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COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 24 AUGUST 2022 1.30 PM
VENUE:	FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE

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	

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 SUBSTITUTES AND APOLOGIES

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

To receive apologies for absence.

2 DECLARATION OF INTERESTS

To receive declarations of disclosable pecuniary interests and other registerable and non-registerable interests by Members.

3 PL/22/7 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10 AUGUST 2022

To follow.

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

5 **SITE INSPECTIONS**

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

6 **PL/22/8 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 5 - 8

An Addendum to Paper PL/22/8 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/20/03083 ERWARTON HALL FARM YARD, THE STREET, ERWARTON, IPSWICH, SUFFOLK. IP9 1LQ** 9 - 32

b **DC/22/02948 1 NORTHERN ROAD, CHILTON INDUSTRIAL ESTATE, SUDBURY, SUFFOLK, CO10 2YH** 33 - 44

c **DC/22/00754 FORMER CHAMBERS BUS DEPOT, CHURCH SQUARE, BURES ST MARY, SUFFOLK, CO8 5AB** 45 - 72

Notes:

1. The next meeting is scheduled for Wednesday 7 September 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, 7 September 2022 at 9.30 am.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Claire Philpot on: 01473 296376 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

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

Domestic Arrangements:

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

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

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



PL/22/8

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

24 AUGUST 2022

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A		DC/20/03083	Erwarton Hall Farm Yard, The Street, Erwarton, Ipswich, Suffolk, IP9 1LQ	RW
6B		DC/22/02948	1 Northern Road, Chilton Industrial Estate, Sudbury, Suffolk, CO12 2YH	EF
6C		DC/22/00754	Former Chamber 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/20/03083

Case Officer: Rose Wolton

Ward: Ganges.

Ward Member/s: Cllr Derek Davis.

RECOMMENDATION – REFUSE PLANNING PERMISSION

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: 0.57ha

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: Yes, Cllr Derek Davis

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
CS19 – Affordable Homes
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 0.57 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 3rd 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 Erwardon 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 and CN06 of the Babergh Local Plan (2006), as well as Policies CS2, CS15 and CS19 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 6b

Committee Report

Item No:

Reference: DC/22/02948

Case Officer: Elizabeth Flood

Ward: Lavenham

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

RECOMMENDATION – APPROVE 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

Recommend approval, the proposed development will not increase flood risk as the panel will run off to ground and drain naturally. The two ISO containers are less than 250sqm and would not be subject to a formal surface water drainage strategy, but may have to be drained in accordance with Building Regulation's part H.

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 recommended approval and stated that the solar panels will drain naturally 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 planning permission is approved to include the following conditions:

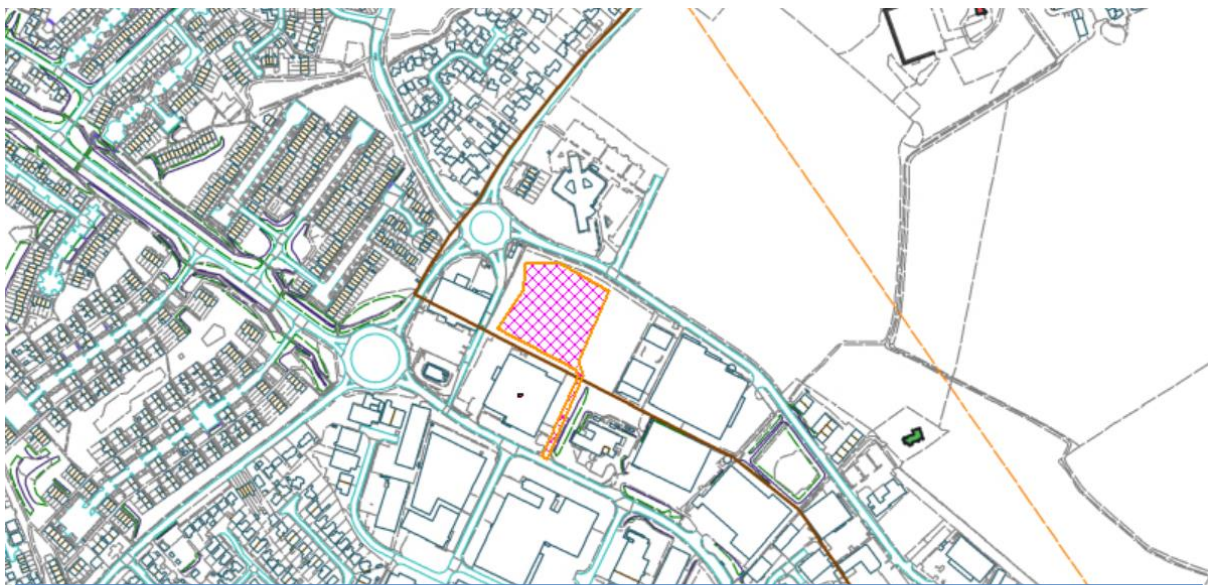
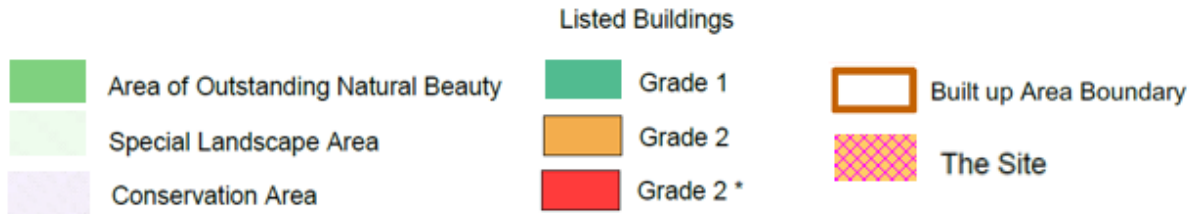
- Standard time limit
- In accordance with the approved plans
- Construction Management Scheme
- Ecological appraisal recommendations
- Biodiversity enhancement strategy
- Landscaping scheme including details of boundaries landscaping and land between solar panels.

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Application No: DC/22/02948

Parish: Sudbury

Location: 1 Northern Road, Chilton Industrial Estate



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Agenda Item 6c

Committee Report

Item No: 6C

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

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 49no. 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 Core Village 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 adjacent to 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 adjacent to 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, maintaining a 6-metre carriageway width, and resulting in the loss of 3 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 three 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 the volume of surface water run-off will increase in the future. The proposals incorporate a surface water attenuation system, whereby the peak rate of surface water discharge from the site will be restricted to no greater than the existing annual peak rates. The peak rate of surface water run-off from greater than annual storm events will be significantly reduced, thereby providing betterment, in accordance with current national design practice.

- 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]

The Council has statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 as follows:

Paragraph 66 (Listed Buildings): "In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Paragraph 72 (General duty as respects conservation areas in exercise of planning functions): "In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

In addition, the following is relevant in terms of the NPPF:

Paragraph 197: "In determining applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.”

Paragraph 202: “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.”

Further, Paragraph 203 states: “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.”

These duties and this weighing of harm against public benefits inform the discussion below.

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 further free-standing traffic signage or similar is proposed, which may otherwise have been of heritage concern. The works include relatively modest additions to existing pavements, that 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.
- 9.24. These public and heritage benefits are held to outweigh the identified very low to low level of harm to designated heritage assets. The identified low-to-medium level of harm to non-designated assets is acknowledged, but here the test is less stringent and we are simply asked to exercise a balanced judgement.

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 very low to low-level of harm to designated heritage assets has been identified 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. These weigh in the application's favour.
- 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)

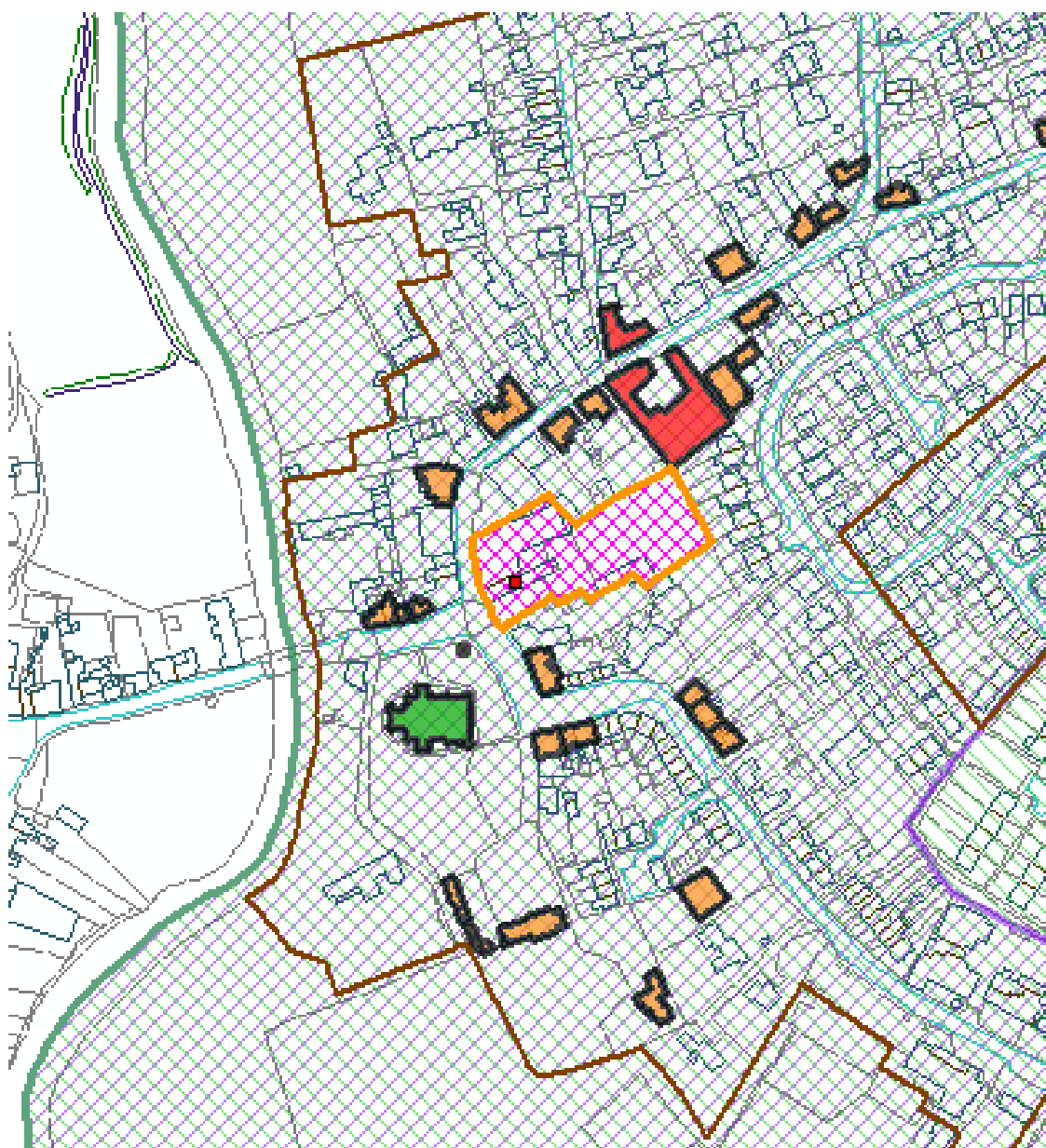
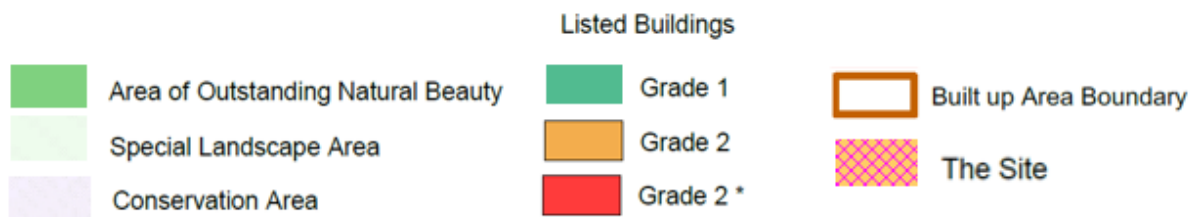
- Bat Licence (EPS Ecology)
- Biodiversity Compensation and Enhancement Strategy (EPS Ecology)
- Wildlife Sensitive Lighting Design Scheme (EPS Ecology)
- Hard and Soft Landscaping Scheme (EPS Landscaping)
- Landscape Management Plan (EPS Landscaping)
- Contamination/verification/monitoring remediation (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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