh this harm.
- 13.2 Although the site is considered isolated from settlements, the proposal is not in accordance with Paragraph 80 of the NPPF (2021) because although the proposal could help to secure the future of the undesignated heritage assets, the proposed residential use has not been proven to be the most optimal and viable use through the submission of any evidence or viability statements, therefore, part b) is not considered relevant in this case.
- 13.3 Part c) is relevant because the proposal does re-use redundant and disused buildings, which in part enhances the immediate setting. The demolition of the metal clad barn assists in enhancing the setting of the area; however, retaining the Dutch barn at the rear and the inclusion of the large amount of glazing and driveway is not considered to protect or enhance the setting.
- 13.4 The proposal is also considered to be contrary to Policy CR19 of the Babergh Local Plan (2006) because, although residential use has been put forward as the most optimal and viable use of the buildings; this has not been sufficiently evidenced.
- 13.5 The site is remote from other employment areas; however, it is also remote from any services for residential use. It has not been sufficiently proven that the site only has a viable use for residential. The barns the subject of this application are considered to be of historic merit, being undesignated heritage assets of historic significance. The structural reports submitted with this application show that the 19th Century barns are capable of conversion, without significant rebuilding; the barns would be extended; however, the extensions are not considered to adversely change the overall appearance of them, but the amount of glazing proposed is a concern and could cause harm to the heritage assets. The method of conversion would largely retain the character of the buildings; however, as stated above, the amount of glazing proposed is a concern, and could cause harm to the heritage assets character and setting. The site would remain to be enclosed by the red brick wall, retaining the farmstead aesthetic, however, the additional access could cause an urbanising effect on the farmstead character in a countryside setting.
- 13.2. The proposal is also considered to cause harm to the AONB landscape because the proposed new access track creates an opening in an existing hedgerow, to create a new driveway which creates an urbanising effect, the new access track would also be located across an existing open paddock/field which forms a cohesive landscape feature, and holds important significance in the heritage of the site and the Grade II* listed Erwarton Hall, and should remain undeveloped. On this basis, the proposal is considered to be contrary to Policy CR02 of the Babergh Local Plan (2006), as well as Policy CS15 of the Babergh Core Strategy (2014). The limited public and heritage benefits arising from this scheme, are not considered to sufficiently outweigh this harm.
- 13.3. Both Historic England and Place Services Heritage have identified some level of less than substantial harm to the character, setting and significance of the heritage assets. This is particularly in regard to the impact of the proposed access track/driveway interrupting the open nature of the

paddock/field which holds important significance as a feature of both the landscape and the heritage of the site and Erwarton Hall. The objection also relates to the amount of glazing proposed on the converted barns, which would significantly alter the buildings' character and the new openings proposed are likely to result in the loss of historic fabric. The introduction of full height glazing is of particular concern as this can alter the scale and character of the building, giving too much prominence to the opening. The limited public and heritage benefits arising from this scheme are not considered to outweigh this identified harm as required by Paragraph 202 of the NPPF (2021).

- 13.4. The public benefits arising from this scheme are limited and include securing the repair and future use of the historic barns, employment during the construction stage (albeit this is a temporary benefit) and securing a commuted sum towards affordable housing, as well as making use of a previously developed site, rather than development a greenfield site. There are limited heritage benefits arising from this scheme, which include the removal of some of the modern buildings on the site, and repair of Unit 2. These public and heritage benefits are considered limited and insufficient to outweigh the identified less than substantial harm to the character and setting of the Grade II* Erwarton Hall and its Grade I Gatehouse, as well as the character, setting and significance of the undesignated barns the subject of this application. In addition to this, the public benefits fail to outweigh the harm caused by the proposal being located in an unsustainable location, as well as harm to the AONB landscape.
- 13.5. In order to achieve sustainable development, the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously.
- 13.6. The proposed development would offer social benefits in respect of securing a commuted sum towards affordable housing provision, as well as securing a future for redundant buildings of historic significance. The proposal should, therefore, be attributed positive weight in terms of the social dimension of sustainable development.
- 13.9. In terms of the environmental pillar of sustainable development, the site is a mostly redundant farmstead and finding a long-term use for the barns is considered to be an environmental benefit. The scheme also proposed air source heat pumps which are a renewable source of energy. The site, however, is isolated from services, and therefore, would lead to a heavy reliance on the use of private motor vehicles.
- 13.10. The impact on character and appearance of the area, biodiversity and flood risk is considered to be neutral. Whilst the proposal would not result in any direct environmental benefit (other than securing a long-term use for the barns), proposed mitigation measures are proposed. The proposal is, therefore, considered to have a neutral impact in terms of the environmental dimension of sustainable development.

RECOMMENDATION

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

The proposal would cause less than substantial harm to the character, setting and significance of the Grade II* Erwarton Hall, its Grade I Gatehouse and the undesignated heritage asset barns through the fundamental change of use from a working farmyard to residential dwellings.

The proposed unsympathetic glazing and inappropriate materiality as well as the removal of hedgerow and the proposed access track across an existing paddock would create harm to these assets as well as to the AONB landscape.

The proposal site is in an unsustainable location, isolated from services, with poor pedestrian access, causing a heavy reliance on the use of private motor vehicles.

The application fails to secure a contribution towards affordable housing provision, this is contrary to Local Plan policy HS09.

The application has also failed to secure a proportionate financial contribution towards visitor management measures for the Stour and Orwell Estuaries as per the Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

The proposal is, therefore, considered contrary to Policies CR02, CN01, CR19, CN06 and HS09 of the Babergh Local Plan (2006), as well as Policies CS2 and CS15 of the Babergh Core Strategy (2014) and paragraphs 80, 176, 177, 199, 202 and 203 of the NPPF (2021).

Application No: DC/20/03083

Parish: Erwarton

Location: Erwarton Hall Farm Yard, The Street



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Agenda Item 6e

Committee Report

Item No: 6E

Reference: DC/22/00754

Case Officer: Owen Fayers

Ward: Bures St Mary & Nayland.

Ward Member/s: Cllr Melanie Barrett.

RECOMMENDATION – FULL PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Construction of local convenience store and 10 no. apartments/houses (a net increase of 9 dwellings) including associated drainage, parking, hardstanding, fences/walls and other infrastructure (following demolition of outbuildings and in-filling of former vehicle inspection pits, partial demolition of former bus depot and house)

Location

Former Chambers Bus Depot, Church Square, Bures St Mary, Suffolk CO8 5AB

Expiry Date: 12/08/2022

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - All Other

Applicant: Rosper Estates Ltd

Agent: Rose Builders

Parish: Bures St Mary

Site Area: 0.32 Hectares

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

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

Has the application been subject to Pre-Application Advice: Yes - DC/21/04429

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Head of Economy has deemed the application as controversial.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CLASSIFICATION: Official

NPPF - National Planning Policy Framework
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Development in/near conservation areas
TP15 - Parking Standards - New Development
HS28 - Infilling/Groups of dwellings
HS32 - Public Open Space (New dwellings and Amended HS16 Sites up to 1.5ha)
EM01 - General Employment
EM24 - Retention of Existing Employment Sites
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS03 - Strategy for Growth and Development
CS12 - Design and Construction Standards
CS13 - Renewable / Low Carbon Energy
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CS19 - Affordable Homes

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:

Stage 1: Designated neighbourhood area

Accordingly, the Neighbourhood Plan has no weight.

Consultations and Representations

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

A: Summary of Consultations

Parish Council Response

Bures St Mary Parish Council

Comments received 11.04.2022

Following the Bures St Mary Parish Council Joint Extraordinary meeting held on 7th April 2022, the Parish Council strongly objects to this application on highway safety grounds.

We believe, contrary to the Transport Planning Teams recommendation, that the proposed revision of the junction layout at Church Square with Bridge Street on the B1508 will cause an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would be severe (NPPF Section 111). We disagree that the impact would be limited or that it would be mitigated by the proposed changes to the junction layout.

Having received an independent assessment of the proposal by the Highway Traffic and Transport Consultancy (HTTC), we are advised that not only will the development result in significant increases in traffic flows, the poorly located and poorly designed access directly at the existing junction to the B1508 Bridge Street/High Street, at a blind bend, will result in a high number of conflicting and hazardous movements of all traffic types in this location, to the serious detriment of highway safety.

We are also concerned that the proposed uncontrolled crossing on Bridge Street/B1508 is situated at a very vulnerable point, close to a blind bend and at an 8 metre-wide section of the road. The Transport Assessment refers to the Manual for Streets for its assessment of the Stopping Sight Distance for the southbound motorist at this point. The HTTC report states that the available road distance of 23 metres is significantly less than the 33 metres required. Even more concerning is the suggestion that the actual available Stopping Sight Distance may be reduced to 15 metres if the clear sight area cannot be guaranteed because of oncoming vehicles in the east/northbound lane. (2.18)

The 29-page report compiled by Mr Keith Anthony Berriman I. Eng., FIHE FCIHT of The Highways Traffic and Transport Consultancy is attached.

The Parish Council supports the proposed convenience store Zone 1 in principle but suggests overall a smaller floor space than the 421sq.m quoted in the planning documents. Members wish to prevent any further urbanisation of our Conservation Area and to preserve the character of the immediate neighbourhood. The proposed convenience store would overlook the Grade 1 listed church and would be close to a number of Grade 2 listed dwellings. It is felt that a smaller retail /business unit may better safeguard the historic environment. LP26 states that a development needs to be compatible and harmonious with its location and appropriate in terms of scale. The Parish Council is, however, not satisfied with the proposed less-than- recommended parking provision for the convenience store in view of the obvious stress on the existing and very limited parking provision in the village centre. We would welcome an increase in the parking provision for the retail/business unit.

The Parish Council recognises that a retail/business unit would safeguard viable employment opportunities for the local community (LP13 -14.05).

The Parish Council believes that the flats and apartments will enable the integration of older persons into the community in order to address potential issues of isolation and to promote inclusivity (LP06-13.34). We, therefore, support the residential proposal for Zone 2 in principle. However, the Parish Council would prefer smaller dwellings for starter homes or downsizing homeowners as identified in the March 2022 Initial Housing Needs Survey carried out by the Rural Community Council of Essex (RCCE) as part of the Neighbourhood Planning Process. The results of the RCCE survey are attached. The Parish Council feels that smaller properties would enable young families to remain in the village, thereby enhancing and maintaining the vitality of this rural community (LP01- 13.02).

Comments received 03.07.2022

Following the Bures St Mary Parish Council Extraordinary meeting held on 29th June 2022, the Parish Council maintains its position and strongly objects to this application on highway safety grounds (NPPF Section 111).

As noted in the Ardent response to the HTTC Highways Report (Report Ref:2104720) item 2.9, there had been no objections at all from SCC Highways to the initial proposed revision of the junction layout at Church Square with Bridge Street on the B1508. The developers and SCC Highways had previously been adamant that the proposal would not represent a severe impact upon the highways network. It was only the submission of an independent report compiled by Mr Keith Anthony Berriman I. Eng., FIHE FCIHT of The Highways Traffic and Transport Consultancy that prompted any further scrutiny of the

proposed junction layout and resulted in this Re-consultation. It is particularly concerning that it required private funding by members of the local community to produce substantiated evidence to secure this additional examination of the junction layout.

Consequently, the Parish Council remains concerned that the developers have still not considered all possible options to ensure the safest design for all road users as required where developers must create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards (112c. NPPF 2020). Even the submitted Road Safety Audit Stage 1 in the M&S Traffic report commissioned by Ardent contains covering emails where the reliability and efficacy of the TRL modelling software is brought into serious doubt. One email clearly states that the empirical model used by the PICARDY module cannot be turned readily to model unusual junctions like this one and goes on to suggest uncertain possible ways to overcome this whilst hoping that it is good enough.

The Parish Council certainly does not regard the repositioning of the eastbound bus stop as good enough and questions why it has been located so close to the bend leading into the High Street. It would also seem imminently sensible to negotiate a change to the current practice by public transport providers of stopping for prolonged periods at both the eastbound and westbound bus stops for driver breaks and timetable adjustments. The bus stops at Normandie Way on the B1508 in Bures Hamlet, if used for this purpose, would greatly reduce the congestion and queuing traffic which consequently occur in Bridge Street.

The Road Safety Audit emails do not inspire confidence and the Parish Council would ask if the possibility of a mini-roundabout could be considered as an alternative layout to overcome the potential hazards which may arise at this junction in the future.

That said, the Parish Council recognises that some of the proposed revisions within the development site, namely to the loading bay area, the repositioning of the pedestrian crossing on the site access road, the safety barrier and pedestrian deterrent paving on the northern side of the access to the site and a segregated pedestrian route provided for those travelling to and from the store on foot, are all significant improvements.

However, Ardent acknowledges in their response (item 2.40) that retail car parks, especially those for convenience stores, tend to have a rapid turnover but also conversely claims elsewhere that the development would not be a vehicle-dominated environment (2.7). The anticipated substantial vehicular movement in and out of the site seven days a week is inevitably going to result in loss of amenity to a significant number of households in Bridge Street, the High Street, Church Square, Friends Field and, of course, the nine new dwellings proposed on the site itself.

The Parish Council has noted the Conditions applied to this application by SCC Highways requiring the submission of a Construction Management Plan which will specify in particular g) site working and delivery times and a Deliveries Management Plan which will determine all HGV delivery traffic movements to and from the site once the development has been completed.

To minimise the disruption to the lives of families living nearby caused by vehicle movements, audible reversing alarms and car doors being shut throughout the day and evening the Parish Council would want to see the opening times of the convenience store restricted to be no later than 9pm. The Parish Council also notes that the Senior Environmental Protection Officer for BMSDC also requires an acoustic assessment relating to air source heat pump plant associated with the proposed development to minimise detriment to nearby residential amenity as well as a Construction Management Plan. However, any later opening of the proposed convenience store would fail to address the requirement as set out in

the Policy LP26 Design and Residential Amenity of the Babergh & Mid Suffolk Joint Local Plan 2020, i.e., that development proposals shall:

2i. Protect the health and amenity of occupiers and surrounding uses by avoiding development that is overlooking, overbearing, results in a loss of daylight, and/or unacceptable levels of light pollution, noise, vibration, odour, emissions and dust; Including any other amenity issues.

The Parish Council believes it is of even greater significance to establish opening hours for the long-term which will adequately protect the interests of nearby residents once the convenience store is operational.

Local anecdotal evidence has shown regular deliveries to other (and smaller) convenience stores involving large articulated lorries. The Parish Council would expect to see a stipulated condition that clearly and enforceably only allows rigid delivery vehicles of no more than 10m on site as suggested in items 2.15 and 2.39 of the Ardent response report.

Whilst SCC Highways are not in a position to object to the short fall from the advisory guidance figures for destination parking, the Parish Council finds the unreliable estimation of alternative parking provision in the village totally unacceptable. In item 2.51 the Ardent response incorrectly states that there is a public pay and display car park with over 40 spaces located on Nayland Road. This car park, owned by the Sportsground Committee, provides free unlimited parking for the primary school staff, visitors and parents (in the absence of any parking at all of its own), the Community Centre, the visitors to the recreation field and the river, the church (also without parking provision of its own) and for nearby residents who have no private parking provision either. This car park is well-used, frequently to capacity, and regularly by long-stay vehicles but in no way can justifiably be used as an argument to off-set the proposed loss of parking in Church Square and Bridge Street or the under-provision of retail parking on the development site. The Parish Council finds this manipulation of the everyday situation on the ground disingenuous in the extreme.

The loss of on-street parking primarily to accommodate the proposed development is an affront to the community's sense of fairness. There has been no attempt whatsoever to compensate the village for the added negative impact on demand for parking spaces that this will cause.

The loss of on-street parking will greatly inconvenience patients attending the doctors surgery and its staff and the Post Office customers, none of which seem to have been given any consideration in this re consultation. To only provide three visitor spaces on site for the nine proposed dwellings, although compiling with planning recommendations, simply adds insult to injury. Add all of this under-provision to reduced destination parking for the retail outlet and it is the local residents who will be inconvenienced and subjected to congestion as well as the inevitable increased traffic movement on a daily basis, thereby significantly reducing the quality of village life, well-beyond the degree of compromise required (item 2.1) if this disused brownfield site is to be redeveloped. The Parish Council suggests that there should be nothing less than some guaranteed free, unlimited parking provision on site to redress the balance.

The Road Safety Audit Stage 1 advises the installation of non-passive bollards either side of the tactile pavement provision and retro-reflective strips are to be provided on the bollards. (3.4.1). Members wish to prevent any further urbanisation of our Conservation Area and to preserve the character of the immediate neighbourhood. To this end, the Parish Council would recommend the installation of heritage-style bollards and, to minimise any undesirable visual impact on the surrounding area, that there should also be a condition determining the need for discrete and sympathetic signage on the proposed convenience store in line with the NPPF (2021) requirement:

136. *The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.*

The Parish Council is disappointed that no reference has been made in the revised documents to our previous comment stating our preference for smaller dwellings for starter homes or downsizing homeowners as identified in the March 2022 Initial Housing Needs Survey carried out by the Rural Community Council of Essex (RCCE) as part of the Neighbourhood Planning Process.

The Parish Council recognises that the flats and apartments will enable the integration of older persons into the community in order to address potential issues of isolation and to promote inclusivity (LP06-13.34). We, therefore, support the residential proposal for Zone 2 in principle. The Parish Council maintains, however, that the smaller properties, as previously suggested, would enable young families to remain in the village, thereby enhancing and maintaining the vitality of this rural community (LP01-13.02). Baberghs Adopted Core Strategy 2014 to which Roses refer in their Planning Statement clearly states: New housing will be supported where needed and the mix, type and size should reflect the needs of the district. Mix and Type of dwellings CS18.

The population of the two villages as of the 2011 Census shows residents of 65 years of age and over to be 26.6% of the local population as opposed to the national average in England which is 18.5% (page 8). The final version of the Housing Needs Survey prepared by Neil Harper of the Rural Community Council of Essex (attached) demonstrates that 59% of respondents voted 2- bedroomed homes as the most preferred property size (page 10) and no need at all was identified for homes larger than 3-bedroomed properties. One of the key findings of the report (page 9) was the general support for housing in the local community, more particularly for the younger generation and for families. However, the three four-bedroomed properties proposed for this development seem wholly inappropriate in meeting the clearly identified needs of the village. It is concerning that locally-sourced verifiable evidence as presented in the RCCE report appears to be of no consequence.

Internal Consultee Responses

Environmental Health - Land Contamination

No objection subject to conditions.

Environmental Health - Noise/Odour/Light/Smoke

No objection subject to conditions.

Environmental Health - Sustainability Issues

No objection subject to conditions.

Heritage Team

No objection subject to conditions.

Strategic Housing

No objection.

Waste Management (Major Developments)

No objection subject to conditions.

Economic Development & Tourism

None received.

Building Control

None received.

Communities (Major Development)

None received.

County Council Responses**SCC – Highway Authority**

Recommend approval subject to conditions and s106 contribution.

SCC - Flood & Water Management

Recommend approval subject to conditions.

SCC - Archaeological Service

No objection subject to conditions.

SCC - Fire & Rescue

Standing advice.

SCC - Development Contributions Manager

No comment.

National Consultee Responses**Ecology - Place Services**

No objection subject to conditions.

Landscape - Place Services

No objection subject to conditions.

The Environment Agency

No objection subject to conditions.

Historic England

No comment.

Suffolk Police - Design Out Crime Officers

None received.

B: Representations

At the time of writing this report at least 59no. letters/emails/online comments have been received. It is the officer opinion that this represents 48no. objections, 5no. support and 6no. general comments. A verbal update shall be provided as necessary.

Objection comments summarised below:

- Conflict with NPPF

- Contaminated Land
- Design
- Drainage
- Health and Safety
- Highway issues
- Impact on Listed Buildings
- Impact on the Conservation Area
- Inadequate Access
- Inadequate parking provision
- Increased Traffic
- Lack of open space
- Landscape Impact
- Loss of Parking
- Noise
- Out of Character with the Area
- Overdevelopment
- Residential Amenity
- Scale
- Strain on existing community facilities
- Sustainability

Support comments summarised below:

- Creation of shop
- Creation with jobs
- Good design
- Highway improvements
- Parking
- Provides housing
- Re-development of brownfield site
- Retention of historic façade

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

PLANNING HISTORY

REF: DC/19/02345	Planning Application - Change of Use from a mixed use of residential & bus depot/workshop (sui generis use) to mixed use of B1 (business) and residential - retention of	DECISION: GTD 12.03.2020
REF: B/0005/75/FUL	6 detached dwellings and 1 pair semi-detached dwellings with garages	DECISION: GRA 16.05.1975
REF: B/0006/75/OUT	Erection of 4 flats and 4 garages as amended on the 29th April 1975	DECISION: GRA 16.05.1975

REF: B/0883/79/FUL	Erection of new replacement garage.	DECISION: GRA 05.10.1979
REF: B/0128/76/FUL	Alterations and extensions	DECISION: GRA 07.05.1976
REF: B/0084/79/LBC	Demolition of non-listed building in conservation area - existing garage building.	DECISION: GRA 08.10.1979
REF: B//90/00684	ERECTION OF BUS CLEANING PLANT	DECISION: GRA 27.06.1990

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site is located within the historic core of Bures St Mary, a small town situated by the River Stour on the border with Essex. The site is located to the east side of the B1508 at the junction of Bridge Street, Church Square, and the High Street.
- 1.2. The site consists of the former Chambers Bus Depot and workshop for Chambers Bus Service. The site currently has a mixed use of residential and commercial. During the pandemic the owners of the site lost the tenants, and the property has been sitting empty. The property was subsequently sold in 2021.
- 1.3. The site frontage is located to the western boundary and south-western corner, forming a frontage onto the High Street. This façade consists of;
 - A gambrel roofed, three-storey red brick gable building with a series of pitched roof extensions to the rear;
 - The Bus Garage; an industrial-style building with large shutter doors and a shallow pitch roof, and;
 - A single-storey pitched roof building that incorporates a historic shopfront.
- 1.4. The rear is open ground with various outbuildings, equipment and a parking/manoeuvring area that would have served the former Bus Depot. To the north, the boundary is formed by the rear boundaries of properties fronting the High Street with the Bures Malting to the north east. To the west are the rear gardens of the dwellings along Friends Field. To the southern boundary are the rear gardens of properties along Church Square and the Thee Horseshoes Public House.
- 1.5. The application site is within the Built Up Area Boundary of Bures St Mary, which is classed as a Core Village under Policy CS02 of the Core Strategy.
- 1.6. The buildings on the site are not listed. However, some of the buildings and structures are considered to be non-designated heritage assets and are of significant historic value to the village.

- 1.7. The site is wholly within the Conservation Area of Bures St Mary and many Grade II and Grade II* Listed buildings are in close proximity and the Grade I Listed St Mary's Church is near to the site.
- 1.8. All of the trees around the site are protected because they are within a conservation area.
- 1.9. The site is wholly within Flood Zone 1 and is considered to be at low risk of flooding.

2.0 The Proposal

- 2.1. The proposal seeks the construction of a local convenience store and 10 no. apartments/houses including associated drainage, parking, hardstanding, fences/walls and other infrastructure (following demolition of outbuildings and in-filling of former vehicle inspection pits, partial demolition of former bus depot and house).
- 2.2. The west and south elevations, as well as the roofscape of the historic red brick building at the front of the site, the frontage of the existing bus garage and the frontage of the single-storey shop unit to the northwest corner of the site are to be retained. The proposed retail unit, measuring a total footprint of 400sqm, would be located at ground floor level behind these retained facades. A car park with 18no. spaces to serve the retail unit is located to the rear.
- 2.3. The proposal indicates the creation of 10no. apartments/houses with associated parking and infrastructure. This total incorporates the retention and modernisation of 1no. existing dwelling on the site, therefore the development proposes a net increase of 9no new residential dwellings. The housing mix is summarised below:
 - 3no. 4 bedroom houses
 - 3no. 3 bedroom houses
 - 2no. 2 bedroom apartments
 - 2no. 1 bedroom apartment (1no. the refurbishment of the existing unit)
- 2.4. The 4no. residential apartments are located at first floor level above the retail unit. This includes the retention of the existing apartment within the first floor of the gambrel-roofed building. The remaining 6no. two-storey dwellings (3no. 4 bedroom and 3no. 3 bedroom) are located toward the rear of the site.
- 2.5. The site measures 0.32 hectares.

3.0 The Principle Of Development

- 3.1. Babergh has a 6.86-year residential land supply. This position does not engage paragraph 11d of the NPPF.
- 3.2. The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2021.
- 3.3. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 219 of the NPPF.

- 3.4. Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.
- 3.5. 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.
- 3.6. Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11(d) of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight. Policy CS15 accord with the NPPF, particularly in relation to paragraphs 105 relating to limiting the need to travel and offering a genuine choice of transport modes, paragraph 130 to achieve well-designed places and paragraph 174 to contribute to and enhance the natural and local environment.
- 3.7. Policy CS2 'Settlement Pattern Policy' states that new development in Babergh will be directed sequentially to the towns/urban areas, and to the Core and Hinterland Villages. Bures St Mary is designated as a Core Village within this policy, therefore the principle of development within the Built-Up Area Boundary is acceptable.
- 3.8. The existing use of the site is for employment use. The proposal seeks a mixed use of employment and residential. Policies EM01 and EM24 of the Local Plan seek to secure employment uses with the Babergh district and are given full weight. This is a centrally located site within the heart of Bures St Mary. The site is large, and at one time was depot for approximately 30 buses. This type of business is not considered to be appropriate in this location. The proposal includes a business use - a convenience store, which is considered to be appropriate within the Conservation Area and village centre, where residents are able to walk or cycle to buy provisions. Employment at the site will be retained and the use is considered to be an improvement on the residential amenity of the neighbouring properties.
- 3.9. The site is with the defined Built Up Area of Boundary of a Core Village. The scheme includes 10no. residential units. This aspect of the development is considered under Policies HS28 and HS32 of the Local Plan and CS18 and CS19 of the Core Strategy and are given full weight. This site is considered to be infill development but is not of sufficient size to be able to provide public open space within the site itself. The proposed mix of housing on the includes a variety of sizes and bedrooms. Although ten units are proposed, there is an existing flat on the site that is to be refurbished. Therefore, there is a net gain of nine dwellings. The site is less than 0.5Ha and therefore does not reach trigger point to require affordable housing contribution.
- 3.10. Highway improvements form part of this application and are assessed against policy TP15 and also Suffolk Parking Standards and are given full weight. Improvements to the public highway and parking within this central location in the village are considered to be benefits of the scheme.
- 3.11. The site is within the Bures St Mary Conservation Area and within the setting of several Listed Buildings. The proposals are assessed against Local Plan policies CN01, CN06 and CN08 and are given full weight. The distinctive frontage of the bus depot is to be retained and is an important historic feature of the village centre. The dwellings to the rear of the site have been

sensitively designed to blend with the traditionally designed buildings around this area of Bures St. Mary.

- 3.12. The proposal is considered to comply with the named policies above and also with the aims of the NPPF.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1. The site is in a sustainable location within the settlement boundary, centrally located within Bures St Mary. The site is well connected to numerous facilities and transport links within walking distance, such as:

- Bus Stop (30m)
- Post Office (70m)
- Three Horseshoes Public House (97m)
- Eight Bells Public House (220m)
- Bures VC Primary School (225m)
- Bures Community Centre (255m)
- Train Station (420m)
- Various shops and restaurants

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1. The proposed development would utilise the existing vehicular access to the site, which is off the end of Church Square, in close proximity to the junction between Church Street, Bridge Street and the High Street (B1058) as well as the bend in the road to the north.
- 5.2. **Convenience Store:** The proposed convenience store would have 18 car parking spaces, of which the two closest to the building entrance are larger, accessible spaces, plus stands providing parking for 2 cycles, and 2 motor cycle parking spaces. 3no. of these spaces would benefit from EV charging points, which could be readily utilised by residents of the proposed dwellings whilst the store is closed overnight.
- 5.3. It has been demonstrated that HGVs servicing the store can enter and leave the site in a forward gear, reversing into an enclosed and gated bay to be unloaded under the supervision of a suitably trained member of staff.
- 5.4. **Residential:** The 3-bed houses would have two in-curtilage car parking spaces, with three for each of the 4/5-bed houses, with one allocated space for each of the flats plus three unallocated visitor spaces (in a car port), giving 22 car parking spaces in total for the residential element. These spaces are generous in size to enhance accessibility. Each dwelling would have one space with an electric vehicle charging point.
- 5.5. Cycle parking would be provided for the dwellings, with two secure spaces for each unit, with stores for each house within its curtilage, plus stores for each of the flats adjacent to their parking spaces and four spaces for visitors.
- 5.6. It has been demonstrated that a Babergh refuse vehicle can both enter and leave the site in a forward gear, turning around within the site, and gain access to refuse collection points within 25m of the vehicle.

- 5.7. **Other works:** As part of the application, various alterations and enhancements to the access and off-site improvements are proposed in order to improve accessibility for both vehicles and pedestrians as well as highway safety. These are set out accordingly below:
- 5.8. **Site Access:** Given the proximity of the site access to the junction, an overrunable kerb build-out is proposed on the east side of the B1058 immediately north of the access. This will slow vehicles travelling south from the High Street into Church Square by introducing deflection, and also increase visibility to the north/right for drivers egressing from the site.
- 5.9. The historic vehicle access from the workshop directly onto the B1058, which was used by egressing buses (and had severely restricted visibility for egressing drivers due to the absence of a footway and the building being so close to the carriageway edge), will be removed as a result of its conversion to a convenience store, providing a highway safety benefit.
- 5.10. **Off-site improvements – Bridge Street:** An informal pedestrian crossing point with tactile paving is proposed on Bridge Street around 7 metres east of the gate providing access to the footpath into the churchyard. It was originally proposed that this would be in the form of a central refuge outside the gate to the churchyard; however, this would have resulted in the loss of on-street car parking outside the houses on the north side of the street. Therefore, it is instead now proposed to provide a kerb build-out on the north side, so that only one parking space is lost, whilst allowing crossing movements at this location as close to the bend as possible whilst enabling sufficient visibility to the left/north east for pedestrians crossing from north to south.
- 5.11. The build-out would also incorporate the eastbound bus stop, acting as a border, which would also facilitate passenger boarding and alighting, reducing dwell times, since at present this can be hindered by parked cars with passengers having to walk between them and board/alight from the carriageway which is at a lower level than the road. This arrangement, with the existing on-street parking on the north side of the road relocated to the west, would result in the net loss of one car space.
- 5.12. The westbound stop would be relocated to the west of the pedestrian gate into the church to allow the crossing to be provided. The existing single yellow line restrictions would remain in place here, allowing around five cars to park overnight Mondays and Saturdays and all day on Sundays.
- 5.13. **Off-site improvements – Church Square:** A crossing point is also to be provided on Church Square to the south of the access, outside Queen’s House, while allowing access to the vehicle driveway to that property to be maintained. Again this would feature kerb build-outs, here on both sides of the road, maintaining a 6-metre carriageway width, and resulting in the loss of 2 no. on-street car parking spaces on the western side of the road, with parking for one car retained to the north of the build-out on this side.
- 5.14. **Suffolk County Council Highways comments:** Following consultation with Suffolk County Council’s Highways Authority, it is considered;

“Whilst the proposal increases traffic movements when compared to the existing use, the increase would not result in a significant impact upon the local highway network (as satisfactorily evidenced in the submitted Transport Assessment) and it is noted that improvements to access visibility and pedestrian crossing facilities would provide highway safety benefits.

The parking for the residential element of the proposal is acceptable and accords with Suffolk Guidance for Parking 2019 (details of cycle storage and EV charging will be subject to a planning condition). The parking for the retail element of the proposal is below the advisory figures in

Suffolk Guidance for Parking 2019, however given the on-street parking restrictions, proximity to residential areas and justification provided on the parking provision, we consider the level of parking to be acceptable.

Further to the submission of a Highway Report (HTTC Ref: KAB/22/B/01) and subsequently a response from Ardent Consulting (Ref: 2104720-03), the Highway Authority remains satisfied that the proposal will not result in an unacceptable impact upon the Highway.

The subsequent Ardent Consulting Report (Ref: 2104720-03) provides amendments to the proposed access and junction layout and further information/ justification on the highway related elements of the proposal including a road safety audit. It is considered that this represents an improvement over the previously submitted layout and maintains our position of acceptance of the proposal, subject to planning conditions and S106 contribution.”

- 5.15. **Summary:** The proposed development would utilise the existing vehicular access to the site. Historically this would have been the main access point for buses and staff associated with Chambers bus depot. It is acknowledged that the proposed development would likely increase the volume of traffic and vehicle movements associated with the access, this would not involve large, slow-moving buses. Although the convenience store would require occasional deliveries, this would not be a common movement. Sufficient space for delivery vehicles to manoeuvre on the site and exit in a forward gear as well as a dedicated delivery space have also been demonstrated, limiting any potential impact.
- 5.16. The proposal provides 18no. parking spaces for the convenience store (two of which are for disabled users) as well as bicycle parking. The proposal also includes a total of 22 no. residential spaces for the apartments and houses, including visitor parking and cycle storage.
- 5.17. The proposal also offers numerous works to the existing highway that would provide highway safety benefits, including improvements to access visibility and pedestrian crossing facilities as well as improvements to the bus stop. To facilitate these works, there would be a loss of one on-street parking space on Bridge Street and two spaces on Church Square.
- 5.18. It is considered that, although there would be a loss of on-street parking, there is still a generous amount of on-street parking available within the immediate area. It is also considered that the parking provision provided within the car park of the retail unit would also be utilised for the surrounding area, for example visiting other nearby shops and facilities.
- 5.19. By providing a convenience store within the central location of Bures St Mary, local residents may be able to walk or utilise sustainable transport methods to reach this facility and may therefore be less reliant on motor vehicles to travel to nearby Towns for facilities.
- 5.20. The proposal is therefore considered acceptable on highways grounds.

6.0 Design And Layout Impact On Street Scene

- 6.1. As previously detailed, the west and south elevations as well as the roofscape of the historic red brick building at the front of the site, the frontage of the existing bus garage and the frontage of the single-storey shop unit to the northwest corner of the site are to be retained. Behind which, the retail unit shall be located at ground floor level, with 4no. apartments at first floor level. 3no. of the residential apartments are accessible by lift, with 1no. of these apartments situated entirely on the same 1st floor level.

- 6.2. The retention and restoration of the frontages would maintain and improve the site's contribution to the character and appearance of the conservation area. Although the large shutter doors associated with the former bus garage appear incongruous with the wider setting due to their massing, form and materials, they are an important visual feature to reflect the site's important social significance as the former Chambers Bus Depot.
- 6.3. In order to facilitate the first-floor apartments, the roof height of the 'rebuilt' depot building to the rear would also be taller than the existing. However, given the sympathetic design and the fact that the increased roof height would be set back, the overall aesthetic of the façade of the former bus depot would be maintained.
- 6.4. A new shop frontage and access to the retail unit, as well as customer parking, is located to the rear (east) elevation of the former bus garage, as well as public bicycle parking and refuse and bicycle storage for the retail unit. This space is tucked away and would not be readily visible from public view or the wider setting.
- 6.5. Directly to the south of this, cart lodge style car ports serving parking spaces for the apartments as well as refuse bin and secure cycle storage are proposed. The cart lodge would also allow provision for 3no. visitor parking spaces.
- 6.6. To the east of this, to the rear of the site, 6no. two-storey dwellings are proposed. The dwellings are formed with a traditional appearance as a mews-style development, with linked roofs forming covered car parking and bicycle storage. The houses are staggered to provide a visual break and reduce their visual bulk as well as to avoid overlooking.
- 6.7. The proposed dwellings are to be finished with render and brickwork, with plain tile/slate roofs and chimneys. The linking elements consisting of car ports at ground floor level with accommodation above within the roofscapes are to be finished with timber weatherboarding with dormer windows. The dormer windows are reduced in scale and expressed as casement windows to retain a sense of subservience. Fenestration is to be painted, timber-framed windows. The windows would typically be sashed; however, to add a subtle level of bespoke variety to the elevations, bay windows are provided at ground floor, with wider casement windows, drawing inspiration from the numerous former modest frontages within the surrounding area.
- 6.8. Policy CN01 of the Babergh Local Plan requires a high standard of design for new development of the village. The retention and restoration of the frontages to the west and south elevations as well as the roofscape of the historic red brick building, the existing bus garage and the frontage of the single-storey shop unit are welcomed, providing a strong sense of character and historic interest to the area. The proposed dwellings are considered to have a pleasing appearance, sympathetic to the traditional character of the area and, with a slight change in finishing materials, achieve the quality that is expected.

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

- 7.1. **Landscape Impact:** The proposed development is within the Stour Valley Special Landscape Area and Bures St. Mary Conservation Area. The existing site contains no existing green space or landscaping. There is a row of conifer trees outside the eastern edge of the site. They currently offer a soft, evergreen barrier between the houses on Friends Field and the site.
- 7.2. The proposed development is mostly contained to the rear, within the former parking and manoeuvring area for the buses. Therefore, the development's visual presence from the wider setting is limited. The most prominent section of the site is to the western boundary and south-

western corner, forming the historic frontage onto the High Street, which is to be retained and refurbished. Although the roof height of the former bus garage is to be increased to facilitate the first-floor apartments, it is not an excessive increase nor is it considered to impact the wider landscape. Some additional landscaping has been provided within the site.

- 7.3. Following consultation with the Essex Place Services Landscape Consultant, it is considered that additional soft landscaping should be provided in order to achieve a high quality public realm and good quality street scene. A hard and soft landscaping scheme has been requested by condition prior to commencement to account for amendments as suggested by the Landscape Consultant as well as to secure further details of the proposed hard and soft landscaping in the interests of visual amenity and the character and appearance of the area.
- 7.4. **Ecology:** Following consultation with the Essex Place Services Ecological Consultant, it is considered:

“The mitigation measures identified are acceptable and should be secured and implemented in full. It is recommended that a Wildlife Friendly Lighting Strategy is implemented for this application. This should summarise the following measures will be implemented:

- *Light levels should be as low as possible as required to fulfil the lighting need.*
- *Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.*
- *The provision of motion sensors or timers to avoid the amount of ‘lit-time’ of the proposed lighting.*
- *Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.*

In addition, we support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. Impacts will be minimised such that the proposal is acceptable subject to the conditions.”

- 7.5 These measures can be secured by condition.

8.0 Land Contamination, Flood Risk, Drainage and Waste

- 8.1. During the course of the application, a Phase II Land Contamination Report has been produced and is currently under consultation with the Environmental Protection Team. Because of the previous use of the land, there is a considerable amount of ground contamination from oils and fuel. The applicant is keen to start on the site, if planning permission is granted and the “clean-up” is going to take time to organise. The applicant has opted to submit the Phase II contamination details so that a condition will not be necessary. An update will be given to the Committee on the findings of the Environmental Protection Team on this report and whether a condition is necessary or not.
- 8.2. The site is wholly within Flood Zone 1 and is considered to be at low risk of flooding.
- 8.3. The Lead Local Flood Authority (LLFA) originally raised a holding objection to the scheme due to a lack of information on surface water and foul drainage issues. The site sits on a hillside which runs down to the River Stour, with houses to the north and west being elevated from the site.

Although there are large buildings on the site currently, there is also a large piece of open ground. Much of this area is to be covered with dwellings and hard surfaces for access routes and parking. Therefore, it is likely that surface water run-off will increase in the future.

- 8.4. The constraints of the site do not allow for an open SUDS solution in this particular instance and, therefore, a crate system is necessary to hold surface water and allow it to infiltrate properly. Two options were offered to the LPA. The first was for crates to be placed under the car parking area of the shop and the second under the access road to the dwellings.
- 8.5. The LLFA considered that the area in the car park would be the preferred location for the crates because, when maintenance is required, this would be the least disruptive option for residents. However, space for the crates is limited and a pump would be required which would be costly to the future residents of the proposed homes. The land would be subject to a management company which residents would need to pay for and the pumping would be a regular cost. The second option was discussed further and manufacturers' details have been provided showing a crate design lifetime of 50 years. On balance, the second option, although more intrusive for residents when the crates need to be replaced, will be the most cost effective for the future residents of the development with a one in fifty year occurrence rather than a regular cost of pumping.

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. Following consultation with the BMSDC Heritage Officer, the heritage concern relates to the potential impact of the works on:
- The character and appearance of Bures Conservation Area;
 - The significance of various nearby listed buildings, including the Church of St Mary the Virgin (Grade I), the War Memorial (Grade II), Angel Inn (Grade II), Crown (Grade II), Old Forge House, (Grade II) and the 'Malthouse and Premises occupied by W A Church (Bures) LTD (Grade II*)', and;
 - The significance of parts of the existing bus depot, which are considered to be either one or a group of non-designated heritage assets.
- 9.2. **Existing Buildings on Site:** The former bus depot site contains a number of structures, some of which pre-date the use of the site as a bus depot. On the road (west) side, from south to north, is a two-storey, red brick, gambrel roof block, externally of C19 appearance, with later extensions to the rear; a single-storey, steel-framed shed/depot building, likely of interwar date; and a single-storey brick building with shopfront, likely 19th century or earlier. To the rear of the site are further buildings and structures, likely of 20th century date.
- 9.3. It is considered by the BMSDC Heritage Officer that all three of the structures on the roadside have sufficient historic interest to be considered non-designated heritage assets, possibly individually or at least as a group. The brick buildings are of considerable age and aesthetically are in keeping with the prevailing character of the Bures St. Mary Conservation Area. The interwar depot is later, but still of a fair age, and while arguably not aesthetically as in-keeping with the prevailing character of the Conservation Area, has significance derived from its former use.
- 9.4. The submitted Heritage Statement highlights that all parts of the building have previously been owned by HC Chambers & Son, who operated from the site from 1877, firstly as a saddlery business, livery stable and operator of horse-drawn buses and carts, before changing to

motorised buses in the 20th century. The buildings thus provide physical evidence of the historic uses and industry occurring in the Conservation Area, through to the 20th century, and a link to a historically important company locally. The interwar depot building specifically is the best physical evidence of how this company developed in the 20th century and provides evidence of the wider expansion of public transport and the use of motor vehicles in this period. It may also have social/communal value, as a place that local people may be familiar with working at or visiting. The later additions to the bus depot also reflect this history but given their newer age, they likely would not qualify as non-designated heritage assets. Additionally, aesthetically, they likely detract from the appearance of the Conservation Area to a greater extent.

- 9.5. **Proposed Reuse:** The bus depot is no longer in operation and the buildings largely appear to be unused except for a limited amount of residential use. The loss of the previous use of the site has already eroded the significance of the buildings somewhat.
- 9.6. It is considered that the proposal would likely result in a heritage benefit in ensuring a new, sustainable use for those buildings of historic interest that helps protect their significance. This would be a benefit to these buildings themselves and the character and appearance of Bures St. Mary Conservation Area. The optimum use for the buildings, that best preserves their significance, would likely be that which they were designed or historically used for. However, it is acknowledged that a continuation of the bus depot use is unlikely. A retail (or at least part-retail) use is probably the next best option, most in-keeping with their significance, as still reflective of the commercial/industrial history of the site - particularly as parts of the buildings were likely shops prior to the bus depot use. It also allows a degree of public access to the buildings and is thus considered more of a heritage benefit than alternatives, such as full residential use. This heritage benefit will be considered against any harm, including from physical alterations. The intention should be to find the proposal that creates the most heritage benefits and avoids the most harm, while still being viable.
- 9.7. The proposed reuse of the existing buildings and additional dwellings seems likely to result in some amount of increased traffic volume in the surrounding area over the current situation, although it is not clear how this would compare to when the bus depot was in use. Nevertheless, based upon the comments from the SCC Highway Authority, it is not thought that the traffic impacts of the proposal would result in harm to the character and appearance of Bures St Mary Conservation Area or the significance of any listed buildings.
- 9.8. Following receipt of the acoustic report and the subsequent comments from the BMSDC Environmental Health Officer, there are no specific concerns regarding noise and odour impacts specifically in relation to the character and appearance of the Conservation Area and the significance of heritage assets, subject to conditions.
- 9.9. **Proposed External Alterations to Street Facing Buildings:** The application proposes the retention of the external, street-facing façades of the three elements of the frontage buildings, including the frontage of the interwar depot building. The retention of the large shutter doors of the depot building specifically is supported as the doors are considered to be an important visual feature and element of the history of the area.
- 9.10. Ideally, more of the existing interwar depot behind the façade would be retained to preserve this building's significance better still. However, it is acknowledged that the existing form/nature of this building may not lend itself to many feasible alternative structures, due to the lightweight nature of the construction, which would likely hinder the installation of more robust cladding, insulation and so on and the internal space, which is both large but also likely difficult to install a first floor in, due

to the existing steel roof structure. Thus, rebuilding behind the façade, whilst in a similar form, may be the next best option to retain as much significance as possible.

- 9.11. It is considered that the replacement of the external cladding, which is currently corrugated metal, would be acceptable in this instance, as this material is quite unsightly, and, if asbestos-based, not suitable for retention. An alternative metal cladding, as proposed, would likely be most appropriate, as this would best reflect the historically industrial nature of the building. Further details of the proposed zinc cladding have been requested by way of condition.
- 9.12. The roof height of the 'rebuilt' depot building would also be taller than the existing. Again, ideally, the roof height would be maintained, so the overall scale of the interwar depot is retained. However, the proposed increase is reasonably minor, plus it is acknowledged that this also likely makes accommodating a first floor easier and thus makes the overall reuse of the site more viable. Setting the raised roof back from the front façade is a welcome mitigation of this harm, as it allows the previous form to be more readable.
- 9.13. The heightening of the roof would also be discernible within the wider Conservation Area. It is considered that the increase in height would make the building more prominent within the street scene, but not excessively out of scale with the prevailing character of the area, so any harm arising to the character and appearance of Bures St. Mary Conservation Area from this would likely be minimal. The set-back nature of the raised roof from the frontage would also assist with reducing this impact.
- 9.14. It is also considered that the "opening up" of roof structure, to create an open terrace, may be somewhat out of keeping, as buildings of the nature of the interwar depot are often characterised by their large, unbroken roofs. Externally, this alteration may give the building a somewhat disjointed appearance, and again erode the form of the current structure. Nonetheless, it is noted that this open area may be required to make the adjacent flats proposed feasible. Furthermore, the "open" design is restricted to the south roof slope only, where it would likely be less prominent within the historic core of the Conservation Area than on the north. There are no obvious feasible further amendments that could be made to this that would discernibly further reduce the harm from this aspect.
- 9.15. To the side elevation of the southern range, a new opening is proposed, which in essence acts as a replacement of a window with a more domestic-style door, as well as the replacement of an adjacent existing door opening to match. It is considered that these changes are much more in-keeping with their position on the building and, while there would be some loss of fabric here, and the age of the window is not clear, any harm would likely still be minimal. Following revisions to the application, the proposed doorway in place of a window on the southeast elevation of the southern range of the historic building, would retain the existing brick arch above, which helps to reduce the harm to the bus depot buildings.
- 9.16. Details of the proposed signage have not been provided at this stage but would form part of a separate advertisement application.
- 9.17. A small plaque is proposed to the visible southern side elevation, explaining the history of the buildings and H C Chambers, helping preserve the heritage value of the building.
- 9.18. Additional rear ranges to the southern building and interwar building are proposed to be demolished. However, these appear to be later C20 additions and are considered of little historic interest, so there is no issue with their loss. Similarly, the external structures in the rear yard to be demolished, while visually reflecting the bus depot use, are also considered of little historic

interest in their own right, as well as being fairly unsympathetic to the character and appearance of the Conservation Area, so there is also no issue with their loss.

- 9.19. **New Houses:** There are no major concerns with the proposed new residential buildings and associated infrastructure to the rear (east) of the site from a Heritage perspective. The land may have been part of the H C Chambers site for a while, although the Historic OS Maps submitted, up to 1956-61, suggest the eastern part of the site might have been separate at least up to this point. Either way, it is considered its contribution to the non-designated heritage assets would still be fairly minor. Furthermore, its current form is not considered sympathetic to the character and appearance of the Bures St. Mary Conservation Area.
- 9.20. The density of development appears reasonably high compared to the historic core of the village, but given their discreet location, it is considered that this is unlikely to particularly erode the character and appearance of the area. The new dwellings would likely be visible from listed buildings to the north, including Crown/Crown House and Old Forge House. However, given the distances, building heights, general ground levels, and building designs, the new dwellings should not be overly-dominating within the setting of these listed buildings and thus harm their significance.
- 9.21. **Street Works:** It is considered that the proposed physical works to the nearby streets would not be such to cause harm to the character and appearance of Bures St Mary Conservation Area or any other heritage assets, subject to conditions.
- 9.22. No free-standing traffic signage or similar appears to be proposed/required, which may otherwise have been of heritage concern, and the works include relatively modest additions to existing pavements, which are not of historic materials, rather than the introduction of pavements where none currently exist or additions to historic paving.
- 9.23. **Summary:** It is considered that the proposal would result in;
- A very low to low level of less than substantial harm to a designated heritage asset because the proposed works would result in the loss of reasonable amounts of historic buildings that make a positive contribution to the character and appearance of Bures St Mary Conservation Area. Nonetheless, those elements that are most prominent within the Conservation Area would be retained.
 - A low-to-medium level of less than substantial harm to a non-designated heritage asset (or assets), as various aspects of the works to the street facing buildings, particularly internal/behind their frontages, would erode their significance to some extent.
 - No harm (subject to conditions) to various heritage assets as the new dwellings are not considered to be overly dominating within the setting of these listed buildings and thus harm their significance, subject to conditions.
 - No specific concerns regarding noise and odour impacts, specifically in relation to the character and appearance of the Conservation Area and the significance of heritage assets, subject to the conditions recommended by the BMSDC Environmental Health Officer.
 - A reasonable level of heritage benefits to both designated and non-designated heritage assets, through the repair and reuse of a redundant building/buildings of historic interest in

a use reasonably sympathetic to their history (at least partially) and removal of the more unsympathetic additions to the site.

10.0 Impact On Residential Amenity

- 10.1. The new houses have been positioned to ensure they do not provide any significant overlooking of adjacent rear gardens. The proposed house at the eastern end of the site is shielded by the boundary trees and does not have any first-floor windows that would otherwise overlook the properties on Friends Field.
- 10.2. The proposal allows the removal of unsightly shed outbuildings and equipment associated with the former bus depot as well as the rear element of the depot building, which is considered to improve the visual amenity of the area as well as the outlook for affected neighbouring properties. It is considered that the previous use of the site, with the noisy regular movement of buses and associated works, would have likely impacted the amenity of nearby dwellings.
- 10.3. Following receipt of the Noise Assessment and consultation with the BMSDC Senior Environmental Protection Officer, it is considered that the likely noise level based on the nearest existing receptors at Willow house and Queens House from vehicle movements associated with use of the convenience store, would be a less than 1dB increase which is considered negligible. Similarly, the likely noise level of the deliveries to the convenience store would be a noise level between - 5-7dB below background level and thus of low impact. Further conditions in relation to the construction phase, noise, smell and smoke have been included to minimise detriment to nearby residential amenity.

11.0 Planning Obligations / CIL

- 11.1. **S106 Contribution Request:**
The proposed off-site highway improvements involve minor amendments to the existing parking restrictions on the B1508 High Street. This needs to be accompanied by an amendment to the legal order (Traffic Regulation Order) related to the restrictions to ensure they remain enforceable. The cost of the design, consultation and legal works for this process is estimated to be £11,500.
- 11.2. The usual CIL payments will be applicable with this development.

12.0 Parish Council Comments

- 12.1. The matters raised by Bures St Mary Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1. The former Chambers Bus Depot, a brownfield site, is located in the centre of Bures St Mary. The site is currently redundant with a majority of the buildings in a poor state of repair. The proposal seeks to redevelop the site whilst retaining and repairing the prominent historic frontage to the western boundary and south-western corner fronting the High Street, including the large shutter doors of the former bus garage.

- 13.2. The creation of a convenience store would provide jobs as well as services for local residents. The proposal also provides a range of housing types of a high-quality design sympathetic to the traditional character and appearance of the area, totalling 10no. residential units (including the retention and modernisation of 1no. existing dwelling) as well as associated infrastructure.
- 13.3. As part of this development, works to the highway are proposed, including improvements to the existing access as well as the enhancement of pedestrian crossing facilities and the bus stop. These works are considered to provide highway safety benefits for both vehicle users and pedestrians. This would not only apply to those accessing the site but also to local residents. The proposal also provides bicycle storage, as well as electric vehicle charging points for the convenience store as well as the residential units, promoting sustainable development.
- 13.4. Although a low-level of harm has been raised by the BMSDC Heritage Officer, it is considered the proposal provides numerous heritage and public benefits through the repair and reuse of redundant buildings and the removal of the more unsympathetic additions to the site.
- 13.5. It is considered that the proposal accords with the relevant development management policies, and the NPPF. It is therefore recommended that planning permission is granted.

RECOMMENDATION

That the application is GRANTED planning permission subject to the prior agreement of a Section 106 Planning Obligation to secure improvements to the public highway and includes the following conditions:

- **Time Limit**
- **Approved Plans**
- **Permitted Development Removal**
- **Land Contamination Strategy (BMSDC EH – Land Contamination)**
- **Resilient matting (BMSDC EH – Other)**
- **Fence/barrier to the north of the car park (BMSDC EH – Other)**
- **Limit on external noise levels (BMSDC EH – Other)**
- **Kitchen Odour Control (BMSDC EH – Other)**
- **Chimney Flue (BMSDC EH – Other)**
- **Construction Hours (BMSDC EH – Other)**
- **Prohibition on burning (BMSDC EH – Other)**
- **Construction Management Plan (BMSDC EH – Other, SCC Highways)**
- **Sustainability & Energy Strategy (BMSDC EH – Sustainability)**
- **Zinc cladding (BMSDC Heritage)**
- **Brickwork (BMSDC Heritage)**
- **Roof tiles (BMSDC Heritage)**
- **Cladding (BMSDC Heritage)**
- **External lighting (BMSDC Heritage)**
- **External signage (BMSDC Heritage)**
- **Street bollards (BMSDC Heritage)**
- **Historic England Level 2 Building Recording (BMSDC Heritage)**
- **Refuse Collection Vehicle (Waste Management)**

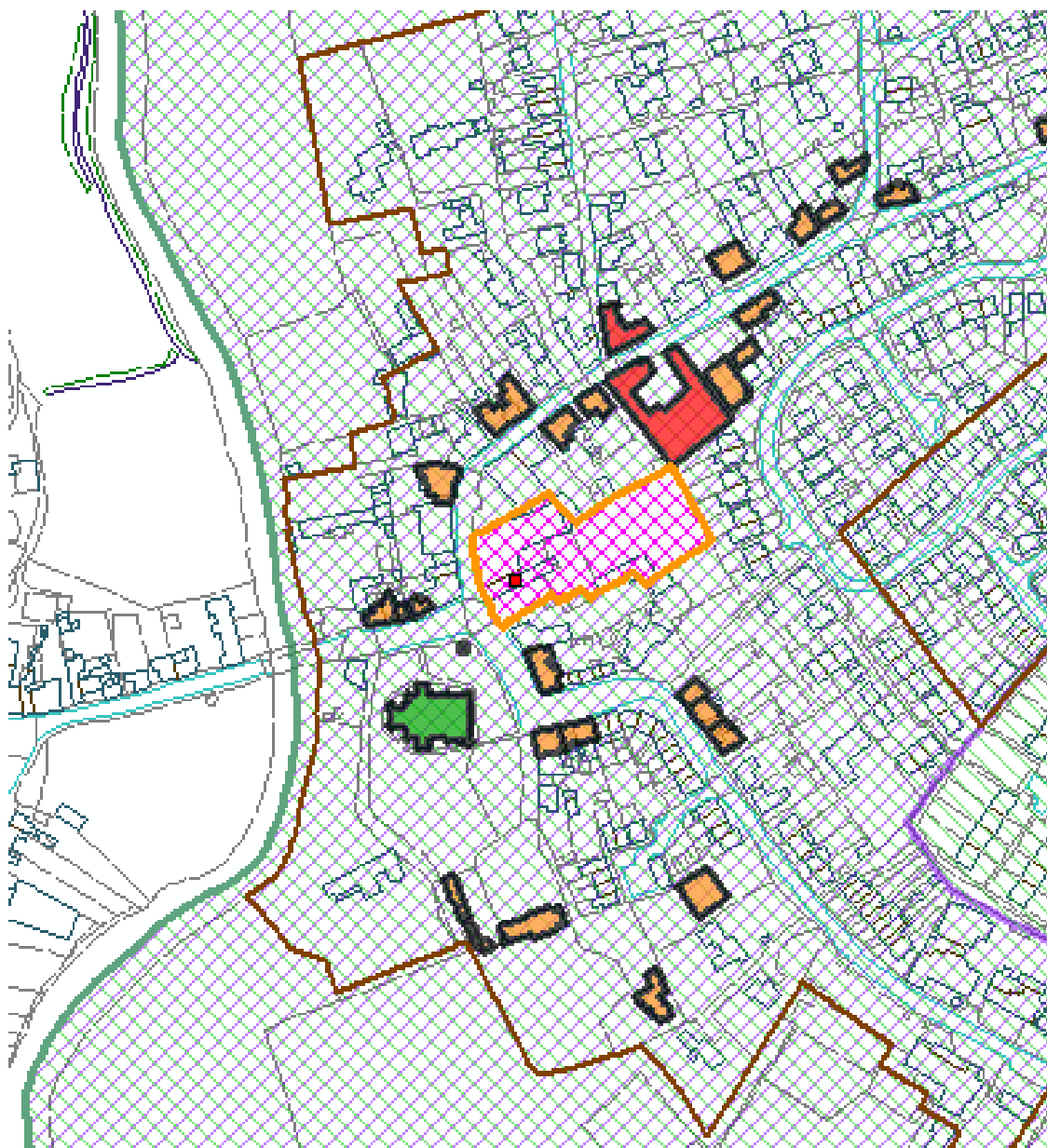
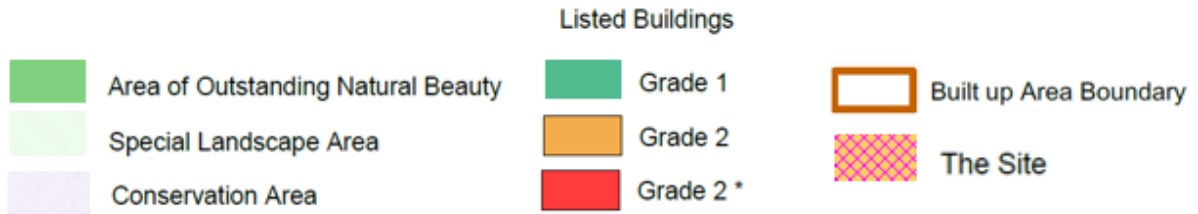
- **Road Surface (Waste Management)**
- **Highway Improvements (SCC Highways)**
- **Surface Water Discharge (SCC Highways, SCC Floods)**
- **Bin Storage/Presentation (SCC Highways)**
- **Roads and Footpaths (SCC Highways)**
- **Carriageways and footways – binder course level (SCC Highways)**
- **Parking and manoeuvring (SCC Highways)**
- **Cycle Storage (SCC Highways)**
- **EV Charging points (SCC Highways)**
- **Visibility Splays (SCC Highways)**
- **Deliveries Management Plan (SCC Highways)**
- **Surface Water Drainage Verification Report (SCC Floods)**
- **Construction Surface Water Management Plan (SCC Floods)**
- **Written Scheme of Investigation (SCC Archaeology)**
- **Post Investigation Assessment (SCC Archaeology)**
- **Archaeology (if applicable)**
- **Ecological Appraisal Recommendations (EPS Ecology)**
- **Bat Licence (EPS Ecology)**
- **Biodiversity Compensation and Enhancement Strategy (EPS Ecology)**
- **Wildlife Sensitive Lighting Design Scheme (EPS Ecology)**
- **Hard and Soft Landscaping Scheme (EPS Landscaping)**
- **Landscape Management Plan (EPS Landscaping)**
- **Contamination/verification/monitoring remediation (as per Environment Agency)**
- **Foundation designs (Environment Agency).**
- **Any other conditions at the Chief Planning Officer may deem appropriate.**

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Application No: DC/22/00754

Parish: Bures St Mary

Location: Former Chambers Bus Depot, Church Square



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