

# Public Document Pack



<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>WEDNESDAY, 19 OCTOBER 2022 9.30 AM</b>
<b>VENUE:</b>	<b>FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE</b>

<b>Members</b>		
<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	

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

## **AGENDA**

### **PART 1**

#### **MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

Page(s)

#### **1 SUBSTITUTES AND APOLOGIES**

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

To receive apologies for absence.

#### **2 DECLARATION OF INTERESTS**

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

#### **3 PL/22/14 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 05 OCTOBER 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/22/15 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 5 - 8

An Addendum to Paper PL/22/15 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

a **DC/21/03185 LAVENHAM PRESS, 47 WATER STREET, LAVENHAM, SUFFOLK, CO10 9RN** 9 - 34

b **DC/22/01674 LAND SOUTH OF, TAMAGE ROAD, ACTON** 35 - 44

**Notes:**

1. The next meeting is scheduled for Wednesday 02 November 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, 2 November 2022 at 9.30 am.

### **Webcasting/ Live Streaming**

The Webcast of the meeting will be available to view on the Councils Youtube page:  
[https://www.youtube.com/channel/UCSWf\\_0D13zmegAf5Qv\\_aZSg](https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg)

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

### **Introduction to Public Meetings**

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

### **Domestic Arrangements:**

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

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

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/22/15

### BABERGH DISTRICT COUNCIL

### PLANNING COMMITTEE

19 OCTOBER 2022

### SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	9-34	DC/21/03185	Lavenham Press, 47 Water Street, Lavenham, Suffolk, CO10 9RN	SS
6B	35-44	DC/22/01674	Land South of, Tamage Road, Acton	EF

Philip Isbell  
Chief Planning Officer

## BABERGH DISTRICT COUNCIL

### PLANNING COMMITTEE

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

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

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

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

#### DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

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

#### **PLANNING POLICIES**

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

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

National Planning Policy Framework:

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

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

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

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# Agenda Item 6a

## Committee Report

**Item No: 6A**

**Reference: DC/21/03185**

**Case Officer: Sarah Scott**

**Ward: Lavenham.**

**Ward Member/s:** Cllr Clive Arthey. Cllr Margaret Maybury.

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### Description of Development

Planning Application. Demolition of existing unlisted buildings and structures and erection of retirement living accommodation to include associated amenity space, landscaping, parking and vehicular access

### Location

Lavenham Press, 47 Water Street, Lavenham, Suffolk CO10 9RN

**Expiry Date:** 16/03/2022

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

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

**Applicant:** McCarthy Stone Retirement Lifestyles Limited

**Agent:** Rachel Clare

**Parish:** Lavenham

**Site Area:** 0.52 Ha

**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/21/00286)

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

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

- It is a residential development for 15 or more dwellings

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

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### Summary of Policies

CN01 - Design Standards

CN06 - Listed Buildings - Alteration/Ext/COU  
CN08 - Development in/near conservation areas  
TP15 - Parking Standards - New Development  
EM24 - Retention of Existing Employment Sites  
CS1 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS2 - Settlement Pattern Policy  
CS15 - Implementing Sustainable Development  
CS18 – Mix and Types of Dwellings  
CS19 – Affordable Homes  
HS28 - Infilling

Lavenham Neighbourhood Plan  
H1 - Scale and location of new development  
H2 - Housing Mix –meeting local needs;  
H3 - Affordable Housing;  
H6 - Homes for Elderly People  
D1 - Design and Character  
D2 - High Quality Design  
ENV1 - Defined Views and Special Landscape Areas  
NPPF - National Planning Policy Framework

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has full 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**

##### **The Lavenham Society**

The Lavenham Society has reviewed the above referenced revised planning application and wishes to object to the proposed development for this sensitive site at the heart of the Lavenham Conservation Area, because it fails to address most of our previous concerns for the reasons set out below.

This application does not give due weight to:-

1. The Lavenham Neighbourhood Development Plan (NP). In particular, the 33 proposed dwellings which exceeds the limit of 24 dwellings per location stated in the NP.
2. The requirement by your Council's policy and mirrored in the NP, to market the site for alternative uses to housing has not been undertaken and thus no alternative development proposals have been considered.
3. To the National Planning Policy Framework (NPPF) in its entirety. In particular, the scheme does not pay attention to the relevant NPPF guidance regarding Heritage Assets

4. Local housing need and in particular the provision of any Affordable Housing either on-site or any financial contribution towards off-site provision. There is no identified proportion being designated Affordable Homes. Babergh Policy 3.5.3.4 and LP06 states: "The policy sets out a target of 35% affordable housing for all residential development. This is appropriate to all locations, whether it is a small group of dwellings in a village..." LNP Policy H3 (Affordable Housing) states that residential proposals which do not meet Babergh's Affordable Housing requirement of 35% will only be supported if the proposals are justified by an open book assessment, and this has not been produced.
5. Local design policies, good design practice and government guidance. This is still a standard McCarthy and Stone design more suited to an urban or suburban location and not appropriate to the historic centre of a medieval village.
6. The aims, aspirations and policies contained within the emerging Joint Local Plan and its status as a material consideration for planning purposes.

### **Town/Parish Council**

- 1) The proposed 35 houses exceeds the maximum limit given in Policy H1 of the 2016 Neighbourhood Plan of 24 houses. This policy has worked successfully for Lavenham since 2016. We are determined not to set a precedent by approving any development exceeding 24 houses.
- 2) No provision has been made for 35% affordable homes as required under policy H3 of the 2016 Neighbourhood Plan.
- 3) As required by Policy H3, No open book assessment viability statement has been provided for proposing less than 35% affordable homes. There is no proposal for any S106 provision.
- 4) Parking is very limited for the number of properties. Suffolk County Council recommends 44 spaces for 35 properties, McCarthy & Stone are proposing 31 based on their formula used on other sites. The 31 spaces includes only 4 spaces for guests, and needs to account for spaces for visiting carers and staff as well as residents
- 5) These houses are not allocated as part of JLP long term housing plan and are not identified in the draft JLP currently under consideration. Lavenham has already exceeded its housing requirement in the draft JLP with approved applications and the LA069 allocated site.
- 6) Number 47 Water Street needs to be considered in the proposal so that it is not left to become isolated by its setting adjacent to the proposed development. Sufficient space around the property has not been provided to ensure this Grade II listed building has an appropriate setting.
- 7) There will be Impact on defined views as described in ENV1 of the 2016 Neighbourhood Plan
- 8) Loss of privacy has been raised by some residents
- 9) There will be an impact on the setting of listed buildings
- 10) The design of the building appears to be a corporate style with little reference to the Lavenham Vernacular and the design is inappropriate for the Location.
- 11) The density of the building within the site is too dominant (see No.1 above) It is noted that the Parish Council recognises the positive benefits of developing this site with an appropriate proposal:
- 12) Policy H6 of the 2016 Neighbourhood Plan supports homes for elderly people
- 13) The site should be developed for housing rather than industrial use.
- 14) Reduction of noise from the site, and heavy traffic noise from deliveries etc.
- 15) Reduction of commercial traffic in the village
- 16) This is an opportunity to improve the street scene in this part of Water St.
- 17) Note: Employment of Lavenham residents by the Lavenham Press is low. So, the loss of this employment in the village is not considered a significant factor.

The revised version has minor amendments from the original application. There is a reduction in the number of properties from 35 to 33, this is still in excess of the maximum limit given in Policy H1 of the 2016 Neighbourhood Plan of 24 houses.

The Parish Council still maintains the position set out in its original objection. The proposed amendments and supporting reports do not provide any justification for deviating from the Lavenham Neighbourhood Plan and therefore for this Council to change the previous recommendation.

## **National Consultee**

### **Historic England**

Historic England has concerns regarding the application on heritage grounds as the proposed development would result in harm to the conservation area by introducing a single, large scale building which is not fully reflective of the character of the village. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 184, 192, 193, 194 and 200 of the NPPF.

Historic England's comments following amendments in March 2022 state that it has not changed its position.

### **Natural England**

No comments

### **Anglian Water**

No objection with comments

### **Suffolk Preservation Society**

Thank you for consulting the Suffolk Preservation Society (SPS) on the design amendments to the above application for the proposed development on the Lavenham Press site. Whilst supporting the reuse of this brown field site, we objected to the original scheme due to our serious concerns regarding the complete loss of a C19th industrial building; the harmful impacts on 47 Water Street (grade II listed); and the setting of other listed buildings on Water Street. We also considered that the proposed scale and design of the proposals would neither preserve nor enhance the Lavenham Conservation Area. (See our letter dated 21 July 2021). We are therefore disappointed that the amendments to the scheme do not address these issues.

We note that the amendments to the scheme are a result of discussions between the applicant and the local authority, particularly the heritage team. It is therefore very disappointing that the complete loss of the C19th factory building has not been addressed and no further heritage assessment of this building, and its relationship with grade II listed 47 Water Street, has been provided. As far as we are aware, 47 Water Street and the factory building were functionally linked at the time of listing in 1958 and this link has continued to the present day. The law provides that buildings and other structures that pre-date July 1948 and are within the curtilage of a listed building are to be treated as part of the listed building.

If, however, the lpa is satisfied that this building is not within the curtilage of 47 Water Street, SPS remains of the opinion that it should be treated a non-designated heritage asset. Whilst the interior detailing is mostly lost, it is a purpose-built weaving factory, which is integral to the history of the site and of Lavenham as a village steeped in the weaving tradition. It has a social and communal value, contributing to the industrial heritage of Lavenham and we note that the consultation response from Historic England also highlighted the building's importance. The new visuals provided by the applicant are useful in highlighting the important contribution that the factory building currently makes to the street scene when entering the village from the east (viewpoint 2). This industrial building is clearly visible as a positive feature in views from this direction, providing visitors with context to Lavenham's industrial past.

Moreover, no amendments have been made to improve the setting of 47 Water Street. Whilst the existing poor quality industrial buildings are to be removed, a red brick tight boundary wall is proposed to the rear of the designated asset, beyond which will be a car park and a large two storey block, harming the setting of the asset and compromising its future use.

OFFICER COMMENT – For clarification, the Council’s mapping shows 47 Water Street to be a listed building, whilst the factory building is not.

**NHS England (50+ Dwellings/C2/Care Or Nursing Homes)**

CIL contribution is required for primary healthcare provision.

**County Council Responses**

**SCC - Highways**

Further to the submission of a Technical Note and further discussions on the matter of parking provision, whilst the Highway Authority does not necessarily support the proposed parking provision, we do not consider it to represent an unacceptable impact on highway safety (NPPF 111) due to a significant risk of an increase in on-street parking. Considerable justification for the parking provision has been provided in the Technical Note, plus our own research using census data on vehicle ownership by age and dwelling type within Babergh district, indicates that subject to the parking being unallocated and managed (see recommended condition), it is very likely that the proposed parking provision would accommodate demand including visitors. Notwithstanding the requirement to provide a pedestrian access to FP5 as requested by SCC PROW team in June 2021 (that does not appear to have been addressed), conditions are recommended

**SCC - Travel Plan Co-ordinator**

No comments

**SCC - Flood & Water Management**

Holding objection, insufficient information to assess flood risk.

**SCC - Fire & Rescue**

No objections

**SCC - Archaeological Service**

Support subject to conditions.

**SCC - Development Contributions Manager,**

CIL contributions outlined.

**SCC - Rights Of Way Department**

We do not object to this application, however there should be a pedestrian access point directly from the site onto FP5. This will enable residents to use the footpath for recreation and exercise in a natural environment.

**Internal Consultee Responses**

**Arboricultural Officer**

No objection subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report, an appropriate condition should be used for this purpose. Although a small number of trees are proposed for removal they are of insufficient value and/or poor condition to warrant being a constraint.

## **Heritage Team**

I consider that a number of initial concerns have been addressed sufficiently. Nevertheless, aspects remain outstanding.

The removal of rendered panels and use of brick detailing helps to create interest; reduction in scale and massing in the far western range is felt appropriate to its context. Justification has been received regarding the rear boundary wall to 47 Water Street.

However, detailed aspects of the landscaping require amendment; bitmac and tarmac are not acceptable; car parking showing rows of parked vehicles would be utilitarian and unattractive,

The Heritage Team considers that some harm remains with the amended scheme, although it is now moving towards a low level of less than substantial harm to the significance of the designated heritage assets. As such, the application does not currently accord with National and Local Planning policies relating to the built environment.

### **Environmental Health - Air Quality**

No objections

### **Environmental Health - Land Contamination**

No objection subject to conditions.

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

No objections subject to conditions.

### **Environmental Health - Sustainability Issues**

No objections subject to conditions.

### **Ecology - Place Services**

No objection subject to securing biodiversity mitigation and enhancement measures.

### **Strategic Housing**

Comments, more information is required on the way in which the design of the development meets the needs of older people and how the proposal will meet requirements for affordable housing provision.

### **Economic Development & Tourism**

Whilst we do recognise that the information submitted demonstrates that Lavenham Press have outgrown the limitations of this site, unfortunately without marketing to establish other interest, this application fails to demonstrate that the site is inherently unsuitable for other employment uses. This site has been in industrial use for some time (from 13thC according to the submitted report) and we remain concerned that employment opportunity in a remote village such as Lavenham once lost, will not be replaced, it is therefore important that opportunities for alternative uses are fully explored. The information submitted also fails to establish the site for relocation of the current business, it may be helpful if this could be clarified. Economic developments position has therefore not changed and we still object to this application.

## **B: Representations**

At the time of writing this report at least 65 letters/emails/online comments have been received. It is the officer opinion that this represents 51 objections, 12 support and 2 general comments. A verbal update shall be provided as necessary.

## General

- Retain existing trees where possible.
- Addition of Swift boxes.
- Hedgehog friendly fencing.
- Will these be affordable and restricted to local people?

## Support

- Good for the older generation as it is close to the shops.
- A really great idea, hopefully some to rent.
- Well thought out scheme, much needed in Lavenham.
- A good use of the site, but more parking is needed.
- Re-use of a brownfield site with improved setting.
- Support the proposals.
- Requirement for this type of accommodation.
- Improve housing choice.
- Release existing family homes onto the market.
- Reduction in commercial traffic.
- Appropriate development for this particular site.

## Objections

- Unsupported by any evidence of market demand.
- Overdevelopment of the site.
- Conflicts with District Plan.
- Conflicts with Neighbourhood Plan.
- Design and materials.
- No affordable housing.
- Out of character with the area.
- Need to encourage more young people into Lavenham.
- Neighbourhood Plan limits development to 24 units per site.
- Highways/traffic issues.
- Design should reflect the significance of Lavenham.
- More on site car parking needed.
- Harm to listed buildings.
- Inappropriate in a conservation area.
- Scale and Massing.
- Overlooking and impact on privacy.
- Smell and noise.
- Unsuitable development on this site.
- Examine alternative uses.
- Alternative sites should be explored.
- Totally unsuitable development for Lavenham.
- Unsympathetic to the surrounding heritage.
- Worse-case scenario of generic construction.
- Pinched and compromised.
- Lavenham needs to balance the age demographic.
- Within a high-risk flood area.

- Minimal landscaping proposed.
- Crude, ugly and cheap.
- Off the peg design.

(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**

The Planning history shows over 30 applications on this site, stretching back over 40 years. This information is provided at the end of the report in the interests of clarity.

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

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

- 1.1 The site is located on the southern side of Water Street on the eastern fringe of Lavenham. Residential development abuts the site to the east and west and opposite to the north. Open countryside is to the south. A public footpath runs along the southern boundary.
- 1.2 The site comprises of commercial buildings currently used by Lavenham Press.
- 1.3 The site is within the Lavenham Conservation Area and abuts the Special Landscape Area to the south. There are several listed buildings to the north and east of the site, mainly Grade II with grade II\* and Grade I buildings further west along Water Street.

### **2.0 The Proposal**

- 2.1 The application seeks the approval for the demolition of existing unlisted commercial buildings and structures and erection of retirement living accommodation to include associated amenity space, landscaping, parking and vehicular access.
- 2.2 The application proposes 33 units of accommodation over two storeys and comprises:
  - 20 x 1 bed apartments
  - 13 x 2 bed apartments
  - Refuse store
  - Guest Suite
  - Office
  - Mobility Scooter Store
  - Communal lounge with kitchen/dining area

Members are advised that NO affordable units have been allocated.

- 2.3 Parking has been arranged to the front and east side of the site and comprises of 27 residence spaces and 4 visitor spaces.
- 2.4 The main gable elements of the front elevation measure approximately 8m, the roof in the middle section measures approximately 7m. The western flat roof element measures approximately 6m then steps down to approximately 4m as it nears the rear gardens of the properties on Water Street.



2.5 Material finishes will be red/orange brick and dark blue bricks to match local vernacular under a natural blue/black Spanish slate on the roof.

2.6 Site Area measures 0.52ha

### **3.0 The Principle Of Development**

3.1 This section explores the fundamental issues of land use on this site, including the loss of employment land.

3.2 Babergh's policy CS2, in its overall strategy is appropriate in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF (2021) and therefore, notwithstanding the fact that its exceptional circumstances test in regards to development outside of development boundaries, is not wholly consistent with the NPPF, the Policy should be given substantial weight

3.2 Lavenham is classified as a Core Village within the adopted Babergh Core Strategy (2014). The principle of a residential development on this site is considered acceptable in its very broadest sense in this location within Lavenham's built-up area boundary as set out in Babergh Core Strategy policy CS2, provided other policy considerations are satisfied, particularly the issue of employment land. 3.3 Policy CS2 states that most new development (including employment, housing, and retail, etc.) in Babergh will be directed sequentially to the towns / urban areas, and to the Core Villages and Hinterland Villages. In all cases the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, as well as having regard to environmental constraints and the views of local communities as expressed in parish / community / neighbourhood plans. 3.4 Similarly, Lavenham's Neighbourhood Plan Policy H1 states that residential development proposals will be permitted subject to them either being located within or adjacent to the built-up area boundary of Lavenham and where the scheme can be clearly demonstrated to be well related to the existing pattern of development in Lavenham.

3.5 In addition, the policy states "new housing will be located within walking distances to the village centre [i.e. between 400 and 800 metres] and where it can be demonstrated that the development (for example through its scale) will not detract from the existing focal points provided by the village centre and the historic core.

3.6 Clearly, being near the centre of Lavenham, 250 metres from its facilities and services, the site is suitable for some form of residential development.

3.7 In terms of the *type* of accommodation, the development proposes units of one and two bedrooms in a purpose-built arrangement as independent units of accommodation for the over 55's. Whilst this does not appear to accord with Babergh's policy CS18, which requires a more balanced mix, type and size of housing developments that are integrated, this type of development, which is dedicated towards older people, is acceptable in principle.

3.8 Similarly, with certain provisos, Lavenham's NP Policy H6 states: "Development proposals for a residential care home, for a sheltered housing scheme or other specialist housing that will meet the needs of the older generation will be permitted provided that proposals are either located within or adjacent to the built up area boundary of Lavenham and where the scheme can be clearly demonstrated to be well related to the existing pattern of development in Lavenham."

- 3.9 There is, therefore, support for this type of accommodation; however, the principle of the proposal does require consideration against employment policies.
- 3.10 The Lavenham Neighbourhood Plan carries policy E2 in relation to Small Business Development, but is not immediately relevant to this scheme. The NP has, as one of its objectives: "Employment to grow in tourism related industries - Additional jobs will be created in education, older generation care and high tech design fields." Again this is silent of the protection of existing jobs.
- 3.11 Babergh's Core Strategy Policy CS15 states, inter alia, that proposals should:
- iii) protect or create jobs and sites to strengthen or diversify the local economy...*
- 3.12 Babergh's Local Plan Policy EM24, states that planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. This may be undertaken in one of the two following ways:
1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
  2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.
- Babergh and Mid Suffolk's "Open for Business Strategy" aims to help to deliver 10,000 new jobs by 2036. The loss of an employment site such as this would act against this aim.
- 3.13 This site has not been subject to a marketing campaign nor has sufficient justification been submitted for its loss. Lavenham Press is a large commercial premises which provides employment within the local area. The principle of a residential development on this site is, at the moment, considered unacceptable because of the loss of an employment site providing jobs for the district.
- 3.14 There remains, therefore, a conflict with policy EM24, as it has not been sufficiently proven that the site is not suitable or viable for employment uses. There is a conflict with this local plan policy. It is important however under para 219 of the NPPF to consider the weight that can be attached to this policy in terms with its consistency with the NPPF.
- 3.15 The NPPF references the importance of economic growth in para 81, with significant weight needing to be placed on the need to support economic growth. Para 81 goes on however to direct planning policies to be flexible and enable a rapid response to economic circumstances. Para 122 also identifies that planning policies and decisions should reflect changes in the demand for land, informed by regular reviews through development in plans. It goes on to note where there is no reasonable prospect of land coming forward for the allocated use a plan should be updated to reflect updated needs and in the interim planning decisions allowing alternatives uses should be supported, where the proposed use would contribute to meeting an unmet need.
- 3.16 EM24 follows the same principles of seeking to exhaust opportunities to retain employment before enabling other uses to come forward on designated employment land such as this site. This approach is placing significant weight on supporting economic growth and is considered to comply with para 81 of the NPPF. The requirement of paras 81 and 122 for policies to be flexible and enable a rapid response to economic circumstances and consider other uses that provide for unmet needs, also chimes with the requirements of the policy to allow other uses to come forward if it is

demonstrated through a marketing campaign the site will not come forward OR the site is not suitable OR the site is not viable (for all forms of employment related uses). The policy shows flexibility in this regard and therefore complies with the NPPF.

- 3.17 It is therefore considered that EM24 is consistent with the NPPF and should be given full weight.
- 3.18 The application fails to justify the loss of an active commercial premises and, therefore, is contrary to policy EM24 of the Babergh Local Plan 2006.
- 3.19 Therefore, whilst a residential presence here could be spatially accepted, the overall principle of losing employment cannot be supported and this counts significantly against the scheme.
- 3.20 Beyond the principle, matters relating to design and layout, affordable housing, highways, ecology, landscaping and so on will be covered under the relevant headings below.

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

- 4.1. As covered in the Principle of Development section, the site is sustainably located, within a 5-minute walk of the centre of the village where all the facilities and services are provided for daily needs as defined within the Lavenham Neighbourhood Plan Policy HS1
- 4.2. There is a bus service from Lavenham to Bury St Edmunds and Sudbury.
- 4.3 The scheme, therefore, is weighted positively in this regard.

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

- 5.1. 27 on-site parking spaces are proposed for the residents of the scheme, with four visitor parking spaces. The Highway Authority has raised concerns, but not ultimately objected to this seeming under-provision due to the nature of occupancy proposed.
- 5.2 Independent research has been undertaken at Churchill developments (as highlighted within the Belle Vue application previously heard by Committee) in regard to parking demand for this type of development. This identified an average car parking demand of 0.28 spaces per apartment – which equates to a need for 10 parking spaces for a 33no. apartment development. It also identifies that, due to the average age of purchasers, car ownership is lower than normal.
- 5.3 Belle Vue in Sudbury and The Lavenham Press site in Lavenham are comparable due to their accessibility to the shops and facilities available within each location, just a short walk from the site. They also have a reduced number of car parking spaces for the number of units. Belle Vue has 41 units and only 16 parking spaces whereas Lavenham Press has 33 units with 31 parking spaces. The Highway Authority have no objection to either scheme but requested various conditions to be imposed.
- 5.4 The existing vehicle access is to be utilised, to which the Highway Authority does not raise an objection.
- 5.5 Matters relating to cycle storage, bin presentation areas and electric charging points as raised by the Highway Authority, can be addressed by condition as requested. There is nothing in respect of parking or highway safety that Officers suggest justifies withholding planning permission.

#### **6.0 Design And Layout [Impact On Street Scene]**

- 6.1. The proposal is for the erection of a large, two-storey independent residential living accommodation building, with a single-storey element to the north-western corner of the site. The layout of the building follows the rear boundary at a slight angle from north-east to south-west, with parking to the north and east and gardens to the south and west.
- 6.2. In more detail, the front (north) elevation has four gabled elements with a flat roof structure in the centre, eastern and western ends all facing north towards the highway; the side (east) elevation shows the two hipped roof elements of the design.
- 6.3. The rear (south) elevation shows eight gabled elements with balconies at first floor overlooking the open countryside to the south and the rear of dwellings facing Brent Eleigh Road; the side (west) elevation shows the part two-storey part single-storey flat roof design which reduces the impact on the neighbours that front Water Street.
- 6.4. The proposed materials are traditional, being brick under a slate roof.
- 6.5. Lavenham's NP Policy D1 states: "All development proposals will be expected to preserve and enhance Lavenham's distinctive character" adding "In the Conservation area this means recognising and reinforcing Lavenham's vernacular architectural heritage (as described in the supporting text to this policy) through choice of materials, height, scale, spacing, layout, orientation and design."
- 6.6. Lavenham's NP Policy H1 covers similar ground and states: "All proposals should be accompanied by a completed CS11 assessment checklist, which takes into account any cumulative impact taken with other existing commitments in the village and demonstrates:
  - that the scale and character of the proposal respects the landscape, landscape features, streetscape/town scape, heritage assets and important spaces and historic views into and out of the village;
  - the proposal will make a positive contribution to the local character, shape and scale of the area.."
- 6.7. This text follows the sentence "Where proposals are being put forward outside the existing built up area boundary of Lavenham, they will be permitted where they have regard to the findings and recommendations set out in the Lavenham Landscape Character Assessment."
- 6.8. It appears, therefore, that the CS11 assessment may have been intended to relate only to sites outside of the settlement boundary (as per Babergh's policy). However, whilst this may have been the intention, as worded the policy does seem to ask for such an assessment for all proposals.
- 6.9. Members are reminded that CS11 is given full weight in its consistency with the NPPF.
- 6.10. In the relevant section below, it will be seen that landscape character is affected. In addition, "streetscape/town scape, heritage assets" and "local character, shape and scale" require careful attention in this section.
- 6.11. In addition, the final paragraph in H1 states: "Based on an overriding objective to preserve the integrity of Lavenham, the community strongly prefer smaller development schemes of up to 24 units. Larger schemes are also less likely to be acceptable due to the landscape and visual sensitivity of the majority of land parcels surrounding the village.."

- 6.12. Logically, “land parcels surrounding the village” refers more to edge of village sites. However, if taken literally, the application numerically fails policy H1. Contextually, however, it may be argued that a windfall site such as this might be capable of accommodating in excess of 24 units, therefore that figure should not be seen as an absolute ceiling of itself. However, in the specific context of this site, as will be seen below, the quantum of development is also a symptom of too much being asked of this site.
- 6.13. Babergh’s Policy HS28 states that planning applications for infilling or groups of dwellings will be refused where the proposal, in the opinion of the District Council, represents overdevelopment to the detriment of the environment, the character of the locality, residential amenity or highway safety.
- 6.14. Babergh’s Policy CN01 states:
- All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location. Proposals must pay particular attention to:
- *the scale, form and nature of adjacent development and the environment surrounding the site;*
  - *the materials forming the external elevations and roofs of the buildings;*
  - *retaining and incorporating local features, both natural and built;*
  - *existing and proposed hard and soft landscaping;*
  - *creating interesting and attractive public and private spaces in and around the development; and*
  - *the content of any adopted Village Design Statements*
- 6.15. Babergh’s Core Strategy Policy CS15 states, inter alia:
- Proposals for development must respect the local context and character of the different parts of the district...*
- i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;*
  - ii) make a positive contribution to the local character, shape and scale of the area..*
- 6.16. Members are reminded that Policy CS15 sets out a series of nineteen subjective criteria that all proposals should meet to ensure development is sustainable. These do not prevent suitable sites coming forward and in the absence of any clear conflict with the NPPF the policy can be considered up to date.
- 6.17. NPPF Paragraph 130 talks about achieving well-designed places that will function and add to the overall quality of the area, not just in the short term but over the lifetime of the development, be visually attractive and sympathetic to the local character and history of the area. Creating safe, inclusive and accessible places which promote well-being. The design of this development has been assessed and whilst the material pallet is considered acceptable the design does not respond positively within its context. It is a large development within an area of small, listed buildings, which will be much larger in scale to the existing buildings within the site creating an inappropriate design response.
- 6.18. Connectivity of the site is also limited, there are no pedestrian points of access to the proposed site, yet a public footpath runs directly behind the existing site.
- 6.19. The existing public footpath provides easy, safe access to the green amenity space in Brent Eleigh road with further access to a well-established river walk along the River Brett. Furthermore the

proposed boundary wall will prevent movement corridors and reduce biodiversity from the open space/fields behind the proposed development

- 6.20 The boundary wall also creates a 'walled community' and, when combined with the above the development fails to promote wellbeing.
- 6.21. Your Officers contend that the proposal constitutes an overdevelopment of the site, out of character for this part of Lavenham with a scale, density or form which would be out-of-keeping with adjacent and nearby dwellings or other buildings.
- 6.22. The impact of this two-storey building in the location would be obvious as it is larger than the existing commercial premises which is mainly single-storey in appearance. The new development would dwarf the dwellings that front Water Street. For these reasons, the proposal is held to be out of keeping with its surroundings, contrary to policies HS28, CN01 and CS15.
- 6.23. Whilst the existing commercial building is large within this backland location, the proposed development would be much bigger and more prominent within the locality for this and the above reasons this development does not comply with Policy HS28. The proposal would also have a negative effect on Lavenham's heritage assets, and this is considered in the relevant section further below.
- 6.24. The design layout are, therefore, held to weigh negatively.

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

- 7.1. There are several trees that border the site, most are to be retained. There are, therefore, no concerns in reference to this.
- 7.2. The potential to impact commuting bats is a concern; however, conditions have been suggested to minimise any significant impact on Ecology, Biodiversity and Protected Species.
- 7.3 On balance there are not concerns regarding landscape impact; however, townscape impact is of concern.

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

- 8.1. Further assessments are required to be provided to establish surface water flooding on the site and an update on the condition of the existing surface water drainage system.
- 8.2. The site is at high risk of surface water flooding based on the predicted flood maps; a sequential test would be required. This has not been provided. The application has not demonstrated how the issue of flooding would be dealt with to the satisfaction of the Lead Local Flood Authority. For this reason, the proposal is not acceptable as it stands.
- 8.3. There are no objection on grounds of Land Contamination, subject to condition.

- 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 Council has statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 as follows:
- 9.2 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.”
- 9.3 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.”
- 9.4 In sum, these paragraphs invite us to operate a strong presumption against permission where any harm is identified.
- 9.5 In addition, the following is relevant in terms of the NPPF:
- 9.6 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.”
- 9.7 Paragraph 199: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.
- 9.8 Paragraph 200: “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 9.9 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.”
- 9.10 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.”
- 9.11 These duties and this weighing of harm against public benefits inform the discussion below.

- 9.12. The site falls within the Lavenham Conservation Area and there are several listed buildings to the north and north-west of the site, both Grade II and Grade II\* with some Grade I buildings further along Water Street, Barn Street and Shilling Street.
- 9.12. The dwellings to the north of the site (the series of listed dwellings 24 – 34 Water Street, as well as the immediately adjacent 47 Water Street) would be most affected by the development by way of its increase in height and bulk within the streetscape, although the reduction in the far western range is considered, in the opinion of your Heritage Officer, to sustain the significance of the heritage assets along Water Street to the west (i.e. numbers 49-54). It is, however, worth noting that Historic England has held the line that the form of the proposed building is still unacceptable.
- 9.13. The Landscaping scheme shows bitmac and tarmac within the site; however, materials such as block pavements are considered to better complement the traditional look and feel of the locality.
- 9.14. It is considered that the car parking for the scheme appears unattractive and utilitarian in appearance, having a detrimental impact on the character and appearance of the conservation area.
- 9.15. The omission from the development proposal of Number 47 Water Street at the front of the site is also of some concern. This forms part of the larger site and Officers feel that their future use should be considered alongside the proposal at hand. so that it is not left to become isolated by its setting adjacent to the proposed development.
- 9.16. The impact of the proposed development for 33 units of accommodation within the conservation area, adjacent to numerous listed buildings, would result in a moderate level of less than substantial harm to the significance of Lavenham Conservation Area. Whilst further amendments have moved it towards a low level of less than substantial harm to the significance of the designated heritage assets (i.e. the setting of the neighbouring and nearby listed buildings as well as of the conservation area), there is still, nonetheless, harm.
- 9.17. Historic England identifies further harm in the loss of the non-designated two-storey 19<sup>th</sup>-century building. Whilst this building does not appear as listed on the Council's mapping; HE states, nevertheless, that the building contributes positively to the conservation area, sitting comfortably with the surrounding domestic dwellings.
- 9.18. There are benefits such as a contribution to the housing supply within Lavenham; however, the design, scale and layout of the proposed building and proposed surface materials within the Conservation Area in close proximity to several listed buildings are not held to outweigh the identified harm.
- 9.19. The weighing exercise in regard to heritage matters is, therefore, in the negative.

## **10.0 Impact On Residential Amenity**

- 10.1. There is an element of overlooking from the proposed development to the dwellings that front Water Street (specifically Nos 49 and 47). No: 47 Water Street has a separation distance of approximately 20 metres and is a building associated with the Lavenham Press use but does not form part of this application and its future use is unknown. No: 49 Water Street has a separation distance of approximately 35 metres – 40 metres and, whilst there will be an element of overlooking, this is not deemed unacceptable.



- 10.2. The car parking to the side of No: 48 and to the rear of No: 47 is not ideal but this site is currently in a commercial use with both cars and lorries visiting the site, therefore, a few car parking spaces are not considered to cause significant impacts on residential amenity.
- 10.3. It is considered that the properties along Water Street will benefit from this residential development in respect of residential amenity due to the reduction in vehicle movements, particularly lorries, visiting the site.
- 10.4. The effect on residential amenity is, therefore, held to be positive.

## **11.0 Planning Obligations / CIL**

- 11.1. There is no CIL contribution for schemes of this type.
- 11.2. Policy H3 of the Lavenham Neighbourhood Plan requires an affordable housing allowance of 35% unless otherwise justified via an assessment of viability. The proposal, however, does not account for any affordable units within the building.
- 11.3. Babergh Core Strategy 2014 policy CS19 states: "In order to promote inclusive and mixed communities all residential developments (only where a net gain of dwellings is involved) will be required to provide 35% affordable housing."
- 11.4. The justification for this is explained in Paragraph 3.5.3.1 of the supporting text, which states: *Affordable housing is a key priority in Babergh and delivering affordable housing will help to create mixed and balanced communities. It will also "widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need."*
- 11.5. Whilst the proposal is targeted to a distinct group, the over 55s, this does not preclude it from needing to comply with the above.
- 11.6. Policy CS19 further states: "The onus is on the developers to provide documentary evidence to support cases where development viability is a proven issue, and where such cases are accepted the local planning authority will determine an appropriate proportion of affordable homes, tenure mix and/or appropriate levels of commuted sums on a site-by-site basis".
- 11.7. The applicant has claimed that the scheme would not be viable with an affordable contribution. Therefore, in line with the above clause of CS19, the viability was independently assessed. This concludes that the Council should still seek 23% affordable housing (8-units (75% affordable rent / 25% shared ownership) or the equivalent of this as a capital contribution of £549,501.
- 11.8. A Section 106 legal agreement would be required to secure Contributions and or Affordable Housing. The lack of a commitment to this means that the proposal is contrary to Lavenham's NP Policy H3 and Babergh's Core Strategy Policy CS19.
- 11.9. The lack of any CIL or Affordable Housing contribution means that the scheme would not make any contribution to local or district-wide infrastructure needs. This does count against the scheme in the Planning balance.

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## PART FOUR – CONCLUSION

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### 13.0 Planning Balance and Conclusion

- 13.1. In the sections above we have considered the benefits and disbenefits of the scheme at hand. Below is a summary of these considerations.
- 13.2. The scheme weighs positively in broad land-use terms in relation to location and sustainability, this complies with Core Strategy Policy CS2 and Lavenham's NP Policy H1;.
- 13.3. There is also support in its broadest terms in Lavenham's NP Policy H6 for residential accommodation for older people and, whilst Babergh's Core Strategy Policy CS18 seeks more of a balanced mix, this type of proposal is not opposed in principle.
- 13.4. However, the issue of existing land-use is of concern. The unjustified loss of employment land is contrary to Core Strategy Policy EMP24 and weighs against the proposal in principle.
- 13.5. Regarding the specifics of the development, the proposed two-storey, building would be larger than the existing commercial premises, dwarfing the dwellings on Water Street. This represents an overdevelopment of the site, out of character for this part of Lavenham with a scale, and form out-of-keeping with adjacent and nearby buildings. This is contrary to Babergh Core Strategy policies HS28, CN01 and CS15 and Lavenham's NP policies D1 and H1.
- 13.6. These failings would not comply with the objectives of Paragraphs 66 and 72 of the Listed Buildings and Conservation Areas Act in terms of preserving a listed building (including its setting) and preserving or enhancing the character or appearance of a conservation area.
- 13.7. The scheme would lead to a medium to low level of harm to nearby listed buildings, including 47 Water Street (which has not been included in the scheme), and a moderate level of harm to the conservation area itself, In addition, the loss of the two-storey building which Historic England opposes, would constitute substantial harm to a non-designated heritage asset. The benefits of the scheme do not outweigh this harm, contrary to Paragraph 203 of the NPPF.
- 13.8. Whilst the public benefits of adding to the housing supply, redevelopment of PDL and an improvement to residential amenity due to fewer large vehicle movements are acknowledged; these are not held to outweigh the harm identified in this sensitive location. In the balancing exercise, this heritage harm counts against the scheme contrary to Paragraphs 197, 199, 200 and 202 of the NPPF and Babergh's Core Strategy Policy CN08. .
- 13.9. Whilst there are some concerns about parking, this is not a reason for refusal. There are also no issues of neighbouring residential amenity, ecology or contamination.
- 13.10. The site has been identified as being at high risk of surface water flooding based on the predicted flood maps; no sequential test has been provided. The application has not demonstrated how the issue of flooding would be dealt with to the satisfaction of the Lead Local Flood Authority in accordance with Policy CS15 and Neighbourhood Plan policy D2. This is a negative.
- 13.11. Developments of this size require a contribution to affordable housing by way of a percentage of units within the scheme or alternatively a commuted sum for an off-site provision, neither has been

offered with this development. This is contrary to Policy CS19 of the Core Strategy and is another negative aspect.

- 13.12 In summary, the proposal does not accord with Babergh's Core Strategy or Local Plan or Lavenham's Neighbourhood Plan. This is contrary to Paragraph 38 (6) of the Town & Country Planning and Compulsory Purchase Act (2004) which states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 13.13 In this instance, the "development plan" is Babergh's Core Strategy, Local Plan and Lavenham's Neighbourhood Plan. There are insufficient material considerations which would lead us to stray from the development plan
- 13.12 Notwithstanding the broad spatial advantages of the proposal's sustainable location for a residential development, and the possible improvement to residential amenity; the loss of employment, the design of the scheme with its resultant heritage harm, the insufficient information regarding flooding and the lack of affordable housing all count against the scheme.
- 13.13 The application is, therefore, recommended for refusal for the above reasons, which are expanded upon below.

## **RECOMMENDATION**

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

Babergh's Local Plan Policy EM24 states: "Planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored."

In this instance, the applicant has neither marketed the site, nor demonstrated that it is unsuitable or not viable for all forms of employment-related use. As such, the proposal is contrary to Policy EM24.

Policy CN01 states: "All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location."

Core Strategy Policy CS15 repeats this, by stating that development should: " i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views; ii) make a positive contribution to the local character, shape and scale of the area..."

Lavenham's Neighbourhood Plan Policy D1 states, *inter alia*, that: "All development proposals will be expected to preserve and enhance Lavenham's distinctive character." These sentiments are also echoed in its Policy H1.

Paragraphs 66 and 72 of the Listed Buildings and Conservation Areas Act state that the local planning authority shall have special regard to terms of preserving a listed building (including its setting) and preserving or enhancing the character or appearance of a conservation area.

Paragraphs 197, 199, 200, 202 and 203 of the NPPF describe the way in which local planning authorities should have due regard to sustaining and enhancing the significance of heritage assets and give guidance as to how any harm can only be outweighed by public benefits.

This approach is echoed in Babergh's Local Plan Policy CN08 which states: That development which have an impact on views into or out of a conservation area should: "preserve or enhance the character of the conservation area or its setting" and is also within DP1 which asks that the scale and character of the proposal: "respects the landscape, landscape features, streetscape/townscape, heritage assets and important spaces and historic views into and out of the village" and that "the proposal will make a positive contribution to the local character, shape and scale of the area."

In this instance, it is proposed to erect a two-storey building, larger than the existing commercial premises, dwarfing the dwellings on Water Street. This represents an overdevelopment of the site, out of character for this part of Lavenham with a scale, and form out-of-keeping with adjacent and nearby buildings. In addition, the existing 47 Water Street has been excluded from the development, isolating it with insufficient space around the property.

The Landscaping scheme shows bitmac and tarmac within the site and the car parking for the scheme appears unattractive and utilitarian in appearance.

As such, the development would cause harm to heritage assets – listed buildings and the conservation area – and is therefore contrary to the aims and objectives of Babergh Local Plan Policy CN08 and Core Strategy Policy CS15 and Lavenham's NP policies D1 and H1.

The proposal is also contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA 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. The benefits of housing supply and improved residential amenity are not sufficient to outweigh this heritage harm and, as such, the proposal offends Paragraphs 197, 199, 200, 202 and 203 of the NPPF.

Policy CS19 of Babergh's Core Strategy states that developments of this size require a contribution to affordable housing by way of a percentage of units within the scheme or alternatively a commuted sum for an off-site provision. Lavenham's NP Policy H3 echoes this "in order to facilitate a cohesive community affordable housing must be designed to be integral to the development as a whole." Neither units nor a commuted sum has been offered with this development, contrary to CS19, LNP H3 the aims of the NPPF.

Babergh's Core Strategy Policy CS15 states that developments should "minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk" and also "minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate"

In this instance, insufficient information has been submitted with regards to surface water flooding by way of flood risk assessment. This is contrary to the above policy as well as paragraph 167 of the NPPF.

## **PLANNING HISTORY**

<b>REF:</b> DC/18/05444	Application for Listed Building Consent - Replacement street light luminaire (Retention of)	<b>DECISION:</b> GTD 05.04.2019
<b>REF:</b> B/0102/81/LBC	Alterations, insertion of windows and demolition of chimney on west elevation.	<b>DECISION:</b>
<b>REF:</b> B/0931/76/FUL	Demolition of existing lean-to and sundry derelict outbuildings. Erection of new cloakrooms, warehouse and bindery, alterations to vehicular access and provision of car park and landscaping - including revised plans showing details of bric	<b>DECISION:</b>
<b>REF:</b> B/0915/81/FUL	Change of use from office to residential accommodation.	<b>DECISION:</b>
<b>REF:</b> B/0140/83/LBC	Demolition of two storey rear extension as amended by revised plan illustrating treatment of rear elevation, received on 26th January 1984.	<b>DECISION:</b>
<b>REF:</b> B/1002/83/FUL	Erection of a single storey extension and link to existing printing works and alterations to gable elevation of same, (as amended by revised plans relating to car park details received on 26th January 1984).	<b>DECISION:</b>
<b>REF:</b> B/0061/76/LBC	Demolition of non-listed buildings in a conservation area, (i.e. lean-to attached to Listed Building and disused barn).	<b>DECISION:</b>
<b>REF:</b> B/08/01616	Proposed development	<b>DECISION:</b> REC
<b>REF:</b> B/03/01047	Application for Conservation Area Consent - Demolition of single-storey / two-storey factory building.	<b>DECISION:</b> GRA 07.10.2004
<b>REF:</b> B/03/01046	Application for Listed Building Consent - Alterations in connection with conversion of existing building into single dwelling; demolition of two-storey side and single-storey rear extension; internal alterations (as amended by details dated 06/08/04).	<b>DECISION:</b> REF
<b>REF:</b> B/03/01045	Erection of 27 no. dwellings and conversion of existing building into single dwelling with alterations to existing vehicular access (as amended by details 06/08/04 and 20/09/04).	<b>DECISION:</b> REF

<b>REF:</b> B//01/00035	Residential development	<b>DECISION:</b> WRT
<b>REF:</b> B/LB/91/01137	APPLICATION FOR LISTED BUILDING CONSENT - ERECTION OF ENTRANCE PORCH INCORPORATING FIRE ESCAPE STAIR AS AMENDED BY AGENTS FAX COMMUNICATION DATED 28.10.91	<b>DECISION:</b> GRA 29.10.1991
<b>REF:</b> B//91/01136	ERECTION OF ENTRANCE PORCH INCORPORATING FIRE ESCAPE STAIR AS AMENDED BY AGENTS FAX COMMUNICATION DATED 28.10.91	<b>DECISION:</b> GRA 29.10.1991
<b>REF:</b> B/EN/90/90079	ALTERATIONS TO INTERNAL STAIRCASE TO COMPLY WITH FIRE SAFETY PRECAUTIONS	<b>DECISION:</b> PCO
<b>REF:</b> B/LB/91/00803	APPLICATION FOR LISTED BUILDING CONSENT - INSERTION OF ADDITIONAL WINDOW TO FIRST FLOOR SIDE ELEVATION	<b>DECISION:</b> GRA 29.08.1991
<b>REF:</b> B//94/00052	ERECTION OF EXTENSION TO PRINTING WORKS AMENDED BY REVISED PLANS RECEIVED 18.02.94 AND LETTER DATED 02.03.94	<b>DECISION:</b> GRA
<b>REF:</b> B/03/01547	Application for Listed Building Consent - Erection of gate.	<b>DECISION:</b> REF
<b>REF:</b> DC/19/05222	Full Planning Application - Change of Use from gas works site to Public Carpark.	<b>DECISION:</b> GTD 28.01.2020
<b>REF:</b> DC/20/01670	Application for Works to Trees in a Conservation Area - T1 Sycamore - Remove four stems near base and raise crown.	<b>DECISION:</b> RNO 03.07.2020
<b>REF:</b> DC/21/04237	Discharge of Conditions Application for DC/19/05222- Condition 3 (Construction Method and Site Management Statement)	<b>DECISION:</b> PGR 13.01.2022
<b>REF:</b> DC/21/05010	Discharge of Conditions Application for DC/19/05222- Condition 4 (Deliveries Management Plan)	<b>DECISION:</b> GTD 12.10.2021
<b>REF:</b> DC/22/00619	Discharge of Conditions Application for DC/19/05222 - Condition 3 (Construction Method and Site Management Statement)	<b>DECISION:</b> WFI 08.06.2022

<b>REF:</b> DC/22/02952	Discharge of Conditions Application for DC/19/05222 - Condition 3 (Construction Method and Site Management Statement)	<b>DECISION:</b> PCO
<b>REF:</b> B/CA/92/01369	APPLICATION FOR CONSERVATION AREA CONSENT - DEMOLITION OF EAST AND WEST BOUNDARY WALLS	<b>DECISION:</b> GRA 18.03.1993
<b>REF:</b> DC/21/04062	Householder application - Erection of external flue in conjunction with installation of woodburner. Change colour of external windows and door to black.	<b>DECISION:</b> WDN 11.11.2021
<b>REF:</b> DC/21/04063	Application for Listed Building Consent - Installation of woodburner and erection of flue to side elevation. Change colour of external windows and door to black.	<b>DECISION:</b> WDN 11.11.2021
<b>REF:</b> DC/22/00386	Householder Application - Change colour of external windows and doors to dark grey.	<b>DECISION:</b> WFI 26.01.2022
<b>REF:</b> DC/22/00387	Application for Listed Building Consent - Change colour of external windows and doors to dark grey.	<b>DECISION:</b> WFI 26.01.2022
<b>REF:</b> B/0118/82/LBC	Alterations to form two dwellings and removal of shop door and window and insertion of new window, (as amended by letter and plan dated 8th February 1983 re:(a) subdivision of domestic curtilage; (b) re-use of existing front door; (c) sched	<b>DECISION:</b> GRA 21.02.1983
<b>REF:</b> B/0868/82/CPU	Change of use from shop to dwelling and alterations to form two dwellings (as amended by letter and plan dated the 8/2/83 re: (a) subdivision of domestic curtilage; (b) re-use of existing front door; (c) schedule of JSR windows to rear elev	<b>DECISION:</b> GRA 21.02.1983
<b>REF:</b> B/LB/94/00099	APPLICATION FOR LISTED BUILDING CONSENT - INSERTION OF BALANCED FLUE FOR GAS FIRE IN EASTERN ELEVATION	<b>DECISION:</b> GRA 11.03.1994

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# Agenda Item 6b

## Committee Report

**Item No: 6B**

**Reference: DC/22/01674**

**Case Officer: Elizabeth Flood**

**Ward: Long Melford.**

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

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

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### Description of Development

Application under S73 of The Town and Country Planning Act 1990 relating to DC/19/03126 for the variation of Condition 2 (List of Approved Drawings) Condition 4 (Soft landscaping) and Condition 16 (Drainage/foul)

### Location

Land South Of, Tamage Road, Acton,

**Expiry Date: 06/10/2022**

**Application Type: FUW - Full App Without Compliance of Condition**

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

**Applicant: Bloor Homes Eastern**

**Parish: Acton**

**Site Area: 3.43**

**Details of Previous Committee / Resolutions and any member site visit:** Members visited the site in relation to application DC/19/03126 on 18th September 2019.

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

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

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

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

The application is for a major development of 15+ dwellings.

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

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### Summary of Policies

CN01 - Design Standards

CN06 - Listed Buildings - Alteration/Ext/COU

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS03 - Strategy for Growth and Development  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
TP15 - Parking Standards - New Development

### **Neighbourhood Plan Status**

This application site is 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**

##### **Town/Parish Council**

Acton Parish Council continues to object to the approval of this application. The Council's concerns raised earlier remain.

At first this application appears to have come about because of the requirement to make adjustments to the approved drawing. However, in fact, it represents a redesign of the important sustainable urban drainage system for the whole development including the enclosed younger children's play park and public open space area which are closely integrated with the open drainage area.

The application documentation is poorly written and confusing. There is no clear explanation of the design and no method statement. It is not clear whether a wetland area is designed to be part of the system and or what the area and depth the wetland area should be. This seems to depend on which document is read. Some documentation suggests that for the majority of the time the basin will be completely dry but other documentation says different. It is therefore confusing that following period of exceptionally dry weather, a visit to the site at 10.30am on the 24th August 2022 observed approximately one meter of water remaining in the bottom of the main area of the basin.

Acton Parish Council continues to be concerned that it has not been demonstrated that the drainage system has been properly designed and that it will continue to work without constant attention and monitoring. The application documentation uses a combination of drawings produced from different sources. These do not show clearly what has been built and how it will be reworked.

The current construction of the pond has steep and dangerous banks towards the open water. The drawings within the application do not indicate that the public open space and play area are currently substantially higher than in the original specification, adding further concerns that the open space area has steep drops towards the pond.

The application drawings do not appear show the raised ground level of the public open space area which has degraded the value of public observation of the open water from the ground level along Ranulf Way and from within the dwellings designed to provide casual overlooking the area. The pond is now hidden out of sight.

This is a major piece of infrastructure for the village, especially for the dwellings downstream of the development. It is difficult to believe the design is credible. The new outlet from the system is currently hidden at the base of the ditch in Sudbury Road and despite a period of exceptional dry weather, it is already partially silted up. Further concerns are: what will be the impact of this drainage system feeding into the existing poorly maintained and fragile water course? Who will be responsible for maintenance and the additional impact on the already fragile watercourse?

### **County Council Responses**

Suffolk County Council – Floods and water officer: No objection

### **Internal Consultee Responses**

Place Services (landscape) – As the basin will be seeded with a mix of grasses and wildflower mix, good ground preparation will be essential to control weeds and produce a good quality seed bed before sowing, as per recommendation by the seed supplier. The suggested 200mm of topsoil is not appropriate. As per previous comments, subsoil should be used instead or a low nutrient soil. Whilst we welcome the use of wildflower seeding, it is disappointed that the basin will not have any other planting beyond the proposed grass and wildflower meadow. We have no issues with the proposed erosion method of boulders installed at inlets and outlets. Generally, we have no objections to the proposals subject to following the seed supplier recommendations on good ground preparation, seeding, establishment and long-term management to ensure the wildflower mix establishes successfully.

### **B: Representations**

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

Views are summarised below:

- Slopes within area of public open space are unsafe
- Post and rail fence around SUDS basin in insufficient for safety
- Inaccurate and confusing plans
- Proposals will lead to flooding elsewhere
- Loss of public open space
- Proposed drainage scheme may not be appropriate.

(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/19/03126

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

**DECISION:** GTD  
30.07.2020

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

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

- 1.1. The site comprises a former agricultural field, now a partly-built housing estate, surrounded on all sides by roads, hedgerows and some trees form the boundary of the field. To the North East of the site is Tamage Road and beyond this a 1970s housing estate. Vicarage Lane borders the site on two sides, to the South and East. To the West of the site is Sudbury Road which provides access from Acton to Sudbury via Newman's Green.
- 1.2. The access road into the site is opposite 40 Tamage Road. On the western side of the site access is a small children's play area surrounded by fencing and a SUDS basin, currently fenced off with a knee-high fence and additional Heras fencing. The children's play area and surrounding landscaped area rises above the road and surrounding houses and the land then slopes down to the SUDS basin.

### **2.0 The Proposal**

- 2.1. The proposal is an application under S73 of The Town and Country Planning Act 1990 relating to DC/19/03126 for the variation of Condition 2 (List of Approved Drawings), Condition 4 (Soft Landscaping) and Condition 16 (Drainage) to allow for an alternative design for the SUDS basin and the raising of the land surrounding the SUDS basin. The existing SUDS basin has not been built in accordance with the approved plans and an alternative design is now being proposed. This is to be a redesign of the current unauthorised SUDS basin.

### **3.0 History of the original application**

- 3.1 DC/19/03126 for the Erection of 100 dwellings, vehicular access, open space and associated infrastructure (including SUDS basin) was originally considered at Planning Committee on the 11<sup>th</sup> March 2020 where the application was deferred for various reasons including concern relating to the closeness of the Children's Play Area to the SUDS basin. Revised plans were provided which included moving the play area away from the SUDS basin and a change in the steepness of the slope of the SUDS basin from 1 in 3 to 1 in 4.
- 3.2 Planning permission for the development was approved at Planning Committee on the 3<sup>rd</sup> June 2020 and included Condition 16 which stated that:

*the strategy for the disposal of surface water as set out in the Flood Risk Assessment (FRA), prepared by G H Bullard (dated November 2019, ref: 217/2016/FRADS P6) and Attenuation Basin Layout Note, prepared by MLM (dated 7<sup>th</sup> April 2020, ref: Rev 1-619946\_MLM\_ZZ\_XX\_RP\_C\_0001), drawings 619946-MLM-ZZ-XX-SK-C-0006-P04, 619946-MLM-ZZ-XX-SK-C-0008-P03 and 217/2016/01/P12 shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.*

- 3.3 During construction of the development, it appears that rather than soil being removed from the site, when the land was excavated, it was spread over the landscaping area to the front of the site. This increased the height of this area by up to 1.5 metres higher than the original design. This has resulted in the children's play area being raised up and then a longer slope down to the bottom of the SUDS basin.
- 3.4 The Council's Enforcement Team was made aware of these alterations and subsequently the s.73 application to alter the approved drawings has been received.

#### **4.0 The Principle Of Development**

- 4.1. The principle of the residential development and the related infrastructure, including the SUDs basin were accepted by the granting of planning permission for planning application DC/19/03126. However, the details require consideration here.

#### **5.0 Design And Layout**

- 5.1. The approved SUDs basin had a sediment forebay at the southern end which would have had a low level (35cm) of semi-permanent water. The slopes of the SUDS basin would have been 1 in 4 and at the eastern end the slope would have been approximately 5.7 metres in length, leading to a flat area and then the children's play area. The sides of the SUDs basin would have been straight. The SUDs basin would have been planted with tussocky grassland and seasonal wetland plants in the sediment forebay area.
- 6.2 The *proposed* SUDs basin would not have a sediment forebay but instead low flow channels across the basin. The existing SUDs basin would be partially filled with granular material to raise the height of the bottom on the basin. This will mean that it would be unlikely that there would ever be water within the basin, even in periods of heavy rains.
- 6.3 It is proposed that there would be soil above the granular material and this would be planted with a wildflower mix. The slopes of the SUDS basin would remain at 1 in 4, but the slopes would be longer, due to the raised nature of the surrounding land. At the eastern end, the slope from the children's play area to the bottom of the basin would be approximately 9.5 metres. The side of the SUDs basin are to remain as build and are more curved than approved, it is proposed to retain the knee high fence around the basin.
- 6.4 As the land around the basin has been raised, the slopes down to the basin, although at the same angle as approved, would be longer (by around 3.3 metres) and the basin, therefore, has the impression of being deeper. The revised design of the SUDS basin and surrounding landscaping is of a lower quality than that previously approved, as it involves a more contrived design, artificial raising of the land and the loss of opportunities for casual overlooking of the SUDS basin by nearby dwellings.

#### **7.0 Landscape Impact**

- 7.1. The raising of the land and subsequent changes to the SUDS basin has affected the landscape of the area of public open space and this area of landscaping now is artificially raised, which does not reflect the surrounding levels. However, this area of landscaping is only seen within a local context and subject to conditions relating to appropriate establishment of the wildflower meadow, it is considered that the landscaping of the SUDS basin with wildflowers is acceptable.

7.2 The proposals now include fencing off the SUDS basin with a knee-high timber fence, such a fence does not appear to have been previously approved. As such, the SUDS basin would not be available for public open space. However if the fence is removed then there would be a long, relatively steep slope from the play area to the bottom of the basin which could be hazardous. While the development includes 10% of the site as public open space not including the SUDS basin, and would therefore remain policy compliant, the loss of any recreational space decreases the quality of design of the development and amenity of the occupiers.

## **8.0 Flood Risk**

8.1. The Flood and Water Officer has no objections to the proposal. Although the original design was preferable and the deeper SUDS basin is less desirable, it is considered that the designed SUDS basin will work as intended.

## **9.0 Impact On Residential Amenity**

9.1. The nearest neighbours are located on the driveway opposite the SUDS basin. The raising of the levels has changed the outlook for the occupiers of these properties but not to an extent that it is considered to be detrimental to the amenity of these occupiers.

## **10.0 Parish Council Comments**

10.1 The majority of the Parish Councils comments have been considered in the report above. It is accepted that the application has been subject to a number of different designs, as the Developer has worked with Flood and Water Officer and the Landscape Officer to find an acceptable solution. It is considered that such a solution has been found and that the proposed approved drawings adequately show the proposals.

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# **PART FOUR – CONCLUSION**

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## **11.0 Planning Balance and Conclusion**

11.1. Paragraph 135 of the NPPF states that:

*Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).*

11.2 The proposed changes to the levels of the landscaped area and resulting changes to the SUDS basin have, to an extent, diminished the quality of the scheme. In addition, the introduction of the fence around the SUDS basin has removed this area from the public open space, detrimentally impacting on the opportunities for residents to use the land for recreation and play.

11.3 Refusing the Section 73 application and requiring the developer to revert to the original plans would have significant consequences for the occupiers of the new development. 90% of the dwellings on the development have been sold and a significant number of households are now occupying the site, including the houses closest to the SUDS basin. Approximately 30 to 40 lorries would be



required to remove the additional soil, which would need to share the access with the existing residents and the play area would need to be temporarily removed and reinstated.

- 11.4 The LPA has therefore negotiated with the Developer to provide a compensatory improvement to the retained public open space in the form of additional play equipment. The current play area is a LAP with three small pieces of equipment suitable for toddlers. Adding four pieces of adventurous play equipment would elevate the play area to a LEAP and provide play opportunities for older children who potentially would have used the SUDs basin for adventurous play. While there will be residents who would have used the SUDs basin for recreation who will not use play equipment (for example, dog walkers); it is considered that, overall, the additional play equipment is a pragmatic solution to the loss of quality of the overall design of the landscaped area.

## **RECOMMENDATION**

That the application is GRANTED S.73 planning permission and includes the following conditions:-

- Timescale for undertaking alterations to the SUDs basin
- Details of additional play equipment and installation of play equipment within 3 months of approval.
- Following the seed supplier recommendations on good ground preparation, seeding, establishment and long-term management to ensure the wildflower mix establishes successfully.
- All relevant conditions from planning application DC/19/03126.
  
- Any other conditions the Chief Planning Officer may deem appropriate.

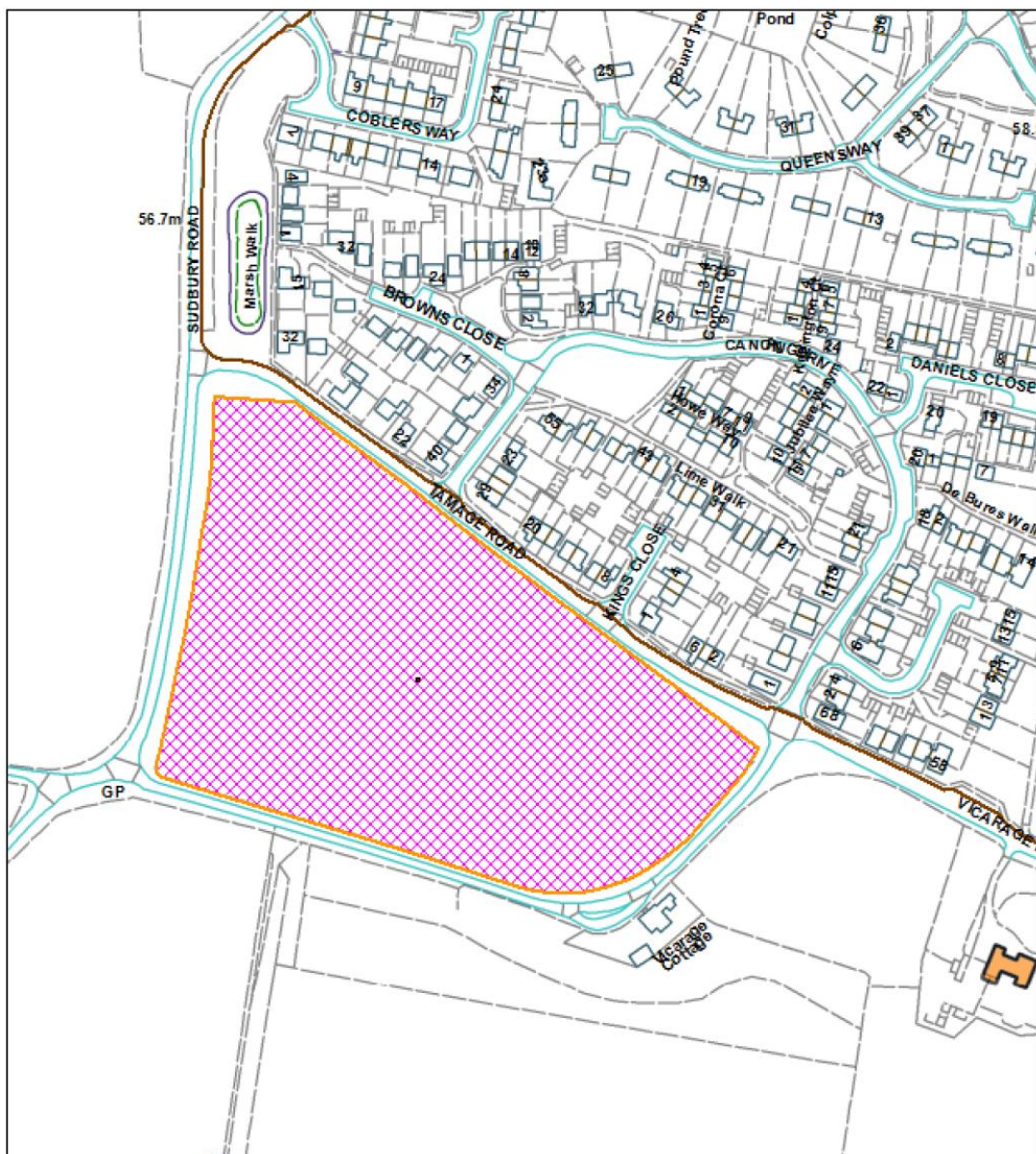
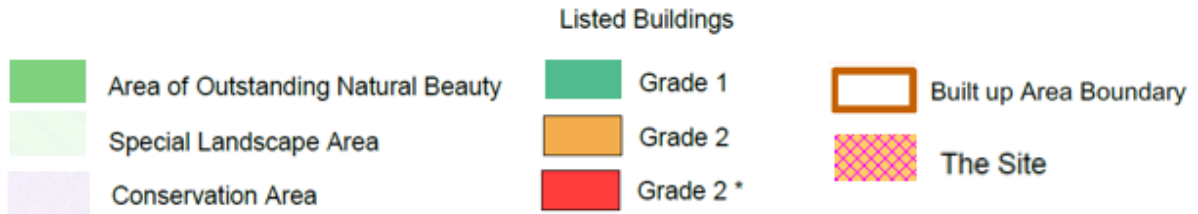
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Application No: DC/22/01674

Parish: Acton

Location: Land South of Tamage Road



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