

# Public Document Pack



<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>WEDNESDAY, 25 JANUARY 2023 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	

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

**3 PL/22/22 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 14 DECEMBER 2022** 5 - 10

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

5 **SITE INSPECTIONS**

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

6 **PL/22/23 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 11 - 14

An Addendum to Paper PL/22/23 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/21/02671 LAND NORTH OF THE A1071, IPSWICH (WOLSEY GRANGE)** 15 - 68

b **DC/22/03043 THE RED LION, THE STREET, EAST BERGHOLT, SUFFOLK, C07 6TB** 69 - 130

**Notes:**

1. The next meeting is scheduled for Wednesday 8<sup>th</sup> February 2023 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, 8 February 2023 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](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.

# Agenda Item 3

## BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Frink Room (Elisabeth) - Endeavour House on Wednesday, 14 December 2022 at 09:30am.

### **PRESENT:**

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

Councillors: Peter Beer  
John Hinton  
Mary McLaren  
Alison Owen  
David Busby  
Alastair McCraw  
Adrian Osborne

### **Ward Member(s):**

Councillors: Clive Arthey

### **In attendance:**

Officers: Chief Planning Officer (PI)  
Strategic Projects and Delivery Manager (SS)  
Planning Lawyer (IDP)  
Case Officer (VP)  
Governance Officer (CP)

## **78 APOLOGIES AND SUBSTITUTIONS**

78.1 Apologies were received from Councillor Barrett and Councillor Holt.

## **79 DECLARATION OF INTERESTS**

79.1 There were no declarations of interests received.

## **80 PL/22/20 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2022**

80.1 It was **RESOLVED:**

**That the minutes of the meeting held on 30 November 2022 was confirmed and signed as a true record.**

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

81.1 None received.

## 82 SITE INSPECTIONS

- 82.1 A site visit request had been received from Ward Member Councillor Margaret Maybury in respect of application number DC/22/0238 Chilton Woods Mixed Development to North of Woodhall Business ark, Sudbury, Suffolk.
- 82.2 The Case Officer provided Members with details of the application including: the location of the site, the location of the proposed heat hub within the site, and the layout of the adjacent developments.
- 82.3 The Case Officer responded to questions from Members on issues including: the impact of this application on the local community, the proposed road layout, landscaping plans, and the height of the proposed heat hub in comparison to surrounding dwellings.
- 82.4 Members considered the representation from Ward Member Councillor Clive Arthey.
- 82.5 The Governance Officer read out a statement from Ward Member Councillor Margaret Maybury who was unable to attend the meeting.
- 82.6 Councillor Arthey and the Strategic Projects and Delivery Manager responded to questions from Members on issues including: whether there would be a loss of public open space, the location of public open space within the site, the ownership of the adjacent employment land, the reason for the request, and the proposed use of the heat hub.
- 82.7 Members debated the request for a site visit on issues including: the comprehensive details of the site provided by the Case Officer, whether there would be any loss of public open space, and the familiarity of the landscape within the District.
- 82.8 Councillor McCraw proposed that a site inspection should not be carried out.
- 82.9 Councillor Osborne seconded the proposal.

By a unanimous vote

**It was RESOLVED:**

**That a site inspection should not be carried out in respect of application number DC/22/02328.**

## 83 PL/22/21 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the items in Paper PL/22/21 and the speakers responded to questions put to them as provided

for under those arrangements.

Application Number	Representations From
DC/22/02328	Christine Hagan (Chilton Parish Council) Sam Caslin and Bruce Geldard (Applicant)

### It was RESOLVED

**That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/22/21 be made as follows:-**

#### **84 DC/22/0238 CHILTON WOODS MIXED DEVELOPMENT TO NORTH OF WOODHALL BUSINESS PARK, SUDBURY, SUFFOLK**

##### 84.1 Item 6a

Application	DC/22/02328
Proposal	Full Planning Application – Erection of and installation of community heat network and associated development.
Site Location	<b>SUDBURY</b> – Chilton Woods Mixed Development to the North of, Woodhall Business Park, Sudbury, Suffolk
Applicant	Taylor Wimpey (East London) Limited

84.2 A break was taken from 10:12am until 10:21am to enable Members to read the late representation from Chilton Parish Council which had been received that morning before the start of the meeting.

84.3 The Case Officer presented the application to the Committee, outlining the application before Members including: the location of the site, the comments received from Chilton Parish Council that morning, the proposed location of the heat hub within the site, the development masterplan and design code, the dimensions of the proposed heat hub the layout of the development site, the landscaping around the heat hub, the design and construction of the thermal heat stores, the height of the thermal heat stores in relation to the surrounding dwellings, the planning balance, and the officer recommendation of approval as detailed in the report.

84.4 The Case Officer, the Strategic Projects and Delivery Manager, and the Chief Planning Officer responded to questions from Members on issues including: the potential noise levels, the subject of the consultation and what material effect it may have on consideration of the application before Members, the practical implications for the community centre and village centre land, and the proposed community woodland.

84.5 Members considered the representation from Christine Hagan who spoke on behalf of Chilton Parish Council.

- 84.6 The Parish Council representative responded to questions from Members on issues including: whether there would be any loss of woodland, where the Parish Council considers would be an acceptable location for the heat hub, the conditions the Parish Council feel would be required, the level of consultation between the applicant and the Parish Council, and how much woodland exists currently.
- 84.7 Members considered the representation from Sam Caslin (Taylor Wimpey (East London) Ltd) and Bruce Geldard (Metropolitan UK) who spoke as the Applicant.
- 84.8 The Applicants responded to questions from Members on issues including: the design and size of the thermal heat stores, potential noise levels, the future maintenance plans for the stores, the operational requirements of the heat hub, whether there would be any potential heat loss, the number or trees to be planted, the resilience layers built into the hub, the proposed timescale for completion, whether the community centre and school be supplied by the heat hub, and the proposed location of the hub.
- 84.9 Members considered the representation from the Ward Member Councillor Clive Arthey.
- 84.10 Members debated the application on issues including: the pioneering aspect of the heat hub, the conditions to be applied, and the benefits to the residents.
- 84.11 Councillor proposed that the application be approved as detailed in the officer recommendation.
- 84.12 Councillor Osborne seconded the proposal.
- 84.13 Members continued to debate the application on issues including: the potential noise, and the opportunity for education.
- 84.13 The Strategic Projects and Delivery Manager provided clarification to Members that a condition relating to noise would be applied, however this had been omitted from the recommendation.
- 84.14 Councillor Beer and Councillor Osborne agreed to additional conditions relating to the final finish and appearance of the thermal stores, noise control, and details of an education/interpretation board.
- 84.15 The Strategic Projects and Delivery Manager responded to questions from Members regarding the land use plan.

By a unanimous vote

**It was RESOLVED:**

**That authority be delegated to the Chief Planning Officer to GRANT full planning permission at the conclusion of publicity and consultation periods**



subject to conditions (and any additional conditions as may be considered necessary by the Chief Planning Officer), in the event that any representations or consultation responses raise no new material planning issues.

### **Conditions**

- **Three-year time limit for commencement**
- **Approved plans**
- **Final height of Thermal Stores to be submitted and not exceed a maximum 7.5 metres height Above Ground Level**
- **Height of post and rail fence and timber field gates to be submitted**
- **Thermal stores to be olive green in colour**
- **Specific material details to be submitted**
- **External lighting details to be submitted**
- **Wildlife sensitive lighting scheme to be submitted**
- **Soft landscaping scheme to be submitted (to include native species)**
- **Soft landscaping scheme planting timetable to be submitted (to include details of advanced planting)**
- **Details of associated infrastructure to be submitted**
- **Construction Management Plan to be submitted**
- **Full access details to be submitted**
- **Timetable for constructing accessway to be submitted**
- **Details of securing the front access of the site to be submitted**

### **Informatives**

- **Proactive working with Pre-App**

### **Additional Conditions**

- **Details of education/interpretation board.**
- **Final colour appearance/finish of thermal stores.**
- **Noise control as per Environmental Health Officer advice.**

The business of the meeting was concluded at 12.19 pm.

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Chair

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## PL/22/23

### BABERGH DISTRICT COUNCIL

### PLANNING COMMITTEE

25 JANUARY 2023

### SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	15-68	<b>DC/21/02671</b>	<b>Land North of the A1071, Ipswich (Wolsey Grange)</b>	GW
6B	69-130	<b>DC/22/03043</b>	<b>The Red Lion, The Street, East Bergholt, Suffolk, CO7 6TB</b>	SS

Philip Isbell  
Chief Planning Officer

## BABERGH DISTRICT COUNCIL

### PLANNING COMMITTEE

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

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

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

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

#### DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

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

#### **PLANNING POLICIES**

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

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

National Planning Policy Framework:

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

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

<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/21/02671

**Case Officer:** Gemma Walker

**Ward:** Sproughton & Pinewood.

**Ward Member/s:** Cllr Richard Hardacre. Cllr Zachary Norman.

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

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### **Description of Development**

Outline planning permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of up to 750No dwellings, and up to 3ha of primary education land, public open space, Sustainable Drainage Systems (SuDS), landscaping and highway improvements (accompanied by EIA Statement).

### **Location**

Land North of The A1071, Ipswich,

**Expiry Date:** 23/08/2021

**Application Type:** OUT - Outline Planning Application

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

**Applicant:** Taylor Wimpey UK Ltd.

**Agent:** Mrs Bethan Haigh

**Parish:** Sproughton

**Site Area:** 53.01ha

**Density of Development:**

Gross Density (Total Site): 14 dph

Net Density (Developed Site, excluding open space and SuDs): 40dph

**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

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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 “Major” application for 15 or more dwellings

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## PART TWO – POLICIES AND CONSULTATION SUMMARY

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### Summary of Policies

CS1 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS2 - Settlement Pattern Policy  
CS3 - Strategy for Growth and Development  
CS7 - Strategic Site Allocation - Babergh Ipswich Fringe  
CS12 - Design and Construction Standards  
CS13 - Renewable / Low Carbon Energy  
CS14 - Green Infrastructure  
CS15 - Implementing Sustainable Development  
CS18 - Mix and Types of Dwellings  
CS19 - Affordable Homes  
CS21 - Infrastructure Provision  
EN22 - Light Pollution - Outdoor Lighting  
HS31 - Public Open Space (1.5 ha and above)  
CR04 - Special Landscape Areas  
CR07 - Landscaping Schemes  
CR08 - Hedgerows  
CN01 - Design Standards  
CN04 - Design & Crime Prevention  
CN06 – Setting of Listed Buildings  
TP15 - Parking Standards - New Development  
TP16 - Green Travel Plans

### Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area  
Stage 2: Preparing a draft neighbourhood plan  
Stage 3: Pre-submission publicity and consultation  
**Stage 4: Submission of a neighbourhood plan**  
Stage 5: Independent Examination  
Stage 6: Referendum  
Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has limited weight and could also be subject to further revision.

Relevant policies include:

SPTN1 Spatial Strategy  
SPTN 2 Housing Mix  
SPTN 7 Area of Local Landscape Sensitivity  
SPTN 8 Settlement Gaps



SPTN 9 Protection of Important Views  
SPTN 10 Local Green Spaces  
SPTN 11 Biodiversity Protection and Enhancement  
SPTN 12 Recreational Disturbance, Avoidance and Mitigation  
SPTN 13 Heritage Assets  
SPTN 16 Development Design Considerations  
SPTN 17 Flooding and Sustainable Drainage  
SPTN 19 Open Space, Sport and Recreation Facilities  
SPTN 21 Public Rights of Way

## **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**

##### **Sproughton Parish Council Objection update 1/12/2022**

Objection on the following grounds:

Emerging BMSDC Joint Local Plan allocation, no certainty that this site will need to be included, and should not be considered at this time.

Housing need provision in Ipswich Fringe now well beyond 2038, no justification for more housing provision 80% of the proposed JLP provision for the whole district to 2036 already approved, there are no exceptional circumstances that might justify this speculative application at this time and we object it for these reasons alone before even considering any adverse Impacts.

Land Area/Type- the developed area inside the A14 abutting Ipswich is considered urban for planning purposes, but the application site isn't developed, it is greenfield farmland and valuable wildlife green infrastructure.

Need for a full master plan

Landscape harm should be considered as it existed prior to any development.

Special landscape area

Any negative impacts of WG1 should be considered in conjunction with and cumulative to WG2 and any other adverse impact on the vale like the La Doria building.

CS7 should now be applied across the whole effected SLA area

Exaggerated visual impact of the height of buildings and structures due to valley-side landscapes

Significant visual impact and adverse effect on the character of the landscape due to valley-side landscape settlement extension

Impact on heritage assets

Inadequate provision of community and healthcare facilities

Inadequate consideration of cumulative impact of local infrastructure

Drainage strategy

Important wildlife areas

Premature application

##### **Sproughton Parish Council 16/08/2021**

Objection on the following grounds:

Lack of master plan

Cumulative impact

Lack of infrastructure

Unacceptably high adverse impact on the Landscape Value of Chantry Vale

Should preserve the remaining landscaping close to the urban edge of Ipswich

Adverse heritage impacts as this is a historic landscape that defines the historic settings on the heritage assets.

Insufficient buffer between the proposed development and the historic edge of Grade II listed Chantry Park Development on the valley side/ridge between Grade II listed Red House Farm and the A14 will destroy the landscape backdrop of Red House Farm

The 'Rolling Valley Farmland' character of the valley slope South West of Red House Farm will also be completely altered with artificial stepped Attenuation Basins again altering the historic landscape setting in front of Red House Farm.

Impact on Special Landscape Area

Style and design of the development not appropriate

Harm to pleasant and green route into Ipswich

Inadequate provision of community facilities

Application premature

Unacceptable and significant threat of Creeping Coalescence to Sproughton

Inadequate consideration for cumulative impact on local infrastructure in the area.

Inadequate public transport

Drainage strategy presenting unacceptable risk to listed Grade II Heritage Asset.

No consideration of Sproughton Neighbourhood Plan Design Codes.

Lack of clarity of proposed building sizes and planting.

Threat to three important local Wildlife Areas: Chantry Vale sits beside the County Wildlife site in Chantry Park, The Chantry Cut Island nature site and river valley (SEP Site) and this also acts as a wildlife route into and supporting a third site the County Wildlife Site on the River Gipping from the railway line bridge at Boss Hall to Yarmouth Road.

Not acceptable without planning conditions to ensure 35% affordable housing.

Inadequately defined Primary School Provision

Pinewood Parish Council – 16/08/2021

Objection on the following grounds:

Cumulative effect of development with surrounding parishes, Wolsey Grange 1 and commercial distribution park at Sproughton irreversibly change this part of Suffolk.

Increase in traffic on local road network

Harm to heritage assets

Lack of health infrastructure

Need for primary school immediately

Ecological impact

Water quality

Need for 35% affordable housing

Solar panels on all appropriate roofs and electric vehicle charging points for each dwelling

**National Consultee**

Highways England 16/11/2022

No objection. We are now content there will not be a severe impact upon the Strategic Road Network.

Environment Agency 22/06/2021

### **Water Quality**

We can see that Anglian Water (AWS) have been consulted on the development and have confirmed there is capacity at Chantry WRC to accept the flows from this large development site. We also agree with this and have no concerns over capacity at Chantry to be able to accommodate the additional foul water flows.

However, although a comprehensive ES has been undertaken with a separate Utilities & Water Management chapter, there is no consideration for the potential environmental impacts, especially water quality impacts, of the increased discharge from Chantry WRC on the local water environment. This is disappointing to see when the rest of the report is so comprehensive.

### **Water Resources**

According to Anglian Water's Water Resource Management Plan (<https://www.anglianwater.co.uk/about-us/our-strategies-and-plans/water-resources-management-plan/>), demand for potable water will be greater than supply by 2045. Water Resources in the east of England are under increasing pressure from a rapidly growing population, climate change and environmental needs, therefore it is essential that new developments ensure water efficiency strategies are included within plans. In the sections of the Environmental Statement that cover water resources, climate change and utilities there is no mention of water saving techniques that are planned for this new development.

### **Flood Risk**

We have no objections in relation to flood risk, providing that you are satisfied that the development would be safe for its lifetime and you assess the acceptability of the issues within your remit. The applicant has sequentially sited all proposed development within Flood Zone 1.

Historic England 1/11/21

No comment. Suggest seek views of specialist conservation and archaeological advisers as relevant.

Natural England 10/1/2023

No objection subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- Deben Estuary Special Protection Area (SPA)
- Deben Estuary Ramsar
- Stour and Orwell Estuaries SPA
- Stour and Orwell Estuaries Ramsar

Damage or destroy the interest features for which:

- Deben Estuary Site of Special Scientific Interest (SSSI)
- Orwell Estuary SSSI has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- A proportionate financial contribution to the Suffolk Coast Recreational Avoidance and Mitigation Strategy (Suffolk Coast RAMS)

- Onsite green infrastructure as outlined in the Habitats Regulation Assessment (HRA).
- The upgrading of Chantry Wastewater Recycling Centre (WRC) as identified in the Habitats Regulation Assessment (HRA).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

- A proportionate financial contribution to the Suffolk Coast Recreational Avoidance and Mitigation Strategy (Suffolk Coast RAMS) of £121.89 per dwelling should be secured by condition or obligation.
- On-site green infrastructure as outlined in the Habitats Regulations Assessment (HRA); including:
  - Development incorporates over 50% of the site as designated public open space
  - 21.52 ha of natural and amenity greenspace will be managed, using a Landscape and Ecological Management Plan (LEMP) (CSA Environmental, Rev L 22 Nov 2021).
  - Three dog walking routes of at least 2.7km, two of which utilise existing routes within the confines of the Site and the other proposes to utilise existing walking routes through Chantry Park via the existing PRow network and two dogs off lead areas (Dog Walking Routes & Off Lead Areas Rev C02 (Sweco, 3.9.21)
- The Habitats Regulation Assessment identifies that no adverse effects on integrity (AEOI) would occur if Chantry WRC receives upgrades, as modelling shows that it would then be able to accommodate the extra waste water of nearly 750 homes. To ensure that the conclusions of the HRA can be concurred with the competent authority, it must ensure that the identified measures (Chantry WRC upgrade) are suitably secured via a planning condition or legal obligation.

Site of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Officer Note: The recommendation includes S106 obligations and conditions as set out above, such that the proposal follows the advice of this letter. Conditions to require phasing in accordance with the timescale for delivery of the Chantry WRC are proposed as per the recommendations of Anglian Water.

NHS 15/06/2021

There is GP practice within a 2km radius of the proposed development, this practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore, a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of a new build at Hawthorn Drive Surgery, servicing the residents of this development, would be sought from the CIL

contributions collected by the District Council. The CCG is continually working with the Infrastructure Team at Babergh and Mid Suffolk District Council and the CIL is being discussed at present.

#### Anglian Water 04/06/2021

The foul drainage from this development is in the catchment of Chantry Water Recycling Centre that will have available capacity for these flows

Anglian Water notes the close proximity of this development to SPROUGHTON-CHURCH L STW water recycling centre (WRC) and would draw attention to the potential for nuisance, associated with the operation of this treatment works, to effect the proposed development. Our initial odour risk assessment indicates that there is potential for loss of amenity at sensitive property within the proposed development due to odour emissions from the operation of the WRC. This WRC is operated in compliance with the appropriate regulatory standards and in accordance with established best practice, however, the process is inherently prone to short periods of relatively strong odorous emissions, against which there is little practical mitigation. We would advise therefore, that the proposed layout seeks to maintain an effective distance between the treatment works and sensitive accommodation. We would further recommend that a detailed odour risk assessment is undertaken to establish the range at which the amenity of neighbouring property is likely to be impaired. The results of any detailed assessment can be reviewed in further consultation.

#### Used Water Network

Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A drainage strategy to serve the site will need to be identified with Anglian Water. We therefore request a condition requiring phasing plan and on-site drainage strategy.

#### Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water would therefore recommend the following planning conditions if the Local Planning Authority is mindful to grant planning approval; phasing, and used water sewerage network.

#### Officer Note:

An odour assessment has been submitted with the application, and further work in respect of odour has been undertaken with Environmental Health, as per their consultation response below, which confirms that the design has taken this into account and providing the design does not change it has been agreed that there is no significant impact and as such no mitigation for odours is necessary. This can be further secured at reserved matters design stage.

#### EAST Suffolk IDB 07/06/2021

The site is partially within the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB), specifically the northern part of the site is within catchment CMT186G – River Gipping Central (S), and therefore the Board's Byelaws apply.

#### Suffolk Preservation Society 22/06/2021

I write on behalf of the Suffolk Preservation Society (SPS) regarding the above outline application for the development of a site which is currently being brought forward in the emerging joint local plan (site LA013). Throughout the consultation process, SPS has consistently objected to the inclusion of this site due to the significant harm that will result from its development on a number of designated heritage assets. We are therefore disappointed that this application has been submitted in advance of the Examination of the Local Plan and wish to register our objection to the application.

Nevertheless, should the Examination allow the inclusion of this site within the Local Plan, SPS would like to raise the following issues regarding the impact of the development on the setting of heritage assets. Our primary concern is that the applicant has understated the heritage impact of the proposals on Red House Farm (grade II listed) and Chantry Park a grade II Registered Park and Garden and the gatehouse, listed grade II.

#### Impact on Heritage Assets

Red House Farm is an isolated red brick farmhouse and barn dating from the sixteenth century. It is prominent in views when travelling along Hadleigh Road and currently sits within an agricultural setting with an urban backdrop of the edge of Ipswich in the distance. The undulating topography of the land results in the farm sitting in a valley with land rising to the south, north and east. Its isolation from the town serves as a reminder of the very rural history of the area whilst its agricultural setting contributes to the significance of the heritage asset as a former farmhouse. The experience of the farmhouse from Church Lane is also significant as its unchanged agricultural setting to the south and east towards Chantry Park is evident; the recent Wolsey Grange development and the A1071 being entirely hidden over the brow of the hill.

Whilst the application indicates that development immediately around Red House Farm will be restricted due to a covenant on the land, SPS considers that the proposed development could seriously harm the setting of the heritage asset, enveloping the farmhouse in a suburban extension of Ipswich and removing its sense of rural isolation. The ground levels of the land to the east of the Hadleigh Road in particular rise sharply towards Chantry Park and dwellings on this part of the site will be considerably higher and will dominate Red House.

Whilst this is an outline application, we note that figures 39 and 40 within the Built Heritage Statement at Appendix 6 indicate that the built edge will be set back to allow for views of Red House Farm when approaching along Hadleigh Road. SPS considers that this is inadequate and that if the development of this site is to proceed, a far greater set back of the dwellings, together with a more substantial level of tree planting than that indicated should be pursued by the lpa in order to meaningfully reduce the impact of the suburban extension on Red House Farm.

SPS also has concerns regarding the impact of the development on Chantry Park Registered Park and Garden and grade II listed gatehouse. Since their construction, the development of Ipswich has resulted in the urban edge wrapping around the north and east sides the park. Meanwhile, the agricultural land to the west and south of this designed parkland has been retained. This provides the last remaining element of the intended context to these assets' original setting, contributing to their significance, which will be lost if the proposed development is permitted in its current form

When assessing the level of harm to a heritage asset through development within its setting, Historic England GPA, *The Setting of Heritage Assets* (2015) clearly explains *“that a negative cumulative change could include severing the last link between an asset and its original setting”*. SPS therefore urges that, should this development proceed, the lpa pursues a significantly greater buffer area between the edge of the parkland and the built edge of the development in order to retain a sense separation.

In summary, SPS considers that the proposals as currently presented, have the potential to cause medium to high levels of less than substantial heritage harm which have been under assessed by the applicant. Accordingly, we object to the application in its current form. We request that SPS is consulted on any amendments to the application.

#### British Horse Society 26/05/2021

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

The BHS has significant concerns about the impact that this proposed development of nearly 800 new homes will have on traffic circulation on local roads. The adverse effects of this on the safety of local horse riders have not been acknowledged within the application, and in the absence of any proposals for mitigation the Society must OBJECT to this proposal on the grounds of highway safety.

Although there is a good local network of public footpaths, these are not legally accessible to horse riders therefore riders have few options other than to use the local roads (as they are legally entitled to do) to exercise their horses. The addition of nearly 800 new homes within the area will exacerbate a situation that is already a concern, yet this has not been acknowledged or addressed within the plans for this development, which propose safe, off-road routes for pedestrians and cyclists but not for horses.

The Suffolk Green Access Strategy (the County Council's statutory Rights of Way Improvement Plan) recognises the limitations for Non-Motorised Users: '2.3 Connectivity – 2.3.1 Take a whole highways approach when considering the journeys of vulnerable users.' We therefore ask that if Babergh and Mid Suffolk Council is minded to approve this application, a Condition is made to dedicate a network of bridleways within and around the site to provide safe routes for ALL vulnerable road users – equestrians as well as pedestrians and cyclists. There are sound social and economic reasons for doing this. Riding is an activity which contributes to the physical and mental wellbeing of people of all ages and circumstances and is by no means an exclusive pastime for the wealthy and/or landed minority. 67% of those who ride are female, and riding is an important means by which people who are less mobile through age or disability can continue to enjoy access to the countryside.

I recognise that many of the proposed routes within this consultation are in urban areas. However, many horses are kept on the urban fringe, so it is important that equestrians are not excluded from routes that exit the urban areas into the surrounding environs. Equestrians have not been included within any part of this application. Exclusion of equestrians from any safe access provision for cyclists is not only discriminatory and contrary to the ethos of the Equality Act 2010, but it also actually puts equestrians in increased danger. It is to be avoided. Safe access must be available all vulnerable road users.

When the A14 and surrounding infrastructure was first built many Public Rights of Way were severed and disregarded, developments such as this provide the opportunity to rectify these severances. This application should be considered in line with the Copdock Interchange proposals and any non-motorised user routes which will connect to the site as part of this application. This will provide safe off road access for equestrians providing a connection with routes to the north and south of the A14 which has been lost for many years.

Any newly constructed paths should be integrated/physically linked with the existing public rights of way network where possible and needed, clearly waymarked and recorded on either the definitive map or another publicly accessible map as appropriate. Where proposed new, or improved routes have crossing

points or junctions with the main highway network, appropriate signal-controlled (or even gradeseparated) crossings should be provided suitable for all user groups. The routes up to and using the Toucan crossing proposed should be inclusive of equestrians therefore requiring a Pegasus crossing.

Consideration should be given to the use of 'Quiet Lanes' where the speed of traffic is reduced. Where motorised traffic is to be prohibited on either a right of way or minor road to facilitate cycling and walking, it must be remembered that this is likely to also benefit equestrians. Signage and structures must not impede equestrians.

#### Woodland Trust 8/08/2022

While we acknowledge that the road will be outside of the root protection area as per BS:5837 specifications, veteran trees often require larger buffer zones to ensure their long term vitality and retention via the protection of their sensitive rooting environment. Natural England's Standing Advice recommends the following buffer zone size: *"For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone."*

Therefore, we'd like to see the RPA recalculated in line with the standing advice. A larger buffer zone will also reduce the risk of damage via pollution from passing cars, and road runoff from being intercepted by the tree's roots. Furthermore, HERAS fencing should also be erected prior to construction to demarcate the no-construction zone. Ideally, if this can be secured by condition, that would remove our objection to this proposal.

Officer Note: An amended plan for T127 has been submitted showing a buffer zone and this can be secured as part of the landscape and layout reserved matters.

#### Garden Trust 13/07/2022

The register entry description for the Grade II registered park and garden (RPG) of Chantry Park makes clear that there are views westwards from the elevated viewpoint of the RPG down over the Gipping Valley and the development site. The RPG was formerly surrounded entirely by agricultural land. Over the years this land has been eroded by housing on all sides except for the remaining western section, the final remnant area which allows the original context of its intended designed landscape setting to be appreciated. The loss of this would in our opinion, appreciably harm the significance of the RPG and its setting.

Figure 21 (p13) of The Built Heritage Statement (BHS) by CgMs dated April 2020 shows a *'direct view of the boundary with Chantry Park with the site (which) illustrates the density of the tree and undergrowth lines between them'* and the caption states that *'Chantry Parks (sic) landscape features ... are not appreciable from any part of the site.'* The BHS's final paragraph (p19) continues to downplay the impact of the proposed development on Chantry Park: *'As no appreciable experience of the Chantry Park or its associated built heritage assets is possible from within site and no legible functional or historic association can be established, it is considered that the site does not make a contribution to the significance of Chantry Park group of heritage assets.'* The GT/SGT disagree with these statements as nowhere within the documentation have we found any mention of what impact the large development may have upon the views from the higher land within the RPG, from which it will almost certainly be visible due to topography and gaps in the tree cover. Such impacts we feel invalidate the comment in the final paragraph on p28 of the BHS, which concludes that *'the proposed development is considered to represent a neutral impact on the significance of ... the parkland itself.'*



The Environmental Statement Part 2, Appendix 7.6, Viewpoint 6 shows a view from within the development site towards the RPG. However, nowhere in any of the viewpoint documents is there a corresponding view from within the RPG looking down towards the development area. We would ask that the applicant provide a couple of Wire Frame images taken from within the RPG looking down into allocation LA013, in particular the area which immediately adjoins the RPG, which we understand is zoned for approximately 160 units. The Design & Access statement, Part 4B, p69, point 5 relates to new tree planting '*along the eastern development edge with Chantry Park to add to the well treed edge and provide further filtering where views of the development are possible.*' This statement contradicts assertions mentioned above which indicate that there is no intervisibility.

Parcel 6 of the development area was formerly the site of an C18th mansion recorded in the Environmental Statement: a park, a mansion and an avenue leading up to it from the south, as recorded on Hodgkinson's 1783 Map of Suffolk, with the legend 'Sir Robt Harland'. The house was curiously never named, just referred to as 'Sproughton' –the parish name. In the 1790s the house was demolished and the Harland family moved to a new house at Wherstead Park before moving yet again to Orwell Park. For this reason, we suggest that an archaeological assessment should be carried out for remains of both the mansion and its surrounding park.

The GT/SGT strongly object to this premature application for outline planning in a site immediately adjacent to the Grade II Chantry Park RPG. This irreplaceable heritage asset will be irrevocably compromised if the final remnant area which allows the original context of its intended designed landscape setting to be appreciated, is destroyed by this large development.

#### Suffolk Wildlife Trust 16/06/2021

In order to reduce pressures on the neighbouring Chantry Park, Beech Water and Meadow County Wildlife Site, then it is important that the Northern Open Space is created prior to first occupation. As this area contains the proposed dog walking routes as mentioned within the Shadow Habitats Regulations Assessment, then it is important that this phase is installed prior to first occupation to ensure that recreational pressure on designated sites is not increased as a result of the development.

We note that it is possible a footbridge will be installed over the River Gipping. Both otter and water vole have been identified within the river. Otters are fully protected by legislation (Wildlife and Countryside Act (1981) (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, the footbridge must be located in an area which does not impact otters. Water Vole are fully protected by legislation (Wildlife and Countryside Act (1981) (as amended). Therefore, the footbridge should also be located in an area that does not impact upon water voles. As the location of the footbridge is to be determined, we are concerned about potential impacts upon these species and the River Gipping. The Shadow Habitats Regulations Assessment identifies that a Construction Environment Management Plan will be in place to address the potential risk from a pollution incident at the location of the footbridge, however the CEMP (RSK, April 2021) makes no mention of this. Therefore, once the location of the footbridge has been agreed, the CEMP is required to be updated to include the possible works to the footbridge and the mitigation measures required to avoid potential impacts.

There are records of great crested newt from Pond 2 onsite, as identified within the Pond Locations (MLM Group, October 2019). These records are dated 2018 and are provided by Suffolk Biodiversity Information Service (SBIS). We note that there was no presence of eDNA within this pond however, the historic records and the presence of eDNA within Pond 4, suggest a potential great crested newt population in the surrounding area. We recognise that no great crested newts were identified within the torching, netting and egg searches within Pond 4 and that the positive eDNA result was attributed to an inflow pipe. Therefore,

we recommend that the CEMP is updated to include a precautionary method statement for great crested newts.

The application proposes to plant hawthorn hedging around the existing pond onsite, at a minimum of 3m away from the pond's edge to create a natural barrier from domestic pets. It must be ensured that this hedging does not impact upon water quality of the pond and that future management ensures that the hawthorn planting does not impact the pondside and bank vegetation that supports water voles. This should be detailed within a Landscape and Ecological Management Plan, which should also detail how the habitats and open spaces on site are to be appropriately managed for biodiversity. This should be implemented as conditions of planning consent, should permission be granted.

We note the presence of an estimated minimum of 4 skylark territories which will be lost within the development. Skylarks are a Red Listed Bird of Conservation Concern in the UK and listed under Section 41 of the Natural Environment and Rural Communities (NERC) act. Therefore, offsite mitigation is required as highlighted within the report which should be detailed within a Skylark Mitigation Strategy, with the approach agreed prior to the works commencing.

As foraging and commuting bats have been identified as potentially using hedgerows and trees adjacent to the site, then it is important that there is no light spill from external lighting and that dark corridors are retained around the site for the foraging and commuting bats. Therefore, a lighting strategy in accordance with current guidelines should be designed. This should be implemented as a condition of planning consent, should permission be granted.

We welcome the proposals use of Biodiversity Net Gain Calculations to deliver measurable biodiversity net gain. However, as this is an outline application and the layout has not been produced, we query whether this is an accurate figure. In accordance with NPPF para 175d, proposals should demonstrate a 'measurable' net gain in biodiversity. Therefore, it should be ensured that the habitat units delivered in the calculations should match the proposed landscaping and habitats delivered within the subsequent reserved matters applications. The future landscaping, open spaces and planting within reserved matters applications should also demonstrate how they retain and enhance existing wildlife corridors and ecological networks onsite, to ensure that species and habitats do not become isolated by this development.

We recommend that integral swift nest bricks should be incorporated into buildings that are of minimum two storeys. The incorporation of swift nest bricks is an established way to enhance biodiversity within a development and provide net gain. Therefore, we request that this is done to provide enhancement to this Suffolk Priority Species, whose numbers have seen a dramatic decline in recent years.

There are records of Hedgehog, a UK and Suffolk Priority Species, in the surrounding area. To maintain connectivity for this species, we recommend maintaining hedgehog permeable boundaries (with gaps of 13x13cm at ground level) as part of this development.

A Biodiversity Enhancement Strategy should be produced, detailing the how the enhancements made within the Environmental Statement are to be incorporated within the development, including their locations. This should be implemented as a condition of planning consent, should permission be granted.

**Ipswich Borough Council 04/04/2022**

Objection unless the following matters are addressed:

- Accessible to employment sites by sustainable modes of transport
- Encouraging and facilitating sustainable modes of transport
- Maximise links to Ipswich ecological network and public open space
- Mitigation measures to Chantry Park and IBC Open Space SPD

Management plan for public areas and refuse/recycling facilities  
Policy compliant affordable housing  
Phasing of development with regards to education provision being delivered early  
Impact on heritage assets including Chantry Park  
Transport mitigation should be provided and encourage pedestrian and cycling as preferred mode of transport  
A bridge to connect the development to Footpath FP22 should be provided from the north of the site onto Foot Path 22 across the River Gipping.  
Biodiversity improvement to be provided on site, and RAMS payment required  
Health service provision contribution  
Development should include some convenience retail floorspace

Officer Note: Following this Officers have liaised to overcome the issues and reach agreement, with contributions to Chantry Park for composting toilets and dog waste bins now requested.

### **County Council Responses**

#### **SCC Flood and Water 11/4/22**

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/02671. The following submitted documents have been reviewed and we recommend approval subject to conditions;

FRA

Suds completion confirmation and inspection  
Construction surface water management plan

#### **SCC Highways 6/01/2023 (including Passenger Transport, Travel Plan and PROW)**

Further to our previous responses, additional discussions, consideration and review have taken place, along with confirmation that National Highways are satisfied with the impact upon the Copdock interchange (A14 J55). Subsequently, we are now in a position to remove our previous objection subject to the following planning conditions and Section 106 contributions.

#### **Summary of Conditions:**

Offsite highway improvement full details for A1071/B1113/Swan Hill, A1071 junction, A1214 junction  
Full details of Hadleigh Road roundabout access and footway, Hadleigh Road central access and footway, Hadleigh Road Northern access and footway.  
Visibility splays for Hadleigh Road Northern and Central access  
Cross valley cycleway/footway to be agreed  
Hadleigh Road toucan crossing to be agreed  
Cycleway/footway route and bus stop improvements close to A1071 to be agreed  
Estate roads and footpaths implementation  
Means to prevent discharge of surface water drainage onto the highway  
Estate road phasing and completion plan to be agreed  
Carriageways and footways constructed prior to occupation  
Details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles, including secure cycle parking to be agreed  
Provision of electric vehicle charging points  
Construction management plan  
Details of landscaping that may impact upon the highway  
Travel plan

Bus stop provision and improvements plan  
Improvements to Footpath 14 agreed and implemented

Informative notes

Summary of S106 Obligations:

Sustainable travel improvements on the A1214 London Road corridor £375,000

Smarter choice contribution for modal shift £347,500

Speed limit extension on Hadleigh Road £11,500

Traffic calming on Hadleigh Road £40,000

PROW:

Upgrade Sroughton Public Footpath 14 from footpath to bridleway status	£5,000
Upgrade Sroughton Public Footpath 24 from footpath to bridleway status	£5,000
Improve Sroughton Public Footpath 24 to and through underpass to make route more accessible	£50,000
Improve Sroughton Public Footpaths 11 and 12 onto Church Lane	£20,000
Improve access along Sroughton Public Footpath 11	£30,000
Provide bridge over the River Gipping	£200,000

Allowing for staff costs and contingency the total PROW S106 requirement is £375,000

Travel plan £1,000 per annum from occupation 100 dwellings until 5 years after occupation of final dwelling

Bus service improvements £500,000

Total SCC Highways S106 contributions = £1,649,000 (not including annual travel plan contribution)

SCC Fire and Rescue 03/06/2021

Access and Fire Fighting Facilities

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

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

## Water Supplies

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

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

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

### SCC Archaeology 27/05/2021

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 the National Planning Policy Framework (Paragraph 199), 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.

### SCC Infrastructure 09/12/2022

Updated summary of infrastructure requirements split between CIL/s106:

CIL	Education	
	- Secondary school expansion @ £25,253 per pupil place	£3,333,396
	- Sixth form expansion @ £25,253 per pupil place	£681,831
CIL	Libraries improvements @ £216 per dwelling	£162,000
CIL	Waste infrastructure @ £130 per dwelling	£97,500
S106	Education	
	- Primary school new build @ £21,774 per pupil place	£4,006,416
	- SEND new build provision @ £65,739 per place	£392,490
S106	Early years new build @ £37,499 per place	£2,362,437
S106	Freehold fully serviced site of minimum 3-hectares for the new primary school/early years setting	£1
S106	Highways	tbc
S106	Monitoring fee for each separate trigger point in a Deed	£476

### Strategic Housing 25/07/2022

This is an outline development proposal of up to 750 dwellings and in order to be policy compliant, requires 35% affordable housing. This equates to 262.50 dwellings. We would request 262 dwellings on site and a commuted sum for the remaining 0.50. This advice is provided with regard to the current local planning policy framework, and not the emerging Joint Local Plan. Please note the emerging Joint Local Plan in respect of housing needs and design standards for space, accessibility, energy and water efficiency which may be in force by the time this development comes forward.

### Heritage 13/09/2021

Designated heritage assets in close proximity to the site which have the potential to be harmed by the development are:

- Poplar Farmhouse, Grade II listed (list entry number: 1193985)
- Springvale, GII (1193916)
- Chantry Park Registered Park and Garden, GII (1000271), The Chantry (1037783), Gatehouse and entrance piers to Chantry House, GII (1236640)
- Red House, GII (1285933) and associated barn, also GII (1036924)

A built heritage statement is included as appendix 6.3 of the applicant's environmental statement, which includes a description of the asset's listed above and an assessment of how their significance will be affected by the proposals. Poplar Farmhouse has a historical association with the site, however as it is now in separate ownership and visually disconnected from the site, it is discounted from a full assessment by the applicant. I have no concerns regarding this conclusion.

Springvale is believed to date from the fifteenth century, with later alterations in the seventeenth to nineteenth centuries, which have resulted in the building having a complex planform. More recent alterations include notable changes to the building's use and setting; Springvale is currently in use as a childcare facility 'Oakland Hall', with a modern swimming centre built within its immediate grounds, designed to mimic agricultural barns. The architectural and historic interest of the building is primarily in its construction, however its setting provides context and understanding of the building's development and former function. The rural setting of Springvale can be appreciated from the north, east and south, however the development of the A14 to the west, A1071 to the south and associated development of Wolsey Grange 1, have had a marked impact upon the quality of this setting. Nevertheless, the proposed change of land use will, I feel result in a low level of harm to the setting of the listed building, removing it further from its formerly agrarian setting. Whilst the listed building is primarily appreciated in its immediate setting, its separation from domestic dwellings allow for the asset to be understood as a former farmstead, set within the agricultural landscape key to its function. This can be appreciated through views looking north east into the site, particularly in the winter months when there is limited tree cover. I disagree that there will be no impact at all to the setting of Springvale, as suggested by the submitted heritage statement. If built, the change in land use, impact upon views, increased associated traffic, density and proximity of the proposed development would result in a low level of less than substantial harm to Springvale's significance.

The Chantry, its associated registered parkland and listed gatehouse are assessed as a group within the submitted heritage statement. The house itself is concealed by an extensive boundary treatment along Hadleigh Road, comprised of primarily of tree cover and hedgerow, and is not visible from the site. No harm is anticipated to the significance of the listed Gatehouse and The Chantry, however the setting of the registered park and garden will be negatively altered by the proposals. At present, the agricultural landscape beyond the park's boundary provides important context to the parkland and associated house, acting as an important contrast and emphasising the park's separation from the urban development of Ipswich. Although modern development has occurred along the northern edge of Hadleigh Road, land to the west of the parkland has retained its agricultural use, which enables the park to be partially appreciated in its original and intended context, with its formal designed landscape giving way to agricultural land beyond. The topography of the parkland emphasises this change, and is mentioned within the list description for the registered park and garden: 'This topography allows views from the west park over the Gipping valley to the north and over countryside to the west' (Historic England: 1000271). Encircling the parkland with development on its western edge will thus remove its wider setting and the appreciation of the asset, resulting in less than substantial harm to its significance, in the middle of the scale.

Red House, Grade II listed and dating from the sixteenth century, has an early eighteenth century appearance, having been heavily remodelled in this period, then further extended in the subsequent century. Built in red brick and located on the northern edge of Hadleigh Road, the building is a prominent structure within the landscape. Important wide views of the listed building and associated farmstead (including the individually listed barn) can be gained when travelling west on Hadleigh Road, as the ground

falls into a small valley, which Red House is located in. These wide views look across the site affected by these proposals, the agricultural character of which provides important context to the Red House farmstead, emphasising its isolation and rural function. If the proposals are permitted, this open context and agricultural setting to the building would be lost, with the listed building and farm complex subsumed into an urban setting. There would therefore be harm to the significance of both listed buildings, the farmhouse and barn, within the realms of less than substantial, at the medium to high end of the scale. The applicant's conclusion that the site makes a 'moderate' contribution to the setting of the asset is, in my opinion, underestimated. Although modern development is partially visible, as indicated by figure 27 of the heritage statement, the Red House is viewed almost entirely in an unchanged, historical and agricultural context, removed from urban sprawl and modern commercial structures.

In conclusion, I am unable to support the proposals, which will result in harm to the heritage assets as described above. Sections 127(c), 196, 200 of the NPPF are relevant in this instance, as is 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Landscape

20/09/2021

We welcome the additional landscaping and tree planting proposed along the parcels north and south of Hadleigh Road to mitigate views towards Red House Farm.

We have no additional comments to the ones included in our previous response (date 30/07/2021)

30/07/2021

We are satisfied with the scope and geographic extent of both the landscape and the visual baseline studies which form the basis for the assessment of effects and have been supported by appropriate Zone of Theoretical Visibility (ZTV) mapping.

The site falls within three Landscape Character Types (LCT) as identified in the Suffolk Landscape Character Assessment (2011). These are the Plateau Farmlands, Rolling Valley Farmlands and Valley Meadowlands LCT. These designations are all based on the historical agricultural land use of the area. The recently constructed residential development to the south and commercial to the north have significantly altered the setting. In doing so the quality and value of the landscape have been reduced.

The Joint Babergh and Mid Suffolk District Council Landscape Guidance (2015) also refers to these LCTs, stating that the combination of the Valley Meadowlands and the Rolling Valley Farmlands are characteristic of the river valleys of south Suffolk and are considered to contribute significantly to the District's distinctiveness. Though given the incongruent elements already present in the local area, we concur with the applicant that the landscape character of the site and the LCTs is of medium/medium high sensitivity.

Generally, we agree with the assessed level of effect on landscape receptors. However, unlike the assessment, we would judge that the level of effect on the Rolling Valley Farmlands is moderate adverse. Given the undulating landform, the visual impact of new vertical elements is increased by this landform. Therefore, new buildings are likely to have a significant impact on both the character and visual amenity on the valley side, even with proposed mitigation measures proposed.

In terms of visual amenity, we agree with the chosen visual receptors and have no concerns regarding the number of viewpoints or verified views. All supporting photography accords with the TGN with verified views undertaken during the winter months to ensure a 'worst case scenario' is being judged.

The assessment concludes in Para 7.308 that there will be “no significant residual visual effects remaining at year 15 from public vantage points.” But there will be “some significant residual visual effects on residential receptors”. We agree with this judgement and understand that the effects can only be partly mitigated by new planting to soften views of proposed built form.

In support of this the application has been accompanied by a GI Strategy (ES Part 2 Appendix 3.8). The strategy appears to be well thought through, responding to the historic, ecological, and topographical constraints of the site. Consideration has been demonstrated for surface water with the proposed use of permeable materials, swales and attenuation basins provided on site to deal with surface water runoff at source.

Figure 3.8 Green infrastructure Plan illustrates the proposed network of green spaces which will be linked with vegetated wildlife corridors, allowing pedestrian and cycle movement through and around the site. Further opportunities to link into existing settlement and employment areas have also been identified and further investigation would be encouraged. As the design develops and being conscious of topography, we would insist that accessibility standards are met.

The scheme provides for play in the form of LEAP, LAP and play on the way features. There is ample opportunity for informal play along the green corridors and central POS. Walking routes have also been proposed and a trim trail for leisure use, which is supported.

The need for acoustic mitigation from the A14 has been highlighted and fencing has been put forward as a solution. This will require a strong landscape detailing to soften the appearance when viewed from the west and north-west.

If minded for approval, we would advise the following recommendations are taken into consideration:

- We note the proposed use of wildflower meadow in the more natural POS areas. The areas identified on the plan as amenity grassland should be flowering lawns, however some areas of closer mown grass maybe appropriate for sports area and small ornamental/feature areas
- The proposal states that native trees and shrubs will be used across the site. This is welcomed. We would discourage the use of single species planting or the same planting mix used across the whole site. We would encourage the use of several mixes which are specific to their location on site e.g. a mix for the plateau area and a mix for the lower slopes which would have species which are well adapted to the prevailing ground condition and able to support the wildlife present.
- The use of permeable surfaces is encouraged. Further details are required to ensure that the materials are consistent in appearance with the vernacular. Given that this development will become the interchange between the developed settlement and rural Suffolk we would expect chosen materials to be sympathetic to this character.
- A landform strategy outlining how the landscape, roads and buildings are related to the topography will be useful; details such as cut and fill and retaining structures should be considered fundamental in any future submission.
- Management of POS needs to be considered from the outset, along with the management of the land surrounding Red House farm to ensure a cohesive approach. Traditional management methods such as cattle grazing should be considered under further consultation with the Ecology officer.
- In order to ensure key structural / screening landscape planting is carried out at the earliest opportunity and in the interest of the landscape character and setting of heritage assets we would advise that advanced planting is proposed on site boundaries and within public open space such as the SuDS area south of Red House Farm.

Recommended Conditions, Landscape Management Plan, Landscaping scheme



Ecology 13/07/2022

No objection subject to securing

- a) financial contribution in line with Suffolk Coast RAMS and
- b) ecological mitigation and biodiversity enhancements

Proposed conditions:

Accordance with Ecological report and recommendations  
Environmental Management Plan for Biodiversity  
Biodiversity net gain design stage report  
Landscape and Ecological Management Plan  
Further surveys for protected species  
Wildlife sensitive lighting design scheme

Arboricultural Officer 01/06/2021

I have no objection in principle to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report. Although a number of trees are proposed for removal they are generally of limited public amenity value and/or poor condition and are not of sufficient arboricultural or landscape importance to warrant being a constraint. If you are minded to recommend approval we will also require a detailed Arboricultural Method Statement, including monitoring schedule, to help ensure harm is not caused to the trees scheduled for retention, this can be dealt with under condition/reserved matters.

Environmental Health – Air Quality 09/08/2022

My comments relating to LAQM in the Babergh district reflect the fact that the existing air quality in the vicinity of the site are within acceptable limits as provided by the UK Government in its Air Quality Objectives (AQO) and that there is sufficient headroom to allow for a large development without the risk of exceeding an AQO. The setting of the site, urban fringe with low density housing set back from major highways mean that any additional pollution that is generated will rapidly dissipate from the source (road) and not result in any significant increases in air quality. That is not saying that the site will not generate additional air pollution – no development of 750 dwellings with associated private cars could ever truly state that it has no impact – but it can be regarded that any such increases are within acceptable limits, and this is recognised in the Air Quality Impact Assessment undertaken by the developer. The consultant providing independent assessment for the applicant (MLM Consulting Engineers, now SWECO) have undertaken a detailed assessment of air quality (reference : 66201572-MLM-ZZ-XX-RP-J-0001) and subsequent addendum letter (ref : 66201572-SWE-ZZ-XX-TN-J-0005-P01) at a variety of locations within the district in and around the site using various scenarios of development but assessing the cumulative impact of the scheme and all show that the impact is at worst “negligible” when set against Environmental Protection UK impact parameters and I do not seek to challenge this conclusion.

In light of the fact that any development will by its very nature generate additional air pollution it is imperative that any such development minimises its impact through sustainable transport, service allocation etc and this is a gap that has been identified by officers at Ipswich Borough Council who note that the site provides little in the way of on site service provision and doesn't provide an obvious safe and accessible method of commuting to one of the main employment bases in Ipswich town centre and this is a position with which I can concur. Given the proximity of the site to essential services in Ipswich town centre it would seem as though this is an opportunity that is being missed by this development that will have concomitant, albeit unmeasurable, impacts on air quality and a host of other health metrics

I would note that one key future proofing measure that must be included in this development is the provision of EV charging infrastructure which is essential as we transition to zero tailpipe emission transport and by the time these houses are constructed and first occupied the adoption of EVs will be such that charging infrastructure will be essential. I believe that my colleagues dealing with Sustainability consultations will have picked this up and I would support any condition that they recommend securing such provision.

Officer Note: SCC Highways comments provide updated information in respect of the travel plan to be secured, and Ipswich Borough Council have been involved in discussions with regards impacts on the Borough.

#### Environmental Health – Noise/Odour/Light/Smoke 21/06/2021

Environmental Protection have no objection in principle but have concerns with regards to road traffic noise and Odours from the Anglian water Sewage treatment Works in Church Lane. These matters were raised during the pre-application discussions and the applicant has provided detailed assessments of both noise and odours. The application is for the dwellings is an Outline application and as such these reports make assumptions on potential dwelling layout and the conclusions can be used to inform the future design at the Reserved Matters Stage.

#### Noise

Cass Allen (acoustic Consultants) have undertaken a detailed and thorough noise survey of the site and applied modelling to the site as a whole to inform an Acoustic Design Statement (ADS) recommending mitigation features and design principles to be employed at Reserved Matters stage.

Section 4 of the report recommends mitigation measures to provide mitigation to the residential dwellings. Paragraphs that a 4m Acoustic Barrier is incorporated along the western edge of the development to shield against noise from the A14. This is described in paragraphs 4.18 to 4.20 and shows a significant reduction in noise. This can be seen in Figures 6 and 7. This acoustic Barrier should be required by condition which also requires the final design to be agreed in writing.

Although there is a significant noise reduction from the acoustic barrier it shown that there will still be properties exposed to noise in excess of recommended levels. Internal noise level design is discussed 4.21 to 4.42. As the final design hasn't been selected yet it is not possible to give the detailed measures. However the design principles are laid out in the ADS which shows that mitigation to suitable levels is achievable to meet the relevant standards and guidance. The final mitigation design for windows and ventilation to properties can be agreed at the reserved matters stage.

The development is proposed to include a school near to the A1071. Schools are also considered to be noise sensitive dwellings., The ADS has discussed this in section 5 of the report and references the Building Regulations Part E and BB93 as a design guide for schools with a recommendation for details to be submitted at a later date when the design is known. This can be required by condition. The report should also have consideration of the Institute of Acoustics & Association Of Noise Consultants 'Acoustics of Schools – A design Guide' as well as BB93, this document gives some guidance on external space noise standards.

#### Odour

Due to concerns over odours from the existing Sewage Treatment Works impacting proposed dwellings, MLM Consulting have produced a Qualitative Odour Impact Assessment based on the indicative layout showing no residential dwellings being located within 400m of the Sewage works. The impact assessment has identified that there is a low risk of a slight adverse impact which based on the appropriate guidance from the Institute of Air Quality Management is deemed to be not significant. Providing the design does not

change and bring residential dwellings closer to the works, it is agreed that there is no significant impact and as such no mitigation for odours is necessary.

Environmental Protection team therefore have no objection in principle subject to the following conditions being applied should permission be granted.

Construction working hours  
Construction method statement to be agreed  
No burning  
Acoustic barrier details agreed and implementation  
Noise report and mitigation prior to reserved matters  
Acoustic Design Statement prior to reserved matters for school

#### Environmental Health – Land Contamination 14/06/2021

Having reviewed the application and supporting Phase I and II report by Geosphere Environmental (reference: 3309,SI/SITEINV/CA,SG/11.12.18/V1 dated 11th December 2018) I can confirm that I have no objection to the proposed development from the perspective of land contamination.

#### Environmental Health – Sustainability 16/06/2021

Condition requested.

#### Public Realm 15/06/2021

Public Realm Officers have no objections in principle to this development. The outline plans show significant areas of public open space and amenity land. It is important the play provision is carefully considered with a development of this scale and it is anticipated that provision for both younger children and teenagers are incorporated into the design for the open spaces

#### **B: Representations**

At the time of writing this report at least 55 letters/emails/online comments have been received. It is the officer opinion that this represents 55 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

No local need  
Loss of agricultural land  
Risk of flooding to neighbours  
Drainage strategy not adequate  
Impact on wildlife  
Light pollution  
Air pollution  
Traffic  
Lack of buses  
Lack of cycle infrastructure  
Impact on landscape and Special Landscape Area  
Loss of countryside  
Lack of clarity of building sizes and planting  
Density, out of keeping

Overlooking  
 Impact on infrastructure  
 Lack of community facilities  
 Lack of medical services  
 Lack of employment land provision  
 Primary school provision inadequately defined  
 Cumulative impact  
 Too many houses  
 No consideration of Sproughton NP Design Codes  
 Three and two and a half storey homes not in compliance with NP  
 Crowded conditions  
 Not included in local plan/premature  
 No masterplan  
 Previous refusals  
 Adverse impact on Grade II Listed Red House and associated listed barn and their setting  
 Impact on Chantry Park and Springvale Farm  
 Coalescence with Sproughton  
 Not acceptable without at least 35% affordable housing  
 Impact of construction works

(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**

<b>REF:</b> DC/19/00454	Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Regulation 6 (Request for a Screening Opinion)	<b>DECISION:</b> EIA 14.02.2019
<b>REF:</b> DC/19/02571	EIA Scoping Opinion for 800 dwellings. (Wolsey Grange 2)	<b>DECISION:</b> EIA 16.08.2019
<b>REF:</b> DC/21/02671	Outline planning permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of up to 750No dwellings, and up to 3ha of primary education land, public open space, Sustainable Drainage Systems (SuDS), landscaping and highway improvements (accompanied by EIA Statement).	<b>DECISION:</b> PCO
<b>REF:</b> B/15/00993  (Wolsey Grange 1 Site)	Hybrid planning application in relation to: Outline planning consent (all matters reserved) for 29.7ha of mixed use development, comprising: - the erection of up to 475 dwellings (10.74ha); - 4ha of employment land, to include A3, A4, A5, D1, D2 and Sui Generis use classes; - 1.2ha of land for primary education use; - public open space, including childrens' play areas; and, -	<b>DECISION:</b> GTD

associated landscaping, sustainable urban drainage systems and highway improvements. Full planning consent for residential development of 11.83ha of the outline application site, comprising: - the erection of 145 dwellings; - public open space and children's play areas (LEAP+); - green infrastructure, hard and soft landscaping, and boundary treatments; - sustainable urban drainage systems and pumping station; - highway improvements; and, - an electricity substation.

**REF:** B/86/01144

(Land between A 45 By-Pass And Chantry Park)

**OUTLINE - RESIDENTIAL, PUBLIC PARK, SHOPS, PUBLIC HOUSE, MEDICAL CENTRE, SUPERMARKET, EXHIBITION CENTRE, HI-TEC BUSINESS PARK AND CONSTRUCTION OF NEW ROADS AND ALTERATION TO EXISTING ROADS**

**DECISION:** REF APPEAL DISMISSED

Application B/86/01144/OUT was made for residential, public park, shops, public house, medical centre, supermarket, exhibition centre, business park and construction of new roads and alteration to existing roads. The site was land to the south of the River Gipping, east of the A45 by-pass, north of A1214 London Road and West of Chantry Park. The site extended to 178 acres, or 72 ha, compared to 53.01 ha currently.

This application was refused on 14<sup>th</sup> May 1987 as contrary to the County Structure Plan and proposed alterations to the County Structure Plan with regards to the scale and location of future large-scale development and as the proposal would not maintain the open character of land which separates the villages around Ipswich from each other and from Ipswich itself. In addition, as the application would break through the strong existing visual edge to Ipswich into an area of attractive countryside, the environment of which would be unacceptably disturbed and as significant views into the area would be seriously and adversely affected. The loss of agricultural land, material increase in traffic using existing roads which do not have sufficient capacity and that the application did not demonstrate that the site can be satisfactorily drained to public sewerage were also reasons for refusal.

The Council's refusal of permission was appealed and in the combined appeal (APP/D3505/A/87/071452, APP/D3505/A/87/070367 and APP/D3505/A/87/071213), which was dismissed on 16<sup>th</sup> August 1988, this concluded on the issues of the likely effect of the development on the character of the site and its surroundings and the loss of agricultural land as follows:

**Character and Surroundings:**

*In assessing the weight to be given to the objections I have identified I place the greatest emphasis on those interests of acknowledged importance which would suffer permanent and irreparable harm. Foremost among these is the loss of the large and prominent tract of open countryside of considerable landscape quality which contributes significantly to the attractive appearance of the urban fringe on this important approach to Ipswich. This open land also plays a vital role in protecting the separate identity of Sproughton village. The development of some 1,600 houses on the site, however sympathetically designed, would result in irreparable harm to the characteristics*

on which I place a very high value. The development would also detract markedly from the setting of Redhouse Farm, a Grade II listed building.

The objection to the loss of some 178 ac of mainly high quality agricultural land is tempered by the possibility that alternative major housing sites on the fringes of Ipswich (except on the eastern side) are likely to be of comparable land quality. The objection to increased traffic generated by the site is likely to be common to all major housing developments in fringe locations. However the Chantry Vale site has certain locational advantages which would enable the traffic impact to be minimised by the provision of various road improvements. In my judgment the benefits associated with the proposed development – the provision of facilities, the new distributor road, the country park and generous landscaping – would not compensate for its adverse effects.

#### Agricultural Land Loss

The Secretary of State is aware that both sites comprise mostly Grade 3 and 3a land and therefore fall for consideration under the terms of Circular 16/87, which states that the best and most versatile agricultural land has a special importance. However, he is also aware from the land classification map that Ipswich is surrounded by land of comparable quality to each of the sites and that it is unlikely that a major housing site will be found without similar agricultural constraints. In this situation the weight that can be awarded to the MAFF objection is less than might be the case elsewhere and he agrees with the Inspector that land of comparable quality will probably have to be sacrificed, if the housing provisions for the Ipswich Policy Area are to be realised.

Although previous planning decisions can be a material consideration, these findings were made in relation to a larger scheme of development on a site that is not exactly the same as the current application site. The planning policy background has clearly changed since this time and members should assess for themselves the likely impact of the proposed development having regard to current policy and the context of the site as it is today.

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

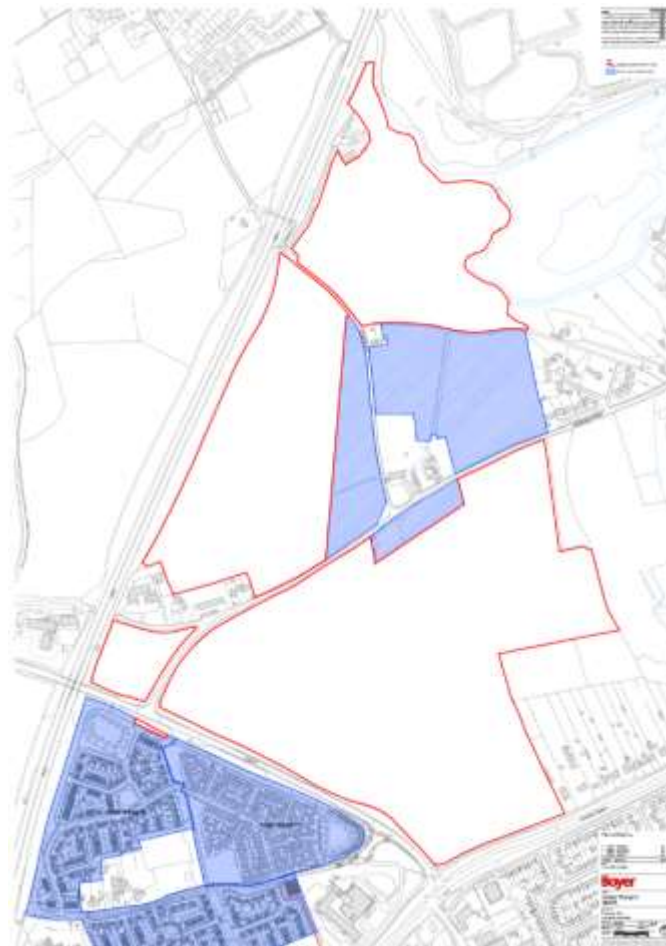
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### **1. The Site and Surroundings**

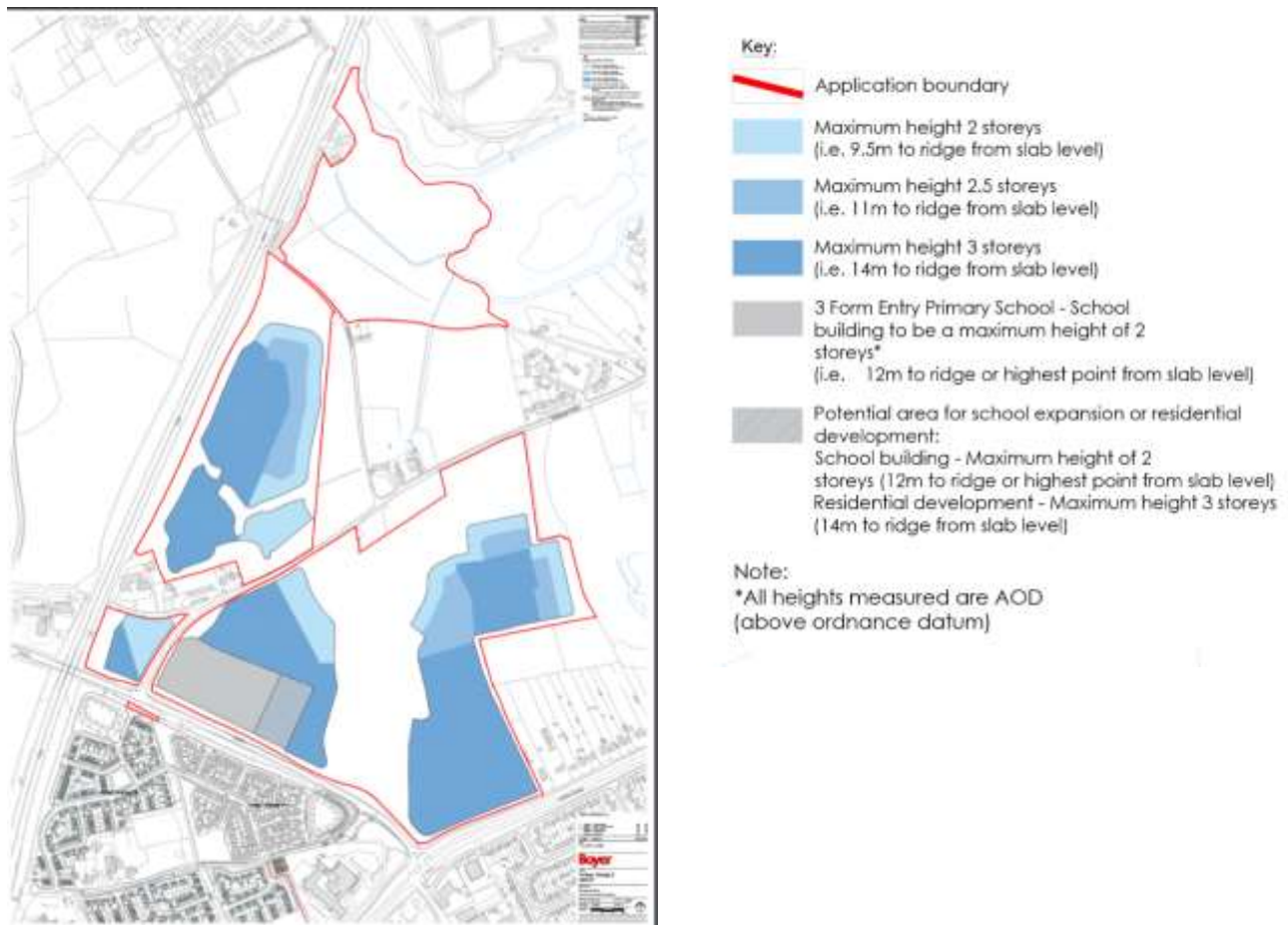
- 1.1. The application site is situated to the south of Sproughton, bounded to the west by the A14, south by the A1071 and east by the A1214 London Road. The northern boundary of the site extends towards the River Gipping. The site is bisected by Hadleigh Road, which runs from the north-eastern to south-western corners of the site. The site slopes down from the A1214 and A1071 towards the river Gipping and is currently agricultural land.
- 1.2. The site surrounds the Grade II listed Red House Farm, along with the cluster of buildings at First Strokes swim school and Milk Shed café including Springvale, Grade II listed. To the eastern boundary the site abuts Chantry Park including various Grade II listings, as noted in the Heritage consultation response. Poplar Farm, also Grade II listed, is situated along Poplar Lane, adjacent to the Phase I of Wolsey Grange. The application site forms part of the Gipping Valley Special Landscape Area.
- 1.3. The wider surrounding area is varied in character, with the urban edge of Ipswich to the East of the site, and Chantry Park in the intervening space between the site and that built up area of Ipswich. To the South the site adjoins the first Wolsey Grange site, with the Interchange Retail Park adjacent to the A12/A14 junction. To the West is the A14, Sproughton village and subsequently open countryside.

## **2. The Proposal**

- 2.1. The proposal is outline, with all matters other than access reserved. The proposal is for the erection of up to 750 dwellings (of which 35% would be for affordable tenures), including 3ha of primary education land, open space, SuDS, landscaping and highway works.



- 2.2 The site falls into four different areas due to the existing highways network. The main site area is the southernmost area, bounded by the A1071 to the south and is proposed to include the 3ha primary school site and residential development. Adjacent to this is a smaller area, between the A1071, A14 and Hadleigh Road. To the north of Hadleigh Road is a further area of the site, bounded by Church Lane. Each of these are proposed for development. The northernmost part of the site, towards the River Gipping is a final part of the site, proposed for open space.
- 2.3. The application site extends to 53.01 ha, with 18ha proposed for residential development, with 3ha for the school site. Gross density is 14 dph, whilst net density is 40 dph.
- 2.4. The proposal includes a parameters plan indicating proposed storey heights, as shown in the plan below.



2.5. The matters of appearance, scale, layout and landscaping are reserved.

### **3. The Principle Of Development**

- 3.1 The starting point for determination of any planning application 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 is the National Planning Policy Framework (NPPF), revised in July 2021.
- 3.2 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9).
- 3.3 NPPF Paragraph 11 states that: c) development proposals that accord with an up to date local plan should be approved without delay; or d) where there are no relevant development plan policies, or the policies which are most important are out of date, granting permission, unless:  
i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;  
or ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



3.4 The application has been assessed against the development plan – which comprises the remaining saved policies of the Babergh Local Plan Alteration No.2 (2006) and the Babergh Core Strategy 2011-2031 (2014) – as a whole. However, having regard to the application and nature of the development proposed, alongside the locational context and responses received through the consultation, and the key issues identified, the most important policies for the determination of the application are considered to be:

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

CN01 - Design Standards

CR04 - Special Landscape Areas

CN06 – Setting of Listed Buildings

3.5 Taken in the round, these are the most important policies for the determination of this application and are up to date when viewed as a whole, although as explained below policy CS2 is afforded less than full weight.

3.6 At the current time the District has a five-year housing land supply position (7.13 years' supply according to the council's most recent housing land supply position statement) as required by paragraph 74 and paragraph 11, footnote 8 of the NPPF. Notwithstanding this, paragraph 219 of the NPPF states that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

### **Emerging Joint Local Plan**

3.7 The Babergh and Mid Suffolk Joint Local Plan (JLP) was formally submitted to the Secretary of State for Housing, Communities and Local Government for independent examination on 31<sup>st</sup> March 2021.

3.8 Following an exploratory meeting with the examining Inspectors on 16<sup>th</sup> December 2021, it has been proposed to progress the JLP as a 'Part 1' local plan, containing the council's vision and objectives for the district together with strategic and local policies. This will be followed by the preparation and adoption of a 'Part 2' local plan, including an up to date settlement hierarchy, distribution of housing allocations and specific site allocations, as soon as possible. Main modifications on the JLP Part 1 are awaited and it had been anticipated that public consultation on those proposed modifications will be undertaken in autumn 2022, to be followed by further hearing sessions over the winter. The recently agreed Local Development Scheme anticipates adoption Spring 2023. It is accepted that the main modifications have yet to be published notwithstanding the LDS publication. Such delays are a normal part of the plan-making process.

3.9 Overall the JLP Part 1 is not considered to play a determinative role in the consideration of this application at the present time. This is because, whilst of somewhat advanced preparation, a number of policy modifications to the Part 1 plan are required and the outcome of consultation and the Inspectors' views on those modifications are not yet known. Further policy revisions may be necessary and additional hearing sessions are likely. The Part 2 JLP is not anticipated to be ready for submission until winter 2024. Prematurity as a reason for refusal is therefore not presently a factor in this case. There is a requirement for future housing land provision, both to be planned, and delivered notwithstanding the Development Plan, and the pipeline of supply towards continuing to deliver housing land is relevant to the consideration of this application.

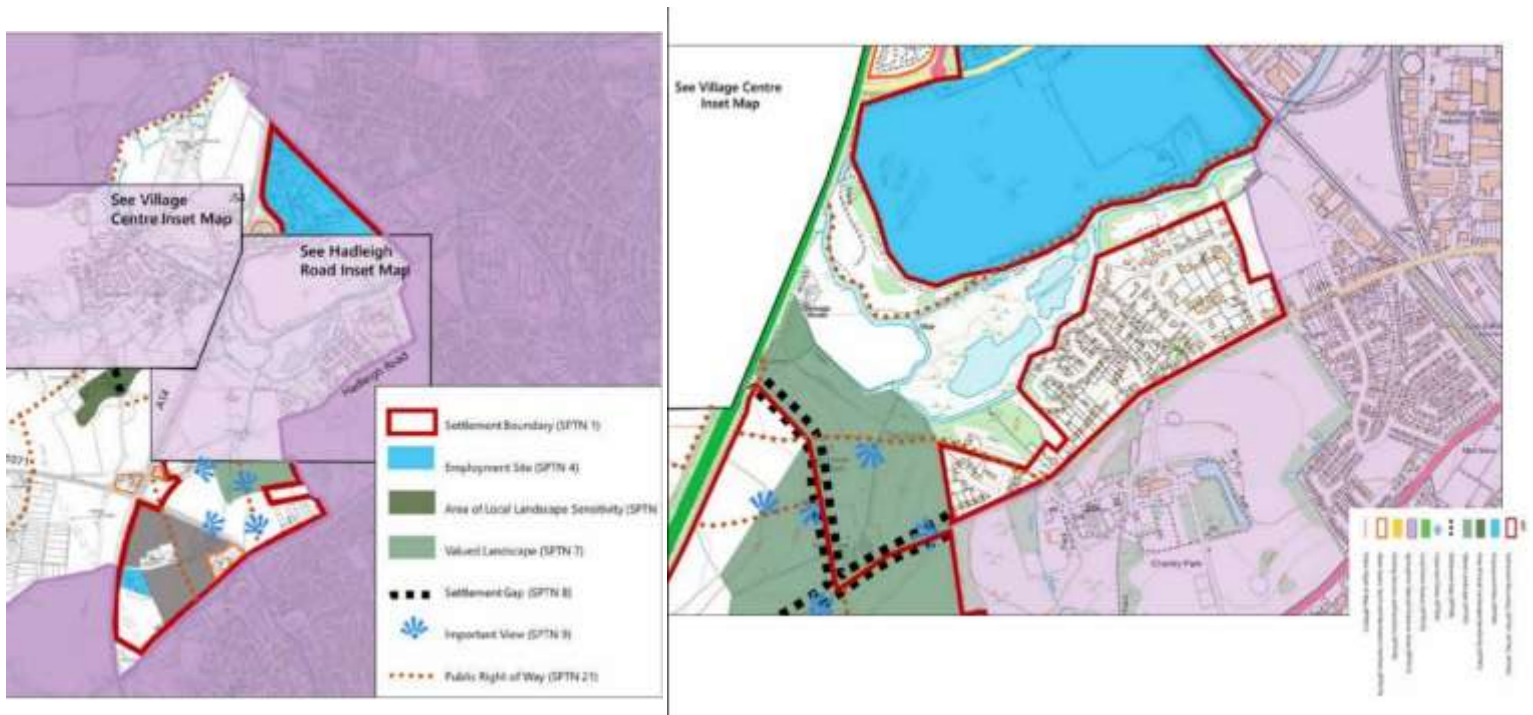
3.10 However, whilst the submitted JLP previously proposed to allocate the site for residential purposes, this application nonetheless remains to be considered in the context of the current development plan.

**Emerging Neighbourhood Plan**

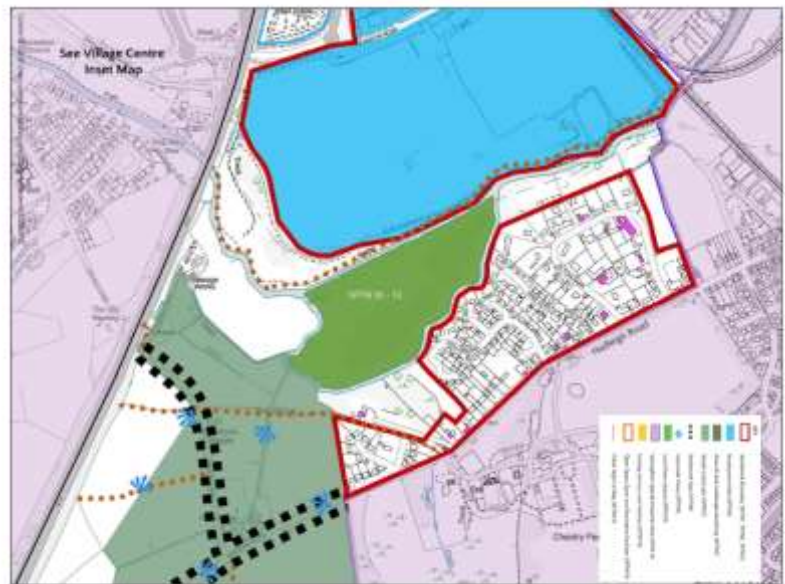
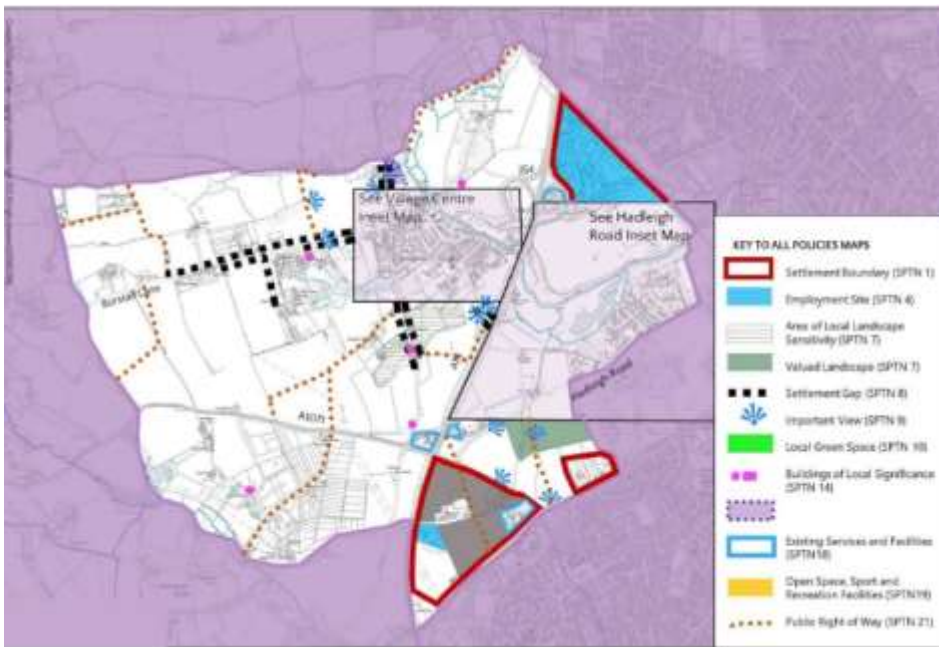
3.11 Sproughton Parish Council have a submission draft neighbourhood plan which is now the subject of consultation. The plan has changed over time, with some details provided below. The current published version of the emerging Neighbourhood Plan is the relevant version.

3.12 The submission draft Sproughton Neighbourhood Plan includes at SPTN1 a settlement boundary as defined on the policies map which identifies the extent of land considered to be required to meet the development needs of the parish. SPTN1 notes that proposals for development located outside the Settlement Boundary will only be permitted where they are in accordance with the national and district level policies.

3.13 The policies map at the end of the Neighbourhood Plan originally included the Parish Wide and Ipswich Fringe Policies Map as below, which shows part of this application site as outside the settlement boundary and part of it inside the boundary (the part of the site outside the boundary predominantly relates to the areas of land proposed to be open space).



3.14 Revisions have since been made which have amended the NP following this consultation. This has been submitted to BDC and is now at public consultation until 3<sup>rd</sup> February 2023. This removes the site from the previously proposed settlement boundary, as shown in the plans below.



- 3.15 Paragraph 6.1 sets out the reasoning for not needing to allocate any new housing sites, given that the minimum requirement figures from the JLP are now indicative only.
- 3.16 Notwithstanding the above changes to the neighbourhood plan that is now submitted, the plan is now at publication stage and is required to undergo examination and potential modification. It is, not an adopted document, and the plan has limited weight.

### **The National Planning Policy Framework**

- 3.17 The National Planning Policy Framework (“NPPF”) sets out the Government’s planning policies for England and how they should be applied. It is a material consideration for decision-taking purposes and can affect the weight to attach to policies of the development plan. It cannot, however, alter whether there is a conflict with the development plan nor undermine the statutory primacy that a development plan holds.
- 3.18 The operation known as the “tilted balance” (under paragraph 11d of the NPPF and policy CS1) engages where, inter alia, the most important policies for determining an application are out of date. The Council can demonstrate a deliverable housing land supply of over 5 years and continues to pass the Housing Delivery Test. Taken in the round the most important policies for determining the application are considered to be consistent with the NPPF and up to date.
- 3.19 Paragraph 219 states that existing policies should not be considered out of date simply because they were adopted prior to the 2021 iteration of the NPPF. It goes on to state that ‘due weight should be given to [development plan policies], according to their degree of consistency with this Framework’.
- 3.20 Policies CS1, CS3, CS15, CS18, and CN01, CN06 and CR04 are all considered to be consistent with the NPPF and so should be afforded full weight.

### **4. Assessment against CS11 and CS7 of Core Strategy**

- 4.1 Policy CS11 is relevant to proposals around core and hinterland villages, which the application is not. Whilst Sproughton itself is listed as a Hinterland Village by CS2, it is separated from the application site by the A14.
- 4.2 Core Strategy paragraph 2.1.4.1 confirms *“there is a distinct difference between the parish and the village of Sproughton. The built up areas on the urban edge of Ipswich that are in the parish of Sproughton are not considered to be within or part of a hinterland village, and will be considered as part of the urban area of Ipswich.”*
- 4.3 Core Strategy paragraph 2.8.3.2 similarly continues:  
*“Accommodating growth in Babergh’s Ipswich Fringe is difficult, particularly as the geography of this area does not fit well within administrative boundaries. The village of Sproughton is a distinct settlement west of the A14 and is included in the list of Hinterland Villages. However, the built-up areas on the edge of Ipswich in the parish of Sproughton cannot logically be considered as being in the countryside, and will therefore be considered as part of the Ipswich urban area for the purposes of planning policy. Similarly Pinewood has not been included as a Hinterland Village in Policy CS2 as although it is a distinct neighbourhood/community it is also part of the Ipswich urban area, and will be considered as such for planning policy purposes.”*

- 4.4 Policy CS7 provides an allocation of the Babergh Ipswich Fringe on the neighbouring site known as Wolsey Grange, granted permission for 475 dwellings (B/15/00993), and policy CS8 allocates Sproughton Strategic Employment Site Allocation, also in the Ipswich Fringe. The Glossary defines 'Urban Fringe' as 'Predominantly open land on the edge of an existing urban area'. The preamble to CS7 includes at paragraphs 2.8.3.7 to paragraph 2.8.3.9 reference to this application site in its consideration of the Wolsey Grange Babergh Ipswich Fringe:

*"The remaining area of open land between the A1071 and the western edge of the Ipswich urban area (adjacent to Chantry Park) is of a larger scale and of greater scenic value. It has more complex development issues, is of unproven availability / deliverability at this time, and is not considered to be sequentially preferable overall for such reasons."*

- 4.5 Clearly the site is not a built-up area, but nonetheless sits between the allocation of CS7 and Sproughton employment allocation, and is separated from the village of Sproughton west of the A14. Noting that Pinewood is not included as a Hinterland Village but included in the Ipswich urban area, along with the Ipswich Fringe CS7 allocation, the site falls within a cluster of development which is considered to be Ipswich Fringe to the east of the A14, not within the countryside, to the west of the A14.

- 4.6 In the light of this it is credible to conclude that the site is within the Babergh Ipswich Fringe area, and not subject to CS11. Indeed it is noted that the 'Babergh Ipswich Fringe (edge of urban area)' is listed as a town/urban area in policy CS2, wherein CS11 would not apply.

- 4.7 Core Strategy Policy CS7 allocated the neighbouring Wolsey Grange 1 site, which has planning permission and is currently being built out. As part of this allocation however there is reference in the pre-amble to this application site, between the A1071 and the western edge of Ipswich. At the time of the CS7 allocation this application site was considered to have more complex development issues, be of unproven availability/deliverability and not sequentially preferable. The Core Strategy does however recognise at 2.8.3.9 that:

*"Whilst there is clearly the potential and the capacity for this undeveloped, largely agricultural land to make a major contribution to the green infrastructure and other needs of the area, especially in providing for recreation and open-space needs, this may only be able to be delivered as part of a comprehensive plan for the whole area that would be likely to include some development of the urban edge. However, the scale and scope of this is larger than Babergh's requirements for this current plan period and an allocation in this area at this stage appears premature and may lead to an unacceptable piecemeal approach that would be damaging to a comprehensive plan for its future."*

- 4.8 Whilst the Wolsey Grange 2 site was not allocated in the Core Strategy in 2014, it was nonetheless considered, and had deliverability and availability concerns at the time of that plan and needed master planning as an area. Although the entire Wolsey Grange site was not allocated under CS7 and has been split into Wolsey Grange 1 and 2, the application site includes the remainder of the wider area and is capable of being planned accordingly. Noting that the school would be moved from the Wolsey Grange 1 site, to create a larger primary school, for example, allows the entire Wolsey Grange site to be considered and function as one wider area. Similarly whilst no employment or services are provided on this site, these were planned for on Wolsey Grange 1, so that the site could be considered to work as one. Nonetheless, CS7 does not allocate the application site, and as such this policy is not considered with regards to the principle of the proposal. However, the deliverability and availability concerns raised in the pre-amble to the policy are addressed, along with the comprehensive nature of the scheme. As noted, the site provides significant green infrastructure and open space.

## **5. Assessment against CS2, CS1, CS15 and CS18 of Core Strategy**

- 5.1 Policy CS2 seeks to direct most new development (including employment, housing, and retail, etc.) sequentially to the towns/urban areas, Core Villages and Hinterland Villages identified in the policy. One of the towns/urban areas in CS2 is the Babergh Ipswich Fringe, where the site is located. The policy goes on to say: "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, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new / enhanced infrastructure, as well as having regard to environmental constraints and the views of local communities as expressed in parish / community / neighbourhood plans." It follows that although the site is in a sequentially preferable location for new development, the proposed development must still be assessed having regard to its particular impacts and benefits.
- 5.2 Policy CS2 has previously been examined through the plan-making process as being consistent with national policy, forming part of the Core Strategy as a post-2012 NPPF development plan document. It provides a strategy for the distribution of development that is appropriate in recognising local circumstances and its overall strategy remains sound. However, in the absence of an allocations document and settlement boundaries review (which has been absent for several years but has in practice been overtaken by the preparation of the emerging Joint Local Plan) it should be afforded less than full weight. This is also the case because national policy continues to require that policies are tested for their consistency with the NPPF. The 'exceptional circumstances' threshold referred to above is not entirely consistent with the NPPF and this has been recognised repeatedly in appeal decisions, notably in the Secretary of State-recovered appeal decision APP/D3505/W/18/3214377 for 150 dwellings in Long Melford, following the most recent NPPF publication. That said, the exceptional circumstances test in policy CS2 does not apply to development within the Babergh Ipswich Fringe.
- 5.3 Policy CS2 carries reduced weight because of the age of the settlement boundaries and absence of allocations document, and its inconsistency with the NPPF, although the overall settlement pattern strategy remains sound. Given the site falls within the Babergh Ipswich Fringe policy area the underlying aims of CS2 are broadly met.
- 5.4 Decisions in favour of securing development that satisfies the objectives of sustainable development and the need for a balanced approach to decision making are key threads to Policy CS1 and CS15 of the Core Strategy. These policies are consistent with the NPPF and carry full weight, and form part of the principal assessment framework for the determination of the application. Policy CS18 is also a key consideration given the scale of development proposed. The detailed requirements of these policies are considered below:

## **6. Policy CS1 Presumption in Favour of Sustainable Development**

- 6.1 Policy CS1 takes a positive approach to new development that seeks to secure development that improves the economic, social and environmental conditions in the Babergh District. Consistent with the NPPF it also applies the 'presumption in favour of sustainable development' which is an operation engaged as a consideration under certain circumstances. The application does not expressly conflict with this policy; the key assessment of the application in principle falling to those other policies assessed within this report.

## **7. Policy CS15 Sustainable Development**

- 7.1 Policy CS15 sets out how the Council will seek to implement sustainable development and requires development to demonstrate the principles of sustainable development. This policy identifies the following areas for consideration, which are numbered separately for ease of reference.

## 8. Landscape and Heritage

- 8.1 Policy CS15 states:

*“j) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;*

*In particular proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest. Adaptation or mitigation will be required if evidence indicates there will be damaging impacts if a proposal is otherwise acceptable and granted planning permission.”*

- 8.2 The NPPF emphasises as a core principle the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Furthermore, Policy CS15 of the Core Strategy requires development proposals to protect the landscape of the district.
- 8.3 The proposal has been subject to a Landscape Visual Impact Assessment (LVIA), which has been reviewed with our Landscape Consultant. They confirm that they are satisfied with the scope and geographic context of both the landscape and the visual baseline studies which form the basis for the assessment of effects. They confirm that the site falls within three landscape character types, Plateau Farmlands, Rolling Valley Farmlands and Valley Meadowlands, based on the historical land use of the area, which has changed with recent residential and commercial development in the surrounding area. This development has impacted the setting of the application site and thereby reducing the quality and value of this landscape.
- 8.4 The impact on the Rolling Valley Farmlands is considered by Place Services Landscape to be Moderate Adverse. With the undulating landscape the visual impact of new vertical elements is increased by this landform. As such new buildings are likely to have a significant impact on the character and visual amenity on the valley side, even with the proposed mitigation measures.
- 8.5 Overall the proposal has been considered to result in no significant residual visual effects at 15 years from public vantage points, but there will be some residual visual effects on residential receptors. Essentially the impact on neighbouring residential properties can be only partly mitigated by planting to soften views of proposed built form, and the surroundings will change as a result of the proposal, however the overall landscape impact is mitigated. The landscape mitigation can be secured by condition, and in addition further landscaping secured through future reserved matters to ensure that there is further softening sought which is specific to each part of the development.
- 8.6 The scheme provides for a significant amount of open space on site, with 28.78ha of open space, including public open space, amenity and natural greenspace, LAP, LEAP and play on the way features, as well as walking routes and trim trail for leisure use. It has been confirmed with Public Realm that all open space requirements for the site are provided on site, with the exception allotments, but Sproughton and Gipping Wards already have more than required. The provision on site is otherwise in excess of the required provision of open space.

- 8.7 Local Plan Policy CR04 and Core Strategy Policy CS15 provide protection for Special Landscape Areas, including this site within the Gipping Valley. Policy CR04 only permits proposals in special landscape areas where they, maintain or enhance the special landscape qualities, and are designed and sited so as to harmonise with the landscape setting. As noted above the LVIA secures protection of landscape views so as to provide for no significant visual effects at 15 years from public vantage points, such that the proposal is considered to have been designed to blend with the landscape setting, and as such is not considered to be contrary to these policies.
- 8.8 Further consideration in respect of the Special Landscape Area follows from the Important Views recognised by Sproughton Neighbourhood Plan, which although only of limited weight due to its current status nonetheless recognises these specific views which were assessed in order to draft policy SPTN 9. The Landscape Assessment for the Neighbourhood Plan includes the important views particularly relevant to the site as Local Area 4 Chantry Vale and Hermitage Farm. The changes to avoid to afford protection of these views is considered by the Appraisal to include:
- Housing estates with single housing types, which contrast with the organic and eclectic styles and orientation of buildings in the village
  - New development which lacks rural streetscape with limited open space, grass verges or distinctive vistas
  - Use of close boarded fencing to define property curtilage where this abuts roads/lanes or the open countryside
  - Loss of open valley sides which form a setting to settlement
  - Development and land use change which causes fragmentation of wildlife corridors
  - Loss of areas of open space within the fabric of the settlement which add to local sense of place and streetscape
  - Proliferation of pylons and overhead wires which interrupt views and create visual clutter
  - As hoc incremental development along rural lanes, including urbanization through street lighting, especially in areas identified as important gaps between settlements
  - Development within the setting of important heritage assets which undermines the landscape setting and significance of these features and their contribution to local distinctiveness
  - Loss of mature street trees as a result of lack of management and no succession planting.

Whilst development guidelines to inform new development include:

- Ensure new development reflects the dispersed and varied vernacular of the area, including a mix of farm buildings, larger properties within grounds or small-scale terraced cottages
  - Retain open valley sides which form a setting to Sproughton and reinforce its small-scale rural character
  - Pay particular attention to curtilage treatment and avoid urbanisation of rural lanes or loss of character along village streets
- 8.9 Neighbourhood Plan policy SPTN 9 considers important views. It requires assessment by LVIA, which has been provided for this application and assessed as noted above. As an outline application the scale, materials and location are to a large degree subject to a future reserved matters application, but the LVIA confirms the extent of likely effect and suitable mitigation. It is further noted that a large part of the site is retained, and made available as public open space, both preserving the LVIA agreed views, and opening them for further public benefit. Similarly points set out in landscape appraisal, particularly as noted above, are either addressed by the LVIA, considered in the relevant sections below, or will fall under any future reserved matters applications,



and can be considered there accordingly. With respect to the details required on design, these can be appropriately considered at the reserved matters stage.

- 8.10 As noted in the previous appeal decision the site is best and most versatile (BMV) agricultural land, but so is much land in the area, and the combined appeal decision (APP/D3505/A/87/071452, APP/D3505/A/87/070367 and APP/D3505/A/87/071213), found that it is unlikely that any major housing site will be found without similar agricultural constraints. A condition is proposed for a scheme of soil management, to ensure efficient use of soil resources on site where these can be put to alternative use.
- 8.11 With regards to heritage, the application site is in an area with several heritage assets which will be affected by the proposal, particularly Grade II Listed Poplar Farmhouse, Grade II Springvale, Grade II Chantry Park, which is designated as a park of special historic interest ('registered park and garden'), The Chantry, Gatehouse and entrance piers to Chantry House Grade II and Red House and associated barn both Grade II.
- 8.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must 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. What this means is that a finding of harm, even less than substantial harm, to the setting of a listed building is something that must be given "*considerable importance and weight*" in the balancing exercise. This is reflected in the advice in paragraph 199 of the NPPF that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).*" Consequently, any harm to, or loss of, the significance of a designated heritage asset from development within its setting should require clear and convincing justification (NPPF, paragraph 200). 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 (NPPF, paragraph 202).
- 8.13 The applicant has provided a built heritage statement as part of its environmental statement. This has been considered by Place Services, who conclude that the proposed development would cause a low level of harm to the setting of Springvale, removing it further from its formerly agrarian setting, resulting in a low level of less than substantial harm to Springvale's significance. There would be no harm to the significance of the Listed Gatehouse and The Chantry, but encircling the parkland with development on its western edge will remove its wider setting and the appreciation of the asset, resulting in less than substantial harm to the significance of the parkland in the middle of the scale. There would also be the loss of the open, agricultural setting of the Red House and its associated listed barn, causing a medium to high level of less than substantial harm to the significance of the Red House and barn. On this basis it is noted that the Heritage Officer is unable to support the proposals. In accordance with the advice in the NPPF it will be for members to weigh the harm against the benefits of the proposed development, giving the weight indicated above to the less than substantial harm.
- 8.14 The Suffolk Preservation Society considers the proposal to have the potential to cause medium to high levels of less than substantial harm. Furthermore Sproughton Parish Council raise concerns that the BMSDC commissioned JLP Historic Environment Appraisals Stage 2: Heritage Impact Assessments for Preferred Sites by LUC says that development on the valley side/ridge to the West and behind Red House Farm would be unacceptable due to its harmful impact as a backdrop to

Red House Farm and recommends that development on the valley side further North on that Valley Side would be unacceptable as it would then necessitate access via Church Lane (now a 'Quiet Lane') which should be protected. No access via Church Lane other than via Public Right of Way is proposed, and this can be further secured within future reserved matters consideration.

- 8.15 However, the JLP Historic Environment Appraisals Stage 2: Heritage Impact Assessments for Preferred Sites by LUC splits this into areas of harm. To Chantry Park harm is low-medium, only marginally affected. To Red House and Barn South East of Red House due to the scale of change the significance of the asset would be harmed, but not substantially, whilst Springvale was not considered to be harmed. There are clear differences in the assessments, which will be the case both over time but also as more information as to the extent, limitations and mitigation associated with the development are known. In particular paragraph 2.22 of the Preferred Site HIA is clear that *"no assumptions have been made with regard to the potential for mitigation to be applied; this would require detailed, site-specific understandings of both heritage assets (their significance and the contribution of setting to that significance) and of development proposals to understand the potential interactions and opportunities to avoid or mitigate harm."* It is of note that the site as potential allocation LA013 was subject to not just a Strategic Appraisal, but in consultation with Historic England a Stage 2 Impact Assessment was undertaken. Historic England had no comment to make, but advised we obtain our own specialist advice, which has been sought as such. The more recent advice from our Heritage advisors considered the current proposal and mitigation to advise of the overall impact and the proposal is assessed against the relevant policy accordingly.
- 8.16 Clearly the above legislation and policy require great weight to be given to the conservation of heritage assets. Nonetheless, where less than substantial harm would be caused, the NPPF states that the harm should be weighed against the public benefits of the proposed development. The following are considered to be public benefits which should be weighed in this assessment:

Extensive areas of publicly accessible green space (comprising over 50% of the Site's area)  
35% affordable housing provision  
Provision of housing, including economic benefits through construction and occupation  
2FE Primary School (with additional area reserved for future expansion)  
Trim trail equipment/children's play areas  
Biodiversity enhancement area, with 18.81% biodiversity net gain  
Financial contribution towards a bridge across the River Gipping and provision of landing point  
Dwellings built to future Homes Standards (ASHP; triple glazing, wastewater heat recovery, underfloor heating)  
PV Panels across the development  
A fabric first approach to carbon emission reduction  
Highway Improvements (which go beyond mitigation and include ISPA Transport Mitigation Strategy measures):  
Offsite highway improvement full details for A1071/B1113/Swan Hill, A1071 junction, A1214 junction  
Full details of Hadleigh Road roundabout access and footway, Hadleigh Road central access and footway, Hadleigh Road Northern access and footway.  
Visibility splays for Hadleigh Road Northern and Central access  
Cross valley cycleway/footway  
Hadleigh Road toucan crossing  
Cycleway/footway route and bus stop improvements close to A1071  
Provision of electric vehicle charging points  
Travel plan  
Bus stop provision and improvements plan  
Improvements to Footpath 14 agreed and implemented

Sustainable travel improvements on the A1214 London Road corridor  
 Smarter choice contribution for modal shift  
 Speed limit extension on Hadleigh Road  
 Traffic calming on Hadleigh Road  
 Upgrade Sproughton Public Footpath 14 from footpath to bridleway status  
 Upgrade Sproughton Public Footpath 24 from footpath to bridleway status  
 Improve Sproughton Public Footpath 24 to and through underpass to make route more accessible  
 Improve Sproughton Public Footpaths 11 and 12 onto Church Lane  
 Improve access along Sproughton Public Footpath 11  
 Bus service improvements

- 8.17 Suffolk County Council Archaeology advise that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets, subject to a planning condition for recording.
- 8.18 There are significant public benefits resulting from the proposal, and although the District has a housing land supply at 7.13 years, the development nonetheless also offers future housing land supply and an opportunity to contribute significantly to district housing needs in the absence of an allocations document or settlement boundary review. The ability to demonstrate a 5 year housing land supply is not intended as a cap or ceiling on further housing development.
- 8.19 Furthermore whilst the Council may have a housing land supply there is a continued need for future housing land supply beyond these 5 years. The delivery details submitted with the application sets out a construction programme assuming commencement in 2026, with delivery over 10 years, to completion in 2036, offering housing land delivery beyond 5 years.
- 8.20 In light of these wide ranging public benefits as listed above, the harm to the significance of the affected heritage assets, falling within the bracket of less than substantial harm, whilst still afforded considerable importance and weight, is considered to be outweighed by these benefits.
- 8.21 Local Plan Policy CN06 also offers protection to the setting and significance of listed buildings. It states that new work within the curtilage or setting of a listed building should, inter alia:  
 Not conceal features of importance or special interest  
 Be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting  
 Retain a curtilage area and/or setting which is appropriate to the listed building and the relationship with its surroundings  
 Use material and components which complement or harmonise with those on the building and the area  
 Use appropriate detailing, finishes and colours  
 Respect those features which contribute positively to the setting of a listed building including space, views from and to the building and historic layout
- 8.22 The policy sets out specific requirements to be protected, and does not expressly allow for the weighting approach seen in the NPPF with regards to public benefit. However, overall the protection offered is not specifically contrary to the NPPF, such that weight is given to the protections offered, with the weight reduced without a balancing exercise. As noted above the proposal is considered to fall within the less than substantial harm category, such that some harm will clearly result from the proposal to listed buildings, but this has not been found to be contrary to the NPPF, with the harm weighed against the public benefits.

8.23 Furthermore the proposal is in outline and so many of these points will need to be settled at reserve matters stage. However, subject to this, the proposal is not considered to be contrary to any of these requirements, which will be appropriately assessed and controlled through any reserved matters.

**9. Design, Open Space and Green Infrastructure**

9.1 Policy CS15 states proposals should:

*ii) make a positive contribution to the local character, shape and scale of the area;*

*ix) make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district;*

9.2 Local Plan Policies CN01 on design and CN04 on designing out crime are also key considerations albeit the application is in outline form except for access, and these matters will be further considered under any subsequent reserved matters.

9.3 As noted above the proposals provides a significant area of open and greenspaces with public access, such that the gross density is only 14dph, although net density is 40dph. The below table from Public Realm confirms that the level provided is in well excess of the requirements for a development of this size.

Open Space Standards			
Green open space	Required Standards for 1,000 pop (Ha)	Required for 750 units (1800 pop) Ha	Provided for 750 units (1800 pop) Ha
Parks and public gardens	1	1.8	2.1
Amenity greenspace & Natural greenspace	1	1.8	21.52
Provision for children and young people	0.1	0.18	0.2
Proposed attenuation basins	-	-	3.45
Drainage structure approved under planning application ref. DC/21/01815	-	-	1.51
<b>Total open space</b>	<b>2.4</b>	<b>4.32</b>	<b>28.78</b>

9.4 In accordance with Core Strategy Policy CS14 a Green Infrastructure Strategy has been submitted with the application, which considers historic, ecological and topographical constraints of the site, including surface water run off. The green infrastructure on site would connect to the Wolsey Grange Phase 1 surface water drainage area, and into the Gipping Valley, with the significant areas of open space secured.

- 9.5 The proposal sets out LEAP, LAP and play on the way features, with further opportunities for recreation offered in the green corridors and open space. Walking routes and a trim trail are also proposed.
- 9.6 As such the proposal is considered to make a positive contribution, and make a significant provision for open space, amenity, leisure and play, including contributing to the green infrastructure of the district. Overall, the scheme proposes a significant amount of green infrastructure, which offers benefits in accordance with the expectations of CS14 and CS15.

## **10. Economy and employment**

- 10.1 Here Policy CS15 states:

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

- 10.2 The provision of up to 750 dwellings will give rise to substantial employment during the construction and occupation of the development, given the scale of development proposed. The New Anglia 'Strategic Economic Plan' acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly, and 2.4 additional jobs in the wider economy for every home built. The proposal will therefore result in significant job creation and will have positive economic benefits.

## **11. Services and accessibility**

- 11.1 Policy CS15 states:

*iv) ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development;*

*v) retain, protect or enhance local services and facilities and rural communities;*

*vi) consider the aspirations and level and range of support required to address deprivation, access to services, and the wider needs of an aging population and also those of smaller rural communities;*

- 11.2 The site is within reach of a variety of services and facilities with Suffolk One Sixth Form College, The Beagle Pub, Premier Inn, Holiday Inn, Chestnut Tree Farm Carvery, Aldi, Tesco, Curry's, B&M, Costa Coffee, Pizza Hut, First Strokes Swim School, Oakland Hall Day Nursery and the Milk Shed café in the surrounding area. From the nearest edge of the site to Suffolk One is 160m and 1100m to Tesco. From the furthest edge of the development Suffolk One would be approximately 1000m and Tesco approximately 1700m. A Primary School is proposed on the site.
- 11.3 The Chartered Institution of Highways and Transportation Planning for Walking document states "Across Britain about 80 per cent of journeys shorter than 1 mile are made wholly on foot". The DfT Manual for Streets sets out that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes, up to about 800m. Furthermore, the Chartered Institute of Highways and Transportation (CIHT) guidelines for Providing Journeys on Foot sets out desirable walking distances for journeys with acceptable walking distances of between 400 and 1000m, with the preferred maximum of 1200m. The Department for Transport Local Walking and Cycling Infrastructure Plans Technical Guidance for Local Authorities sets out a core walking distance of 400m (approx. 5 minutes), with a 2km radius around this, extending the walking zone to 2.4km.

The facilities would be within 1mile (1600m) for the majority of the development proposed as noted above.

- 11.4 The site itself does not include a proposal for a shop or facilities on site beyond the primary school, however on the neighbouring Wolsey Grange site (B/15/00993) consent included 4 hectares of employment land for a range of uses including A3, A4, A5, D1, D2 and certain sui generis uses which would bring further facilities within close range of this site. Furthermore, whilst not included the application does not preclude such a proposal coming forward in due course. In light of the services available in both the immediate area, as well as within Ipswich, and the distances to these it is considered that the proposal has an appropriate level of services available.
- 11.5 SCC Highways confirm that they raise no objection to the proposal, and secure works to footpaths 11, 12, 14 and 24 through Section 106 contributions. A contribution and landing point are sought to provide a Bridge over the River Gipping, along with a yearly Travel Plan contribution and Smarter Choices contribution to support modal shift and greener choices to comply with the NPPF sustainability requirements. This delivers a package of connectivity into the public rights of way networks.

## 12. Ecology and Biodiversity

- 12.1 Policy CS15 states:

*vii) protect and enhance biodiversity, ....*

*x) create green spaces and / or extend existing green infrastructure to provide opportunities for exercise and access to shady outdoor space within new developments, and increase the connectivity of habitats and the enhancement of biodiversity, and mitigate some of the impacts of climate change e.g. enhancement of natural cooling and reduction in the heat island effect, provision of pollution sequestration for the absorption of greenhouse gases, ....*

- 12.2 These requirements are considered to be supported by the relevant paragraphs in the NPPF, including paras 174 and 180. These seek to minimise impacts on and provide net gains for biodiversity, to avoid, mitigate, or compensate for adverse impacts or lastly refusing harmful development, and looking for opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.
- 12.3 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, is so far as it is applicable to the proposal and the provisions of Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 that requires all 'competent authorities' (public bodies) to have regard to the requirements of the Directive. For a Local Planning Authority to comply with regulation 9(3) it must engage with the provisions of the Habitats Directive.
- 12.4 In liaison with Place Services Ecology a Habitats Regulation Assessment (HRA) has been prepared to assess the impact of the proposal. This is because The Stour and Orwell Estuaries Special Protection Area and Ramsar site lies within Babergh District. These estuaries include extensive mud-flats, low cliffs, saltmarsh and small areas of vegetated shingle on the lower reaches. The mud-flats hold *Enteromorpha*, *Zostera* and *Salicornia spp.* In summer, the site supports important numbers of breeding Avocet while in winter they hold major concentrations of water birds, especially geese, ducks and waders. The geese also feed, and waders roost, in surrounding areas of agricultural land outside the SPA.

- 12.5 The development site lies within the 13km Zone of Influence (Zol) identified for the Stour and Orwell Estuaries Special Protection Area and Ramsar site (within which residents of new housing are likely to regularly visit relevant designated sites for recreation). However, the proposal includes sufficient Suitable Accessible Natural Greenspace (SANG), as an avoidance measure in line with Natural England's advice. Appropriate and long-term management of this greenspace will be secured in a Landscape and Ecological Management Plan (LEMP) which will detail how the habitats and open spaces on site are to be appropriately managed for biodiversity and people. This can be secured as a condition of planning consent, with its implementation in perpetuity secured by a legal agreement. Contribution to the Suffolk Coast Recreational Avoidance Mitigation Strategy is also proposed.
- 12.6 As noted above a significant proportion of the site is to be available as public open space, including amenity space, natural, green and play space, over and above the requirements for the development site alone, and would offer recreational opportunities and biodiversity enhancements.
- 12.7 In addition to the above Natural England have considered the HRA and both the onsite and wider impacts of the proposal. Following amendments Natural England raise no objection to the proposal, subject to securing mitigation through S106 and conditions.

### **13. Land contamination**

- 13.1 Policy CS15 states:  
*vii) ...ensuring any risk of contamination is identified and adequately managed, and make efficient use of greenfield land and scarce resources;*
- 13.2 A Phase 1 Desktop Contamination Report supports the application. Environmental Health raise no objection to the proposed development from the perspective of land contamination subject to a condition in the instance that any unknown contamination is found. The proposal complies with criterion vii of Policy CS15 insofar as it relates to land contamination.
- 13.3 With regards to efficient use of greenfield land the proposal has a net density of 40dph, making efficient use of the land where residential development is proposed, whilst retaining a significant proportion for open space.
- 13.4 A condition is proposed for a scheme of soil management, to ensure efficient use of soil resources on site.

### **14. Sustainability and climate change**

- 14.1 Policy CS15 states:  
*viii) address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy;*
- xiv) minimise waste (including waste water) during construction, and promote and provide for the reduction, re-use and recycling of all types of waste from the completed development;*
- xv) minimise the energy demand of the site through appropriate layout and orientation (passive design) and the use of building methods, materials and construction techniques that optimise energy efficiency and are resilient to climate change (e.g. resilience to high winds and driving rain);*

- 14.2 Along with the above provisions of CS15, policy CS13 on Renewable/Low Carbon Energy seeks to ensure all new development minimises dependence on fossil fuels. Development within the Strategic Allocations and Broad Location for growth and other large-scale development proposals will be required to use on-site renewable, decentralised, or low carbon energy sources with the aim of achieving a 10% reduction in the predicted carbon dioxide emissions of the development.
- 14.3 The application includes various proposals for renewable or low carbon energy, minimise waste and minimise the energy demand. Dwellings are proposed to be built to future homes standard, including ASHP, triple glazing and wastewater heat recovery. PV panels are proposed across the development, along with EV charging points. A fabric first approach is proposed to enable carbon emission reduction. These can all be secured by way of condition, along with other water energy and resource efficiency measures, and a waste management plan for the construction phase.

## **15. Flooding, surface water and foul water disposal**

- 15.1 Policy CS15 states:

*xi) 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;*

*xii) minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate;*

*xiii) minimise the demand for potable water in line with, or improving on government targets, and ensure there is no deterioration of the status of the water environment in terms of water quality, water quantity and physical characteristics;*

- 15.2 Criteria xi and xii of Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. Paragraph 154 of the NPPF seeks to avoid increasing vulnerability to impacts of climate change, with development needing to demonstrate it does not increase flood risk elsewhere.
- 15.3 Suffolk County Council, as Lead Local Flood Authority (LLFA) confirm that the proposal is acceptable in this respect subject to conditions in respect of the FRA, completion of SUDS and a construction surface water management plan.
- 15.4 The EA note that there is no mention of water saving techniques planned for this development, however this is proposed be secured by way of a condition to ensure minimisation of potable water use.
- 15.5 Anglian Water do have concerns that the development will lead to an unacceptable risk of flooding downstream, for foul water drainage, not surface water, and to mitigate this Anglian Water need to work with the applicant in order to ensure that infrastructure improvements are delivered in line with the development. This is an Anglian Water infrastructure issue and a drainage strategy for the site in conjunction with Anglian Water is therefore secured by condition, to agree a phasing plan and on-site drainage strategy such that the wider infrastructure is delivered alongside development on site.

## **16. Air Quality**



16.1 Policy CS15 states:

*xvii) protect air quality and ensure the implementation of the Cross Street (Sudbury) Air Quality Action Plan is not compromised;*

16.2 With regards to air quality, consultation has been undertaken with both BMSDC Environmental Health and Ipswich Borough Council, to review impacts on air quality from the development.

16.3 With regards to the comments of the Council's own Environmental Health team they note air quality within the surrounding area to be acceptable and that there is sufficient headroom to accept a large-scale development without creating issues with regards to air quality as a result. It is noted that additional air pollution as a result of the application will occur, but not sufficiently to exceed nationally set air quality objectives. Utilisation of EV charging points is noted to be essential to the scheme given that it likely will generate additional air pollution through the use of private vehicles. Attention is also drawn to the need for additional public transport options from this part of the site which are being taken forward in discussion with the developer through the Highway Authority and associated Travel Plan.

16.4 Experts acting on behalf of Ipswich Borough Council have been advising with regards to the potential wider impacts on Ipswich and have confirmed that the Air Quality Addendum addresses their concerns and have withdrawn their objection in this regard.

16.5 Policy CS15 also seeks to minimise the need to travel by car using alternative means and improving air quality, which is considered in Sections 11 and 17 of this report.

## **17. Accessibility and sustainable transport**

17.1 Policy CS15 states:

*xviii) seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars) thus improving air quality;*

*xvi) promote healthy living and be accessible to people of all abilities including those with mobility impairments;*

*xix) where appropriate to the scale of the proposal, provide a transport assessment /Travel Plan showing how car based travel to and from the site can be minimised, and proposals for the provision of infrastructure and opportunities for electric, plug-in hybrid vehicles, and car sharing schemes.*

17.2 As set out above, particularly in Section 11 of this report, it can be seen that the location of the application site makes good connections to Ipswich and its facilities. Provision of additional bus infrastructure and services are to come forward to serve the site through discussion with the Highway Authority. Lastly, provision of EV charging points are to be delivered to the dwellings within the site such that while car movements might be a result of the development, it is considered that they would be made in such a fashion that it minimised impacts on air quality in line with Policy CS15.

17.3 As set out in the consultation responses, neither Highways England nor SCC Highways raise objection to the proposal. SCC Highways seek S106 contributions which will secure upgrades to local footpaths, provide a bridge over the River Gipping, a travel plan including contribution and Smarter Choices contribution, which will all support the accessibility and sustainability of the site.

## **18. Conclusion on CS15**

18.1 In general it is considered that the application responds well to the requirements of Policy CS15. It has considered in detail the landscape impact, offering mitigation and extensive areas of open space. The open space on site and mitigation measures ensure that the proposal supports biodiversity, whilst climate change and flood risk are also addressed. Conditions to secure the proposed energy, water and resource efficiency are proposed, which again responds well to the requirements of Policy CS15.

## **19. Policy CS18 Mix and Types of Dwelling**

19.1 Policy CS18 requires development that provides for the needs of the district's population. The mix, type and size of the housing development will be expected to reflect established needs in the Babergh district as per Policy CS15. Development on strategic housing sites or mixed use developments with a substantial residential element will be required to make provision for the accommodation needs of vulnerable or identified groups of people, as reflected in established local needs assessments.

19.2 The Planning Statement indicates that permission for the erection of 750 dwellings is sought in outline. Parameter plans submitted alongside the application set out the extent of developable area, access and movement through each area as well as maximum dwelling density and maximum building heights. No further information is provided with regards to housing mix as this would form matters to be discussed under subsequent reserved matters applications which would include details of appearance, landscaping, layout and scale. A condition is proposed to secure the agreement of the housing mix prior to or concurrent with the reserved matters.

19.3 Consultation with the Council's Strategic Housing Team notes that the development would need to provide 262 affordable dwellings on the site as well as a commuted sum to deliver affordable housing within the district. This would accord with the Council's adopted policy and would be secured via a Section 106 Agreement.

## **20. Impact On Residential Amenity**

20.1. The application site is situated immediately adjoining only a few properties on the edges of the proposed development areas, however sufficient space on site is retained to ensure that adequate buffers are provided to these properties.

20.2 The layout of the development is a reserved matter, but it is considered that sufficient space is available on the site to provide sufficient amenity at reserved matters stage.

## **21. Planning Obligations / CIL**

21.1. There are various requests for contributions to mitigate the impact of the development, some through Community Infrastructure Levy, some via S106, as set out below:

### CIL:

Through Community Infrastructure Levy the following infrastructure can be secured:

NHS

Secondary expansion

Sixth form expansion

Libraries improvements  
Waste infrastructure

S106:

By way of a Section 106 Agreement it is proposed to secure the following:

Affordable housing

This is proposed to secure 262 dwellings on site, and a commuted sum for the remaining 0.5.  
This is 35% provision and compliant with policy.

Primary education new school	£4,006,416
Early Years provision	£2,362,437
Special Educational Need and Disabilities Provision	£392,490
Land for the school/early years	£1

**Highways including Ipswich Strategic Planning Area (ISPA) Transport Mitigation Strategy measures:**

Sustainable travel improvements on the A1214 London Road corridor £375,000

Smarter choice contribution for modal shift £347,500

Speed limit extension on Hadleigh Road £11,500

Traffic calming on Hadleigh Road £40,000

PROW improvements £375,000

Travel plan £1,000 per annum from occupation 100 dwellings until 5 years after occupation of final dwelling

Bus service improvements £500,000

- 21.2 Whilst initially Ipswich Borough Council (IBC) requested contributions from the proposal towards semi-natural and natural green space, children's play space, outdoor sports provision and towards a new entrance to the park, it has subsequently been agreed that, as the site provides for its own infrastructure provision and open space requirements well in excess of BDC requirements that it is not necessary to contribute towards this provision within IBC. A contribution towards dog waste bins and composting toilets is proposed to ensure that any minor impact on Chantry Park is appropriately mitigated.

IBC Chantry Park contribution to compost toilets £20,000 and to 3x dog waste bins £1,950

- 21.3 On site open space provision and management and maintenance of the space to be agreed (including commuted sum if transferred to BDC) and requirement for public access as outlined in the Habitats Regulation Assessment.
- 21.3 As per the requirement of SWT it is proposed that the Northern Open Space is created prior to first occupation.
- 21.4 LEMP – As per Ecology recommendation to secure delivery of effective and deliverable management for biodiversity and people in perpetuity
- 21.5 Financial contribution in line with Suffolk Coast RAMS to deliver visitor management measures for the Habitats sites on commencement.

**22. Parish Council Comments**

## **22.1 Sproughton**

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

### Sproughton Neighbourhood Plan Design Code

This application is in outline, and details would be agreed under a reserved matters application, with due consideration to the design code. With regards to the potential three storey detail, this is an overall indication of areas in which three storey properties may be acceptable, however the detail of this would have to be assessed within any future reserved matters proposal.

With regards to mix of houses, and bungalows the mix and type are secured by condition to be agreed concurrent with the reserved matters application(s).

## **22.2 Pinewood**

Pinewood Parish Council were also consulted and raised concerns, the majority of which are considered above. With regards to the cumulative effect, this has been considered in the assessment of the application, including through an Environmental Assessment.

## **22.3 Ipswich Borough Council**

Ipswich Borough Council were consulted on the application as noted above and initially raised objections on various points, however following on-going officer discussions these points have been addressed and agreement has been reached to resolve these points, and therefore to seek contributions and conditions accordingly.

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## **PART FOUR – CONCLUSION**

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### **23. Planning Balance and Conclusion**

- 23.1 The starting point for decision-taking purposes remains the development plan with the National Planning Policy Framework a material consideration in this decision. The policies of the Core Strategy generally conform with the aims of the Framework to promote sustainable transport through walking, cycling and public transport by actively managing patterns of growth in support of this, whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This includes significant contributions to the implementation of the Ipswich Strategic Planning Area (ISPA) Transport Mitigation Strategy.
- 23.2 The Framework objectives for sustainable development include delivering a sufficient supply of homes. The Council benefits from a five-year housing land supply. The tilted balance at paragraph 11(d) of the NPPF is not engaged by reason of any shortfall in housing supply or delivery.
- 23.3 Nevertheless, meeting the requirements of paragraph 73 is not intended as a ceiling on further housing, where the Framework continues to support Government's objective to significantly boost the supply of homes under paragraph 59 of the NPPF. The location is considered to be a sustainable location with some services provided within the immediate surroundings and good connections to Ipswich reducing the need to travel by private car. The benefits resulting from the delivery of 750 houses is considerable and as noted above the deliverability of this site includes longer term delivery through to 2036.

- 23.4 Consideration is then given to the compliance of policies with the NPPF, and whether the tilted balance thus engages.
- 23.5 The site is within the Babergh Ipswich Fringe, identified in policy CS2 as a sequentially preferable area for new development. The acceptability of the proposed development needs to be assessed having regard to its benefits and adverse effects, but as a matter of principle it is in an area identified in the Core Strategy with potential for future growth.
- 23.6 Policy CS2 carries reduced weight because of the age of the settlement boundaries and absence of allocations document and its partial inconsistency with the NPPF, although the overall settlement pattern strategy remains sustainable. Bearing in mind the location of the site in the Babergh Ipswich Fringe policy area, the underlying aims of policy CS2 are broadly met, the proposal accords with the general development strategy in CS2. Policies CS1 and CS15 can be given full weight given their strong alignment with the NPPF in terms of this proposal. Therefore, for the purposes of paragraph 11(d) the policies most important for determining the application as a whole are considered to be up-to-date. Whilst CS2 carries some reduced weight, the basket of the most important policies is not considered to be out-of-date and paragraph 11(d) of the NPPF is not engaged.
- 23.7 Having regards to the requirements of Policy CS15 there are a notable number of benefits from the proposed development

Extensive areas of publicly accessible green space (comprising over 50% of the Site's area)

35% affordable housing provision

Provision of housing, including economic benefits through construction and occupation

2FE Primary School (with additional area reserved for future expansion)

Trim trail equipment/children's play areas

Biodiversity enhancement area, with 18.81% biodiversity net gain

Financial contribution towards a bridge across the River Gipping and provision of landing point

Dwellings built to future Homes Standards (ASHP, triple glazing, wastewater heat recovery, underfloor heating)

PV Panels across the development

A fabric first approach to carbon emission reduction

Highway Improvements (which go beyond mitigation and include ISPA Transport Mitigation Strategy measures):

Offsite highway improvement full details for A1071/B1113/Swan Hill, A1071 junction, A1214 junction

Full details of Hadleigh Road roundabout access and footway, Hadleigh Road central access and footway, Hadleigh Road Northern access and footway.

Visibility splays for Hadleigh Road Northern and Central access

Cross valley cycleway/footway

Hadleigh Road toucan crossing

Cycleway/footway route and bus stop improvements close to A1071

Provision of electric vehicle charging points

Travel plan

Bus stop provision and improvements plan

Improvements to Footpath 14 agreed and implemented

Sustainable travel improvements on the A1214 London Road corridor

Smarter choice contribution for modal shift

Speed limit extension on Hadleigh Road

Traffic calming on Hadleigh Road

Upgrade Sroughton Public Footpath 14 from footpath to bridleway status

Upgrade Sproughton Public Footpath 24 from footpath to bridleway status  
Improve Sproughton Public Footpath 24 to and through underpass to make route more accessible  
Improve Sproughton Public Footpaths 11 and 12 onto Church Lane  
Improve access along Sproughton Public Footpath 11  
Bus service improvements

- 23.8 The delivery of this quantum of housing, a policy compliant level of affordable housing, and an extensive area of public open space are significant benefits. Whilst the extent of development goes beyond the local need of Sproughton Parish, the delivery of housing in the district remains an important consideration. Therefore, while the Council can presently demonstrate a five-year land supply, the provision of these houses is still a weighty consideration, further noting the delivery through to 2036, supporting future growth and need.
- 23.9 Those other matters which weigh against the application must also be considered. These include:
- Potential loss of Best and Most Versatile Agricultural land (grade 3 and 3a).
  - Moderate to adverse landscape and visual effects, although reducing over time as landscaping matures.
  - Medium to high level of less than substantial harm to heritage assets.
- 23.10 The proposal has the potential to harm the setting of the neighbouring listed buildings and parkland, in turn causing a medium to high level of less than substantial harm to the significance of these heritage assets. This potential harm to the significance of designated heritage assets is a disbenefit of the scheme which should be weighed against the public benefits. In that balancing exercise, considerable importance and weight is to be given to the harm in light of the statutory duty imposed by the Listed Buildings Act 1990.
- 23.11. Noting the weight to be attached to harm to heritage assets, the proposal's contribution towards the Council's housing targets, provision of affordable housing, primary school, open spaces, highway improvements and biodiversity net gain, are considered to outweigh the medium to high level of less than substantial harm to the significance of the affected heritage assets.
- 23.12 As identified above, the development would result in an impact on the landscape character and to visual receptors to the site. However, the landscape harms identified would reduce with mitigatory planting in the longer term. Whilst the proposal will have an urbanising effect, the development will not appear isolated in a landscape sense (and paragraph 80 of the NPPF is not engaged). The development scale will not overwhelm the site, or its surroundings given the open space retained, and sufficient provision can be made for required infrastructure.
- 23.13 The proposal for 750 new homes would add to the local housing stock and offer meaningful support for the local services, both during construction and following occupation of the development. Consequently, the proposal would have social and economic benefits that, given the scale of development proposed, would be significant. These benefits are afforded more than moderate weight given the level of contribution towards the aim of achieving sustainable development. They weigh clearly in favour of the scheme.
- 23.14 The proposal is considered to be acceptable in respect of highways, with Highways England and SCC Highways having resolved their initial concerns. The proposal secures works to the highway network, including footpath improvements, upgrades from footpath to bridleway, a bridge over the Ripping Gipping, travel plan and bus service improvements. Overall a comprehensive package which offers benefits can be secured, and accordingly the proposal offers sustainable travel and highway improvements which comply with the requirements of CS15 and weigh in favour of the scheme.

- 23.15 Residential amenity of neighbours is safeguarded to an acceptable level and a high standard of amenity can be secured for future occupants of the development. Finally, the development would enable a net gain for biodiversity greater than 10% compared to the existing value of the site for protected species. These are scheme positives.
- 23.16 Therefore, it is considered the above merits of the scheme and compliance with policy CS15, including the accessible location of the housing and its contribution to boosting housing supply at a strategic scale, delivering appropriate infrastructure and enabling cohesive place making, when balanced against the identified heritage harm, limited harm to the wider landscape and loss of agricultural land, would represent sustainable development and when considered as a whole would meet the requirements of policy CS15 and all other relevant local plan policies outlined above. Matters relating to landscape and heritage harm have been considered, but for the reasons identified in the above report the benefits outweigh the harm identified and are considered to be significant and compelling in the overall planning balance.
- 23.17 The proposal is considered to represent a sustainably located site for new residential development and would provide the opportunity to deliver well designed, sustainable development with tangible benefits in relation to public open space, furthering the overarching thrust of policies CS1 and CS15 of the Core Strategy and providing for net gains to the three objectives of sustainability in accordance with the NPPF (which notwithstanding the development plan is a compelling material consideration). The application is therefore recommended for approval because, the proposal accords with the general development strategy in CS2, offers benefits in accordance with CS1 and CS15 and accords with the development plans as a whole. Other material considerations further indicate that permission should be granted despite the limited harms identified.

## **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to Grant outline planning permission:

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

- Affordable housing on site 262 and commuted sum for remaining 0.5
- Sustainable travel improvements on the A1214 London Road corridor £375,000
- Smarter choice contribution for modal shift £347,500
- Speed limit extension on Hadleigh Road £11,500
- Traffic calming on Hadleigh Road £40,000
- PROW improvements £375,000
- Travel plan £1,000 per annum from occupation 100 dwellings until 5 years after occupation of final dwelling
- Bus service improvements £500,000

- On site open space provision and management and maintenance of the space to be agreed (including commuted sum if transferred to BDC) and requirement for public access as outlined in the Habitats Regulation Assessment. As per the requirement of SWT it is proposed that the Northern Open Space is created prior to first occupation.
- LEMP
- Financial contribution in line with Suffolk Coast RAMS
- Primary school new build £4,006,416
- SEND new build £392,490
- Early Years £2,362,437
- Freehold fully serviced site 3ha for new primary school/early years £1
- IBC Chantry Park contribution to compost toilets £20,000
- IBC Chantry Park contribution to 3x dog waste bins £1,950
- Monitoring fees

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

- a) Standard time limit
- b) Reserved matters
- c) Approved Plans
- d) Phasing Condition including with Chantry WRC
- e) Swift boxes/bricks installation scheme to be agreed
- f) Hedgehog fencing scheme to be agreed
- g) Housing mix prior to or concurrent with reserved matters to be agreed
- h) Energy, water and resource efficiency scheme to be agreed, including PV panels and EV charging points, ASHP, fabric first approach and future homes standard
- i) Construction Management Plan including working hours to be agreed
- j) Construction surface water management plan
- k) FRA
- l) SUDS Completion confirmation and inspection
- m) Anglian Water on-site drainage strategy.
- n) Waste minimisation and recycling strategy
- o) Unexpected ground conditions
- p) Landscape Ecological Management Plan
- q) Landscape Management Plan
- r) Landscaping Scheme
- s) Boundary treatment to Chantry Park



- t) Accordance with Ecological report and recommendations
- u) Environmental Management Plan for Biodiversity
- v) Biodiversity net gain design stage report
- w) Further surveys for protected species
- x) Wildlife sensitive lighting design scheme
- y) Fire Hydrants
- z) Arboricultural Method Statement
- aa) Tree protection plan
- bb) Archaeological investigation and reporting
- cc) Environmental Management Plan
- dd) Soil management plan
- ee) Waste management plan
- ff) Construction method statement to be agreed
- gg) No burning
- hh) Acoustic barrier details agreed and implementation
- ii) Noise report and mitigation prior to reserved matters
- jj) Acoustic Design Statement prior to reserved matters for school
- kk) Levels
- ll) Remove permitted development rights
- mm) Offsite highway improvement full details for A1071/B1113/Swan Hill, A1071 junction, A1214 junction
- nn) Full details of Hadleigh Road roundabout access and footway, Hadleigh Road central access and footway, Hadleigh Road Northern access and footway.
- oo) Visibility splays for Hadleigh Road Northern and Central access
- pp) Cross valley cycleway/footway to be agreed
- qq) Hadleigh Road toucan crossing to be agreed
- rr) Cycleway/footway route and bus stop improvements close to A1071 to be agreed
- ss) Estate roads and footpaths implementation
- tt) Means to prevent discharge of surface water drainage onto the highway
- uu) Estate road phasing and completion plan to be agreed
- vv) Carriageways and footways constructed prior to occupation
- ww) Details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles, including secure cycle parking to be agreed
- xx) Provision of electric vehicle charging points
- yy) Details of landscaping that may impact upon the highway
- zz) Travel plan
- aaa) Bus stop provision and improvements plan
- bbb) Improvements to Footpath 14 agreed and implemented

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

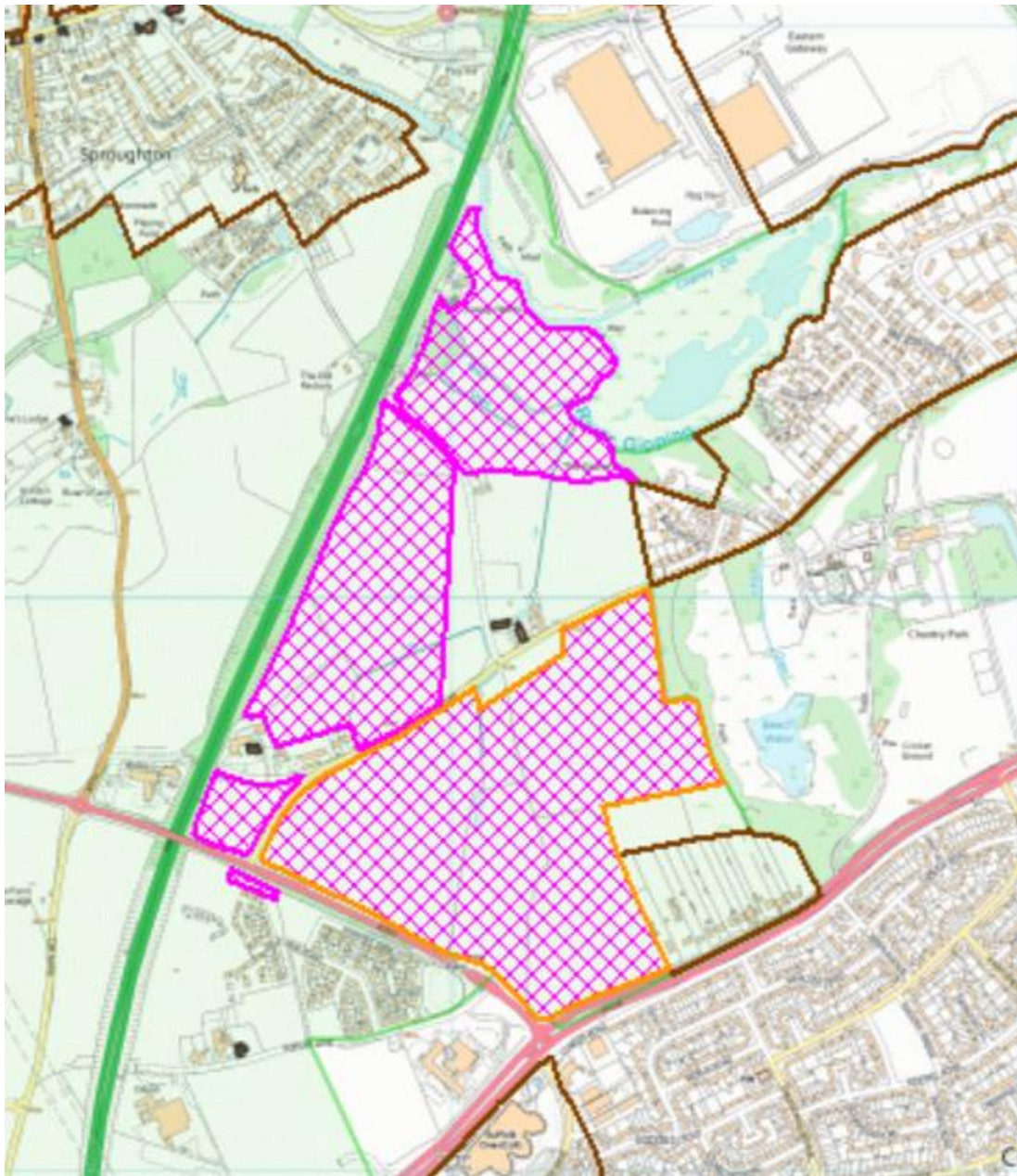
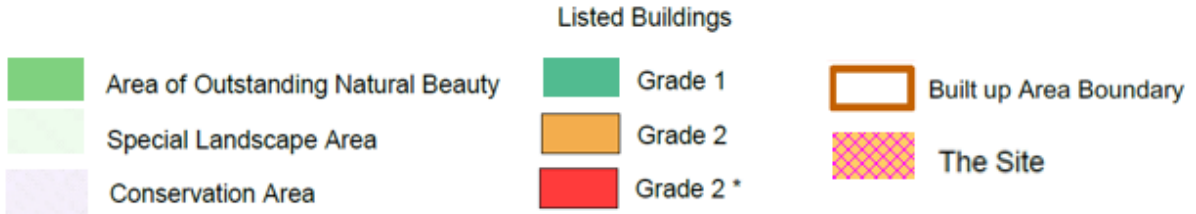
- Proactive working statement
- SCC Highways notes
- SCC Flood and Water Management notes
- Support for sustainable development principles

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

**Application No: DC/21/02671**

**Parish: Sproughton**

**Location: Land North of the A1071, Ipswich (Wolsey Grange)**



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# Agenda Item 6b

## Committee Report

**Item No: 6B**

**Reference:** DC/22/03043

**Case Officer:** Samantha Summers

**Ward:** East Bergholt.

**Ward Member/s:** Cllr John Hinton.

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### Description of Development

Planning Application - Construction of 5no. dwellings, storage building with two bed and breakfast rooms for the Hotel and Brasserie, public convenience building (following demolition of existing Toilet Block) and alterations to car park.

### Location

The Red Lion, The Street, East Bergholt, Suffolk CO7 6TB

**Expiry Date:** 11/08/2022

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

**Development Type:** Minor Dwellings

**Applicant:** Langham Property Company (Essex) Ltd

**Agent:** Quinlan Terry Architects LLP

**Parish:** East Bergholt

**Site Area:** 0.38Ha

**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

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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:

The Chief Planning Officer considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council.

A Member visit to the site to assess its context has been mooted; however, this has yet to be agreed by Members. As the report is ready, it is brought to Members for their consideration and deliberation at this Committee meeting.

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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  
CR02 - AONB Landscape  
CR07 - Landscaping Schemes  
TP15 - Parking Standards - New Development  
EM01 - General Employment  
EM20 - Expansion/Extension of Existing Employment Uses  
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  
CS12 - Design and Construction Standards  
CS13 - Renewable / Low Carbon Energy  
CS15 - Implementing Sustainable Development  
CS16 - Town, Village and Local Centres  
CS18 - Mix and Types of Dwellings  
CS21 - Infrastructure Provision  
NPPF - National Planning Policy Framework  
East Bergholt Neighbourhood Plan

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area. The Neighbourhood Plan was adopted by the LPA in 2016. 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**

## Town/Parish Council

### East Bergholt Parish Council – 26/07/2022

This application needs to be considered in the context of current and emerging development plan policies, consultee comments and importantly alongside and in the context of planning application DC/22/01688. This was also submitted by the owner of the Lion and was considered by the Parish Council at its meeting in April 2022, with no knowledge of pending application DC/22/03043 at the time. The former has yet to be determined by BDC but if approved would allow for the provision of 6xB&B rooms (5 in the existing bub) and one by virtue of change of use of an existing building to provide B&B use on the ground floor and office space above. This is relevant now because this most recent application seems to duplicate the provision of extra office accommodation without explanation, and the cumulative impact of the 8 new B&B rooms across both applications needs to be taken into account when considering the merits of the most recent proposals to reconfigure the public car park with its 32 current spaces. For this reason East Bergholt Parish Council requests that BDC hears and determines both applications at the same time.

The latest proposed scheme (DC/22/03043) comprises three separate components which East Bergholt Parish Council believes need to be considered individually. The application's supporting evidence suggests the three components are intrinsically linked and provide a comprehensive development scheme for the application site. The Parish Council finds no evidence to support this assertion nor merit in the planning rationale for a comprehensive development of this sensitive site in the heart of East Bergholt. It therefore requests BDC to consider the appropriateness of this application with respect to these three distinct components.

The three components are:

- Proposals to enable the current hospitality business as the Lion to grow and prosper with plans for two extra B&B units above a new storage unit in a new building, and a new garden office all within the existing curtilage of the Red Lion.
- Proposals to build 5x2 bed 2 storey market houses on backland at the rear of the Red Lion and largely within its own curtilage with 9 dedicated car parking spaces adjacent.
- Proposals to totally reconfigure and resurface the current car and coach park and reposition the public WC block. All were recently (November 2021) designated as an ACV by BDC. These assets were also given a major revamp by the Parish Council in 2021/22, at significant cost to the public purse, and included new drainage and car park resurfacing. The car park is adjacent to the rear of the Red Lion and is free to use for the public and Red Lion clientele.

The entire scheme has been presented as essential to support the prosperity and longevity of the Red Lion. However this is nothing in these proposals which even begins to demonstrate how the success of the Lion requires 5 new market houses to be built nor why the recently refurbished public car park requires a total makeover. Rather, it's only the housing component of the scheme which is intrinsically linked, not to the prosperity of the pub, but to the car park makeover. The housing component is crucially dependent

on the reconfiguration of the car park, to provide nine dedicated residential car parking space and require the demolition of the toilet block and replacement elsewhere on the site with a much smaller public facility providing just 2 cubicles (a net loss of 3 cubicles). The resulting car park layout also requires the removal of one existing coach park bay (from the 2 coach bays which are currently delineated) and introduces double yellow lines around much of the car park's perimeter. It also reduces the dimensions of the current car parking bays making some unlikely to be usable for all but small cars and does not comply with SCC Guidance for Parking 2019. The new layout with the repositioned public toilets also blocks the Right of Way to the cemetery as shown in the Lease (para 4.26), as well as reducing part of the current 4.6 metre wide access route from The Street to the Cemetery. This would all seem to be an attempt to cram the additional 9 residential spaces proposed into the current car park area whilst trying to prevent random parking, and hence enable sufficient vehicle manoeuvrability in a smaller public car and coach park area than currently exists. The double yellow lines will without doubt do harm to the Conservation Area setting and are also ill conceived as they would be unenforceable because the car park is not a public highway. In short the proposed car park layout overrides the current lease, is contrary to SCC guidance, and will fail to provide adequate provision for parking and vehicle circulation.

There is a lot made in the supporting evidence to the application of the pre-application discussions, the alterations to the previously withdrawn 2021 scheme and the new and more sensitive building design now being proposed. Whilst these changes might have been considered sufficient to mitigate serious harm to the Conservation Area, AONB, and the many listed buildings in the vicinity of the site by Historic England and the Babergh Heritage Officer, these views even from professionals are matters of opinion and subject to challenge. But crucially these still relate to matters of detail and only become of relevance if the substantive case exists for such development based on sound planning policy grounds.

The Parish Council does not wish to contest the principle of those elements of the scheme which are reasonably associated with the wish to ensure a profitable and growing business for the Red Lion. We understand the potential requirement to add 2xB&B rooms in addition to the 6xB&B rooms in application DC/22/01688, further storage capacity and the office space as proposed. This is in line with the principles embodied in NP policies EB15 and EB20. However the conditions in both EB15 and EB20 require that development has no unacceptable adverse impacts on nearby residential uses, makes provision for adequate parking and would not have unacceptable impact on the AONB whilst conserving, enhancing and respecting the Conservation Area. These requirements fail to be met in the planning application. The total number of new B&B rooms (8) provided would be likely to reduce the capacity of the public car park by 25%, notwithstanding the serious concerns about the new layout as set out above. The Parish Council also have significant concerns that the excessive ridge height (6.4 metres) and overall scale of the building that would house the 2xB&B uses and storage in that it would do harm to views across the Conservation Area and the AONB from The Street, and from the entrance to the car park. It would also be visible from the Gables and therefore impact the setting of this grade 2+ listed building. Its size and location will also significantly impact on the setting of Red Lion Cottage, a grade 2 listed building, and adversely affect the natural light, the amenity and privacy of the occupants of the cottage.



These aspects of the proposal are also directly contrary to Neighbourhood Plan Policy EB9. The office space also appears to duplicate the office space applied for in the yet to be determined application (DC/22/01688) without any explanation.

The Parish Council would nevertheless wish to approve the principle of these uses but only subject to 1) a new design and potential relocation of the B&B unit to address the concerns as stated, 2) the refusal of the proposal to reconfigure the entire car park to provide 9 residential spaces, because this will lead to a loss of essential public capacity involved in providing space for B&B guests with cars, when the two application are considered together, 3) only after adequate justification is provided to justify the new offices.

The Parish Council does have more serious objections to the housing component of the scheme. The East Bergholt Neighbourhood Plan was formally made in 2016 and policy EB1 provided for a minimum of 86 homes over the period 2015-2030. Since then BDC has approved 241 new houses in the Parish. B&MS's emerging Joint Local Plan has in turn allocated this same total as East Bergholt's housing allocation 2018-2037. This JLP allocation for East Bergholt was further confirmed as 'current and reliably indicative' for considering East Bergholt's Neighbourhood Plan allocations policy, as recently as 12/05/2022 at a meeting between senior officers at BDC and East Bergholt PC. Some 229 of this allocation had been approved on the basis of the tilted balance in the absence of a 5YHLS and Babergh acknowledged at the time of approval that these approvals were not in line with the development plan. As a result, the need for housing in East Bergholt expressed in the NP based on evidenced local need has been exceeded in all respects by the permissions already granted.

Of the 3 largest projects, two have made material starts (Hadleigh Road 10, Moore's Lane 144) and Heath Road 75 is scheduled to commence within 5 years in B&MS's latest 5 Year Housing Land Supply Position Statement published February 2022. Together these projects provide 2, 3, 4 and 5 bed homes, terraced homes, detached homes, affordable homes, market homes, and homes for the elderly. Put simple, there is no justification for any additional homes based on the Development Plan, local need and the JLP strategic allocation which has already been met. Pressure on local services, schools, and infrastructure to accommodate 241 homes will be considerable and potentially unsustainable. If any exception were to be made to grant further homes over the plan period, this highly sensitive application site is most probably the least appropriate site in the Parish. No case has been made to grant this exception, in this location. Further, the granting of permission on this highly sensitive site, outside the BUAB, in the absence of evidenced local need would be contrary to the ruling of Mr Justice Mitting in his judgement dated 9 December 2016 (East Bergholt PC v Babergh District Council), link below,

<https://www.eastbergholt.org.uk/Documents/ParishCouncil/Judicial%20Review/Justice%20Mittings%20JR%20Transcript.pdf?q=638094814415652242>

The housing proposal also fails to meet the requirements of Babergh Core Strategy Policy CS11, which applies to countryside development outside the BUAB. This proposal is detrimental to the landscape, environment and heritage characteristics of the village (i),

negatively impacts the AONB, Conservation Area and heritage assets (ii), and totally fails in respect of meeting a locally identified need (iv).

Approval of houses on this site, apart from being in excess of the volume of homes required in Policy EB1, the JLP's strategic allocation to 2037, and contrary to a High Court ruling, would also be contrary to a number of specific NP Policies;

- EB2; The site proposed for market housing remains outside the BUAB and the Parish Council also remains of the view that the associated loss of mature trees and the scale and density of development in this part of the Conservation Area and AONB would have a detrimental impact on both. The size and scale of the development on this cramped site is not acceptable illustrated perhaps by the semi detached homes which are actually abutting the boundary of the Congregational Church. The proximity to the houses on Cemetery Lane also means this scheme will be detrimental to the amenity of those whose gardens back onto the proposed development.
- EB3; the proposed housing is on backland to the rear of the Lion pub in the village heart and Conservation area where in the view of the Parish Council the adverse impact would be unacceptable. It would also harm the approach to the Cemetery and the roof heights would obscure the views from across the Conservation area to the Congregational Church; an important undesignated heritage asset.
- EB5; Although located within the village centre's '400 metre zone' referred to in the NP, the small two storey market houses proposed are not ideally suited to the needs of older people and suggestions that the 33.5 square metre ground floor might be converted for single floor living for the elderly is neither feasible, practical nor actually part of this proposal; merely a forlorn suggestion. The market homes proposed which the applicant on Facebook has suggested would be priced around £450,000 are likely also to be well above the price threshold of those elderly people in need of older persons housing.
- EB9: The size, scale and location of the market houses proposed on this cramped site will neither preserve or enhance the character of the Conservation Area. They will contribute to light pollution and will inevitably alter the character of this part of the village heart by virtue of the density of the development.
- EB10; Preservation of Non Designated Heritage Assets. The two storey houses will clearly diminish views of the Congregational Church, this imposing and important non designated heritage asset, and the plans also appear to flout building requirements which require a 2 metre distance between structures. There is none between the semi detached houses and the Church boundary.

On these multiple grounds the Parish Council strongly recommends refusal of the market housing proposed in this scheme.

The current car and coach park was designated after Appeal as an ACV by BDC in November 2021. Its entire surrounds, drains and surface of the car park were renewed by the Parish Council who are the tenants and hold a twenty year lease. Over £800,000 of public funds were invested in this upgrade over the past year, partly prompted by the landlord's demands. The proposed wholesale reconfiguration is deemed absolutely unnecessary to support the Lion's growing business; but it might enable the proposed

housing on the adjacent part of the application site. This is referenced above along with the significant reduction (25%) in the capacity of the car park if those guests using the 8 proposed B&B rooms arrive by car. Ripping up the current facilities including the public conveniences, simply to be replaced in a new format to enable the applicant's residential development ambitions to be realised, is clearly not something that could possibly be construed as sustainable development and not something a responsible public body should allow.

It is also contrary to policy EB11 of the Neighbourhood Plan, where the Red Lion car park which is protected by this policy has effectively been annexed in part so policy EB12 requiring adequate car park provision for new residential development can be seen to be complied with in providing on site parking for nine cars for the dedicated use of scheme's proposed housing component. However the nine dedicated spaces proposed do not meet SCC's standard provision of two spaces for each two bed home. So presumably one further space would need to be found in the public car park for the residential parking provision to comply with SCC requirements. Alongside the daily use of the car park by Lion staff, customers of the Lion and B&B guests and any overflow arising from the needs of the proposed housing scheme, the public car park is close to having little left over capacity for genuine public use. The applicant has stated that the car park is little used. This is without evidence and wrong. The PC carried out a car park survey between October 2021 – January 2022. This showed that the car park on an average day is 2/3 full and totally at capacity on some days. So the continued need for this public facility is without doubt. The makeover of the car park is proposed without any distinction in its design between public and 'private' use however seems to reinforce the concern that this car park could quickly become nothing more than the domain of the Lion Estate.

The demolition of the public conveniences to be repositioned elsewhere looks designed to add space for cars and facilitate vehicular circulation within the small car park area proposed. The proposed siting of the repositioned public conveniences however blocks the Right of Way to the Cemetery which has been in use since 1986. This right is fully acknowledged and written into the PC's Lease. The car park's proposed layout pays no regard to this. It also removes the raised beds contained by dwarf brick structures. There were clearly part of the current design and intended to protect the 4.6 meter Right of Way between The Street and the Cemetery which are compromised by these proposals. The public conveniences were also reduced in size from 5 to 2 cubicles without justification. These are safeguarded by Policy EB16. The current facilities are used by coach parties, school groups and walking clubs amongst many others, they are well used and maintained daily by the Parish Council. It is patently absurd to reduce the capacity of this community facility if the general public's well-being counts for anything. It is also contrary to policy. During the period of redevelopment and reconfiguration of the car park and the house building the area would likely be a construction site for 1-2 years. Policy EB11 explicitly safeguards this car park in its entirety, and also requires alternative provision of public car and coach parking arrangements to be provided. This would be necessary too during the construction phase. None are even muted.

The car park proposals also involve the loss of mature trees in the Conservation Area, and the loss of the associated green canopy will be detrimental to views across the

Conservation Area and AONB and into the current car park. This is contrary to policy EB6 and the associated impact on biodiversity is contrary to policy EB 8. Last, the entire enterprise of replacing the current car park without valid justification feels like unnecessary vandalism of a well specified public asset and clearly represents unsustainable development which is contrary to both the spirit and guidance of the NPPF. It is also clearly and directly contrary to Babergh Core Strategy Policy CS15 Implementing Sustainable Development.

On these grounds, the Parish Council strongly recommends refusal of the proposals to reconfigure the car park and associated public conveniences as proposed.

It is perhaps worth pointing out too that while the application promotes the introduction of EV charging points in the reconfigured car park which the PC fully supports it is ironic that the applicant, perhaps wearing his landlord's hat rather than his socially responsible one, refused the Parish Council's request to do the same.

The Parish Council have considered these proposals in detail but at no time during the pre-application process was the Parish Council made aware of this pending application. The applicant also failed to comply with the requirement to give 21 days notice of the application to the Parish Council as tenants of the Lion car and coach park. The same failure to give notice under Article 13 was evident in the withdrawn application in 2021. Whilst considerable time on pre application meeting clearly took place in evolving the latest proposals, engagement with the Parish Council whose public interest is at the heart of the village and as tenant of the car park, was non-existent and so contrary to the requirements of the NPPF para 132. As such the Parish Council believes that due process was only selectively followed in the evolution of this misguided scheme which is neither in the best interests of the Parish or the community.

Therefore the Parish Council requests that BDC refuses permission for those elements of the scheme which have little or no bearing on the future well-being of the Lion's hospitality business, namely the ill-conceived housing development and all the car park plans, and satisfies itself that prior to approving the principles of development to support the Lion's business that the scheme is amended so not to jeopardise the village centre environment, the AONB, the Conservation Area or the well-being of those living close by.

Usage of East Bergholt village centre car park

Date	Time	Vehicles in the car park	Percentage of capacity	Mean % of capacity	Notes
Tue 26th Oct 2021	10:15:00	cars not counted but a visiting coach parked in the coach space next to kerb, White Van in the other			there are 29 marked car spaces. Cars and vans divided by 29 = percentage plus 3 disabled spaces
1 Wed 27th Oct 2021	10:30:00	15	51.72%	51.72%	
2 Thur 28th Oct 2021	14:00:00	33	113.79%	82.76%	inc six cars parked on the access to the car park and two in the coach parking
3 Sat 30th Oct 2021	10:55:00	19	65.52%	77.01%	
4 Mon 1st Nov 2021	11:45:00	9	31.03%	65.52%	
5 Tue 2nd Nov 2021	11:00:00	22	75.86%	67.59%	
6 Fri 5th Nov 2021	11:30:00	16	55.17%	65.52%	
7 Sat 6th Nov 2021	11:30:00	15	51.72%	63.55%	
8 Tue 9th Nov 2021	10:20:00	15	51.72%	62.07%	
9 Fri 12th Nov 2021	11:12:00	17	58.62%	61.69%	Also a refuse truck and a Warburton's 7 tonne bread truck
10 Sat 13th Nov 2021	11:20:00	21	72.41%	62.76%	
11 Thur 18th Nov 2021	15:00:00	15	51.72%	61.76%	Some walkers packing up their boots to go home
12 Sat 20th Nov 2021	11:45:00	27	93.10%	64.37%	4 on the access and one in a coach space
13 Thur 25th Nov 2021	14:30:00	13	44.83%	62.86%	
14 Tue 30th Nov 2021	10:45:00	16	55.17%	62.32%	
15 Sat 4th Dec 2021	10:45:00	26	89.66%	64.14%	Warburton's bread truck in a coach space, Tesco van (using loo) large party of walkers
16 Tue 7th Dec 2021	11:40:00	27	93.10%	65.95%	No trucks small white van in the coach parking (inc in the total)
17 Tue 14th Dec 2021	10:45:00	24	82.76%	66.94%	
18 Thur 16th Dec 2021	10:50:00	39	134.48%	70.69%	Parking down the side of the BT access and car park access. Transit/trailer by BT hedge
19 Sat 18th Dec 2021	11:30:00	18	62.07%	70.24%	
20 Wed 22nd Dec 2021	10:30:00	23	79.31%	70.69%	
21 Sat 1st Jan 2022	11:10:00	18	62.07%	70.28%	
					NB large vehicles such as trucks not counted

### East Bergholt Parish Council – 08/09/2022

The Parish Council has been invited to comment further on application DC/22/03043 by BDC because of a Housing Needs Assessment prepared on behalf of the applicant that had been received on 31/08/2022.

The Parish Council's substantive comments on this application which are largely opposed to both the nature and scale of the development proposed were approved by the Parish Council on 14th July 2022 and submitted to BDC within the 21-day statutory consultation period on 26th July. These remain the position of the Council and the additional comments set out below should be read alongside and in addition to our first submission.

Since this first submission, the applicant has made various changes to the proposals. Various new reports supporting the application and other consultee comments have also been added to the document library. The consultation period has been a moving feast since mid-July and the latest Housing Needs Report prepared by Pioneer Property Services on behalf of the applicant is just the latest addition which has apparently required a further consultation period until 21st September 2022.

The Parish Council wishes to comment on the Housing Need Report and a number of the new documents that have been submitted since its first submission to BDC in July 2022.

### COMMENTS ON THE HOUSING NEEDS REPORT

This report has been prepared on behalf of Langham Property Company, the applicant. It is referred to by BDC in their reason for re-consultation as a Housing Needs Assessment. This, it is not. It is a Report that reviews the housing policy context as it applies to East Bergholt, and the established evidence of need. But it then adopts what it calls an "appropriate" study area for

its modelling. One it refers to as a “functional cluster” which is much larger than the Parish. For this sub area it models various future housing needs scenarios using a range of demographic assumptions and by adopting a larger area than the Parish of East Bergholt and applying a methodology that chooses to pro rata districtwide growth without any justification it arrives at highly exaggerated housing need figures requiring between 550 and 799 new homes over the period 2022- 37 in the cluster. This compares to a Neighbourhood Plan requirement for a minimum of 86 homes (2015-30) in East Bergholt.

The functional cluster approach for assessing housing needs is neither proven nor tested. The functional cluster construct is based on 2010 data and has never been adopted by Babergh for this type of analysis.

The assumed district growth rates are based on historic patterns of growth and their validity in today’s low growth recessionary world are not even considered. Taking the Babergh wide growth patterns and projecting these across the functional area assuming “all things are equal” is fraught with difficulty and just wrong, and the resulting projections 1a), 1b),1c),2,3 are all based on “rear view mirror” assumptions.

The Parish Council has called upon a highly experienced planning and real estate consultant to review this report. Their experience of modelling and forecasting was the basis of their forty year career. They were in the vanguard of applying forecasting techniques to real estate markets from the 1980’s. They fully understand the technical approach adopted by Pioneer but advise that the report’s untested and novel methodology coupled with its extreme results cannot in all seriousness be used to determine East Bergholt’s housing needs nor should Babergh rely on it in any way for this purpose.

The report also makes frequent reference to the NPPFs requirement for “objectively assessed need” for determining housing requirements. A technically driven, assumptions based modelled approach is simply not this. The report also mentions that the East Bergholt Neighbourhood Plan is now 6 years old. This is fully recognised and as such the PC is seeking to update the plan. A 2018 Housing Needs Survey for East Bergholt prepared by CAS and funded by Babergh DC found that East Bergholt’s housing needs were unchanged from 2015. The Parish Council also engaged in a “call for sites” as part of this NP review in January 2022. The applicant did not put the site behind the Lion forward for consideration. One can only wonder why not!

In conclusion the Parish Council believes the Housing Needs Report prepared by Pioneer Property Services provides a thoroughly unreliable basis from which to rewrite the housing needs for the Parish of East Bergholt. As such It should not be considered as reliable evidence from which to assess the application in question and so the Parish Council recommends that Babergh discount this attempt to inflate the housing needs numbers for East Bergholt. The 241 homes already approved and allocated in the JLP are already significantly in excess of objectively assessed need for the village and whilst the Parish Council has accepted this allocation it will seriously question the need for more.

A rewriting of the housing needs methodology and numbers based on forward modelling is perhaps something that might be unpicked at an enquiry but it’s highly unusual to expect consultees on a planning application to critique such a report. A report of this type will always beg the question of exactly what brief the consultant had been given. In any event the Parish Council would in usual circumstances only be expected to comment on the merits of the

application in question based on planning grounds alone (and not the validity of supporting evidence) which it has already done in some detail. The Parish Council believes its recommendations to refuse the housing component of this scheme are fully justified and robust on planning grounds. This report and the reason for re-consultation changes absolutely nothing in that respect and it is considered important that Babergh District Council also recognises this fact.

#### COMMENTS ON ADDITIONAL DOCUMENTS

The Parish Council notes and wishes to highlight various issues for the Case Officer's consideration of this application as follows;

- The Environmental Response (18July 2020) made reference to various concerns regarding the potential for noise, odour, light and smoke pollution arising from the construction phase of the project, the impact of the Lion's growing business on the residents of nearby housing and also potential impacts resulting from the housing element too. These need to be given serious consideration in assessing the impacts of the proposal and any conditions that might be applied.
- Suffolk Highways concern regarding the requirement for a segregated footpath for those requiring to use the public toilets has been incorporated in a recent alteration to the drawings. However the proposed footpath around the car park boundary to the relocated and distant public toilets, is in practice very unlikely to encourage people not to take the obvious straight line route across the car park to the new toilets. There is no obvious need to relocate the public conveniences. Their proposed new location is simply not being planned with the users in mind; just the requirement to have it positioned as far from the Lion as possible and to allow space for the unwarranted housing scheme.
- The Historic England report is broadly to be expected as the organisation had informed the pre application discussions, however it is of note that it highlights concerns about the excessive roof heights and scale of the new buildings which do not respect the back land nature of the plot, are likely to impact on the amenity of nearby residents and which are contrary to NPPF requirements.
- The Economic Development report highlights concerns over the conflicting requirements between village use of the car park and the additional demand for car parking spaces as the Lion grows its customer base. It also points to the impact on amenity of the Lion business and potential conflict with the proposed housing scheme located cheek by jowl.
- The Design Access and Heritage Statement suggests that the approval of the nearby 10 houses in Hadleigh Road somehow lends weight to the justification for this housing scheme. This is a totally misleading and incorrect interpretation of the JR ruling. The Hadleigh Road development was approved contrary to local development plan policies on the basis of the "tilted balance" and in the absence of a 5 YHLS. This does not apply today whilst the Development Plan policies do.
- Planning Application DC/22/01688 at the Lion has now been granted approval. This will allow for the growth of the Lion business and 6x B&B rooms. However Condition 5 of the approval requires the applicant to have agreed and implemented a parking plan for his B&B customers with dedicated parking spaces established prior to any B&B use commencing. This highlights Babergh's concern about the need for additional parking, notwithstanding the additional requirements that will stem from further business growth and residential parking if this application (DC/22/03043) is approved. Unless dedicated

spaces are on the backland behind the Lion it seems difficult to imagine how this condition will be achieved. Already the car park with 32 spaces operates on an average day at 75% capacity and the public would be seriously impacted by the loss of any public spaces to dedicated Lion use. Any overflow onto The Street should clearly be avoided too.

- The Design document dated 2nd August 2022 referred to 30 Lion staff and owners associated with the business. Whilst not all will be at work at the same time, this number highlights the parking pressures that could arise just from staff, let alone guests and customers. It also further demonstrates why redesigning the car park and making it smaller makes no sense and why the further parking requirements from 5 additional homes (10 spaces) for residential use plus extra for visitor use will add further to the pressure. This all illustrates just one of the many weaknesses in the proposed scheme as currently conceived; it cannot even be justified on parking grounds.

The Parish Council requests that Babergh District Council takes all these comments into account when determining planning application DC/22/03043. The opportunity to provide additional comments in this re-consultation has reinforced East Bergholt Parish Council's view that this scheme is in most respects without merit, and largely contrary to planning policy. It recommends that the housing and car parking components of the scheme should be refused planning permission and that the Housing Needs Report is not a material consideration in determining this application."

### **National Consultee**

#### **Natural England**

Habitats Regulations Assessment - Recreational Impacts on European Sites

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that certain types of new development (including new tourist accommodation) in this area is 'likely to have a significant effect' on the sensitive interest features of these European designated sites, through increased recreational pressure when considered either alone or 'in combination' with other plans and projects.

The RAMS has been put in place to ensure that this additional recreational pressure does not lead to an adverse effect on European designated sites on the Suffolk coast. The strategy allows effective mitigation to be implemented at a strategic level, so that the relevant councils, Natural England and other stakeholders are able to work together to provide the best outcomes for the designated sites. It also has the benefit of streamlining the process, so reducing the amount of time taken to process individual planning applications for the councils and Natural England.

Natural England worked collaboratively with all the relevant councils to set up the strategy. We fully support the aims of the strategy; in our view it is the best way to provide appropriate avoidance and mitigation measures for the European sites in question. As such, we advise that a suitable contribution to the Suffolk Coast RAMS should be sought from this development to ensure that the delivery of the RAMS remains viable. If this does not occur then the tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded.



### Site of Special Scientific Interest (SSSI)

Providing appropriate mitigation is secured to avoid impacts upon the European site(s) occurring there should be no additional impacts upon the SSSI interest features.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### Protected Landscapes – Dedham Vale AONB

The proposed development is for a site within or close to a nationally designated landscape namely Dedham Vale AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

## Historic England

East Bergholt is an important village in the story of the painter John Constable and lies at the heart of what is termed 'Constable Country'. There are buildings and scenes in the village that were painted or drawn by him that survive relatively untouched by changes into the present day. The centre of East Bergholt was sketched by Constable and the Red Lion Public House would have been in existence at this time.

The land of the proposed development falls outside of the East Bergholt Conservation Area boundary but, it has the potential to affect its setting. It also has the potential to impact upon the setting of the grade II\* listed The Gables. The impact upon the grade II listed The Red Lion broadly falls outside of our remit to comment upon.

Historic England have undertaken extensive pre-application advice with the applicant and the proposed scheme reflects the advice given.

### Impact of the proposed development upon heritage assets

The proposal is for a small development of 5 houses on land to the rear of the Red Lion and adjacent to the public car park. It also proposes a new B&B unit, pub store, home office and car park improvements.

The 5 houses have been designed in a manner which respects the style of houses in the village and draws inspiration from their scale, form and materials. The form of the development takes its design cues from other small courtyard developments found throughout the heart of the village of East Bergholt.

This being said, the applicant has been asked, both in our pre-app response and on site to keep the height of the buildings low in order to respect the back land nature of this plot. There has been no evidence provided that this has been the case and our advice still remains that the buildings should be made less high which may involve a reduction in the overall proportions.

The overall landscaping scheme shows a reduction in tarmac which is an improvement to the character of the conservation area. However, the replacement of tarmac with block paving, even in a dark colour could be problematic for maintenance and may become untidy and damaged in a relatively short period of time. This would result in a negative impact upon the character of the conservation area. The materials should therefore be considered carefully.

### Policy Context

Paragraph 199 states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be) Paragraph 200 states that any harm to, or total loss of the significance of a heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 202 states that where a development will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.

### Historic England's position

Historic England considers that the small scale development of 5 dwellings in the area proposed would result in minimal harm to the significance of the grade II\* listed The Gables and the East

Bergholt Conservation Area. However, we have some minor concerns at present relating to the scale of the buildings which, at pre-app were advised to be reduced and the material for the surfacing of the car park which may result in a low level of less than substantial harm to the significance of the Conservation Area.

While we remain broadly supportive of the scheme and consider that the scheme is in accordance with paragraphs 199 and 200 of the NPPF some minor changes could result in a more appropriate development. We therefore consider that your local authority should determine the application in line with paragraph 202 of the NPPF.

#### Recommendation

We have some concerns relating to the scale and materials of the development on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us

#### **Historic England – 09/12/2022**

Thank you for consulting us on the amended information in your letter dated 24th November. The amended information related to a landscape plan and the Heritage Team response to the proposal.

Historic England confirm that the submitted information addresses the concerns relating to the hard surfacing and we have no further comments to make on the proposed scheme. We agree with the conditions suggested by the Conservation Officer. Our previous comments relating to the height of the proposed buildings were in error and we apologise for the confusion caused by this.

#### **County Council Responses**

##### **SCC Highways – 08/07/2022**

The proposed development is not deemed acceptable in its proposed form. Please see the comments below that will need to be addressed prior to a position of being able to recommend approval.

The proposed layout of the site does not provide segregated footway provision to the re-located toilet block and to the proposed five dwellings. The current layout provides footway provision to the existing toilet block and therefore this proposal would increase the risk of conflict between pedestrians and vehicle users when compared to the existing arrangements. The development will need to encourage and support safe and suitable access for all users, give priority to or facilitate safe and suitable pedestrian and cycle movement.

In addition to the above, the existing car park is not within the public maintainable highway. Please advise who will be responsible for the management and enforcement of the proposed parking restrictions as this is outside the scope of the local authorities.

Until the above concerns have been addressed, a holding objection to the proposal will be maintained.

### **SCC Highways – 25/07/2022**

Following the submission of additional information, conditions would be recommended on any approval given for this proposal.

### **SCC Fire and Rescue Service**

Standing Advice

### **SCC Archaeological Service**

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), partially within the historic settlement core (HER ref no. EBG 044) and close to the Grade I listed Church of St Mary, which has medieval origins (EBG 014). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important below-ground heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), 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.

### **Internal Consultee Responses**

#### **BMSDC Environmental Protection – Land Contamination**

Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

#### **BMSDC Environmental Protection – Noise/Light/Odour – 15/07/2022**

Housing

In respect of the proposed housing, it is unclear from the floorplans submitted for both the semidetached and terraced housing as to whether the flues pictured on the drawings are functional and associated with the use of a wood burner or similar, or are purely decorative as the floorplan submitted for the terraced housing is rather sparse in details. Please could this be clarified.

The terraced dwellings will directly overlook the car park, and one of the semi-detached properties will also have a bedroom window overlooking it and as a result there is potential for loss of amenity due to noise from the car park which is approximately 20m from the facing façade of the dwellings (some of which are bedrooms). The Red Lion currently has a premises licence allowing it to open until 00.30hrs on Sundays – Thursdays and 02.00hrs on Fridays and Saturdays.

Whilst I appreciate the current licence holder does not use the licence to its full extent, it must nevertheless be assessed on the basis of the full potential of the licence. It is therefore reasonable to assume that the car park could be used by patrons at these times and there is therefore potential for sleep to be disturbed. No information or noise assessment is included in the application as to how this has been considered/ will be addressed. I note there will be a 2 metre boundary wall which will screen noise to an extent at the ground floor, but will offer no protection to the first floor, where bedrooms are located. I would not recommend that this permission be granted until a noise assessment addressing this matter has been submitted with this application.

The proposed terrace dwellings are also in close proximity to the pubs garden area. The Live Music Act and Deregulation Acts have allowed the external areas of licensed premises to be used for music until 11pm 7 days a week.

There is therefore potential for loss of amenity due to noise arising from the everyday operation of the public house, in particular, any activities in the garden which could include music), and vehicle movements (including deliveries) in the car park, The level of noise is likely to be sporadic and will vary from day to day depending on usage levels of the garden and nature of groups involved, and I therefore regret that I am unable to give you a quantitative assessment – this will be a subjective judgement. I note that there is a domestic property to the rear of Carlton House which is in similar position/proximity to the proposed development. I can advise you that the Environmental Protection team has no records of any noise complaints relating to the operation of the public house - however, any substantiated noise complaint made by the occupants of the proposed new units would have the potential to fetter the operations of the public house.

I also note that air source heat pumps are proposed to serve each of the proposed dwellings These can be associated with loss of amenity due to noise and I would recommend a condition to secure details.

### **BMSDC Environmental Protection – Noise/Light/Odour – 08/11/2022**

Thank you for your re-consultation on the above application, I have had regard to the Acoustic Design Statement Technical Report, prepared by Sound Solutions, report reference 38883-R2, dated 18.10.2022.

The Technical Report (TR) finds that the dominant sound at the site was found to be car parking activity and road traffic noise. Low frequency noise was also audible from the chiller at the Red Lion. However, the survey was undertaken when the Red Lion was not in operation and as such does not represent a 'worst-case' scenario as some plant would not have been operating. The

TR identifies noise from fixed plant, deliveries and car parking activity related to the pub, patron activity in the beer garden and entertainment sound as other potential sources.

In terms of plant items at the Red Lion, these have been assessed in accordance with BS:4142 (methods for rating and assessing industrial and commercial sound) and resulting noise levels are found to be 23-35dB at the proposed dwellings and 31dB at the first floor B&B. This will be at times be above the existing night-time background level of 29dB L90 and thus could be indicative of adverse impact.

The TR assesses noise from the adjacent car park on a 'worst case' basis. It is however, based on an assumption of no deliveries to the Red Lion between 23.00 – 07.00. The TR finds the predicted combined noise level arising from use of the car park and plant at the Red Lion as being between 32-43dB at the proposed dwellings and 38-39dB at the B&B rooms.

At the proposed dwellings, the TR finds that the noise will have a low impact at the ground floor façade and the rear garden. However, at the first floor (where there is no shielding via the garden wall) noise levels will be +14dB above background – this indicates an 'significant adverse impact'. Section 4.21 states that the applicant would have little control of the operation of the public car park but could take measures to mitigate the effects of the noise at the receptor through internal layout design and façade insulation. In order to meet internal amenity guideline values as given in BS8223:2014 (guidance on sound insulation and noise reduction for buildings), windows would need to be kept shut at night to achieve this. In order to prevent overheating, the TR identifies that installing a system 3 (continuous mechanical extract) or system 4 (continuous mechanical supply and extract with heat recovery), fitted alongside standard double glazing to windows. Will be required to mitigate against noise.

In terms of noise from the entertainment element of the Red Lion, section 4.35.1 states that "It is understood that the operation of the adjacent commercial use (The Brasserie) does not comprise any form of amplified or acoustic music (internally or externally). Should the usage of The Brasserie change to include any form of internal or external music, this would likely require a "change of use" application and subsequent noise assessment report (to be produced by a suitably qualified person)." This is a critical point as whilst this may be the case for the current operator of the premises, the premises licence allows indoor live and recorded music until 23.30hrs Sun – Thursdays, and 00.00hrs Friday and Saturdays, with this permission increasing to 01.30 on Bank Holiday weekends. The Live Music and Deregulation Acts would also allow such music to take place outside until 23.00hrs daily. Therefore this permission exists even if the premises do not currently use it.

I am unsure whether there are any planning conditions in effect at the Red Lion preventing such use and would leave this for your investigation and comment. If there are no such planning constraints then I would advise that an assessment should take place prior to determination based on the current permission allowed under the licence as any future operator of the Red Lion could choose to use the full capabilities of the premise license at any time and the presence of the proposed dwellings could therefore fetter the existing business.

The TR has therefore limited the scope of the assessment of entertainment noise to that of patrons using the rear beer garden. Table 11 shows that noise levels from this source would be

at acceptable levels at the ground floor façade and the rear garden façade of the dwellings and the 1st floor façade at the B&B rooms, but that internal BS8223 values would be exceeded at the first-floor facades of the dwellings. This would be mitigated to an acceptable level by the system 3 or system 4 ventilation strategy as detailed to mitigate against plant noise.

Until the above point regarding entertainment noise has been addressed, I am unable to recommend approval of this application.

### **BMSDC Environmental Protection – Noise/Light/Odour – 21/12/2022**

Thank you for your re-consultation on the above application, I have had regard to the Acoustic Design Statement Technical Report, prepared by Sound Solutions, report reference 38883-R3, dated 18.11.2022.

The Technical Report (TR) has been updated to include an assessment of noise from entertainment at the Red Lion, based on predicted levels from a disco in marquee and accompanying noise from patrons. Whilst I understand this is not an activity currently planned at the premises, there are no planning conditions or premises licence conditions to restrict it and thus it must be considered as a potential activity.

In order to ensure a good internal environment is met (and to mitigate against plant noise), the TR identifies that windows will need to be kept shut and it will be necessary to install a system 3 (continuous mechanical extract) or system 4 (continuous mechanical supply and extract with heat recovery) ventilation system, fitted alongside standard double glazing to windows. will be required to mitigate against noise. If you feel this is acceptable on planning terms, then in order to achieve this, a condition would be required to any permission to the effect that:

Details of a glazing and ventilation scheme shall be submitted to and approved by the LPA prior to commencement of the development, In a sound insulation scheme as given in :

- In respect of House 1 East facing bedroom, north facing bedroom and north facing living room, House 2 north facing bedroom, House 5 east facing bedroom and B&B east facing bedroom, to be as per the specification given in table 13 of Acoustic Design Statement Technical Report, prepared by Sound Solutions, report reference 38883-R3, dated 18.11.2022.– where house numbers refer to those given in Appendix C.
- In respect of all other habitable rooms to be as per the specification given in table 15 of Acoustic Design Statement Technical Report, prepared by Sound Solutions, report reference 38883-R3, dated 18.11.2022.- where house numbers refer to those given in appendix C.

The proposed attenuation scheme will protect the internal rooms only and not the external amenity areas which will benefit from a 5-10dB screening from boundary fences. Assuming a level of 65dB from entertainment noise this would equate to 55-60dB in gardens, which is above the BS8223 and WHO guideline level to avoid 'serious annoyance' in external amenity areas. Given that this is a theoretical activity I will defer to you to give this the correct weighting in planning terms but would advise that it may have potential to result in noise complaint. In any case I would recommend the following condition:

- All garden fences between residential plots are of solid, close boarded construction and reach a constant minimum height of 1.5m as shown in green lines in Appendix C (proposed site plan)

The TR also considers noise from air source heat pumps and has found that these would be compliant with 'MCS 020 – MCS Planning standards for permitted development installations of wind turbines and air source heat pumps on domestic premises'. I would recommend that the following condition be attached to any permission:

- The Air source heat pumps to be installed at the development shall be limited to the 'Aerona HPID6R32' and each shall be installed at a minimum distance of 2m from any neighbouring residential property boundary. Thereafter the air source heat pumps shall be operated and maintained in accordance with manufacturer's instructions.

Finally, I would continue to recommend the conditions in respect of construction hours, burning, construction management plan and external lighting as given in my initial consultation response of 15th July 2022.

### **BMSDC Economic Development and Regeneration Team**

Economic development are supportive of the proposed additional visitor accommodation, these together with the additional bed and breakfast accommodation in DC/22/01688 should make a significant contribution to the sustainability of the business and add value to the tourism offer in the area, bringing in welcome visitors who then also use and contribute to other services and facilities in the area.

Improvements to the car park and public toilet would also seem to be beneficial to visitor and community amenity and are therefore, supported by ourselves.

I do have the following concerns regarding the residential element of the application:

- The identified scheme will effectively utilise all of the pub's additional external space thereby restricting the ability of the pub to develop or expand its outside uses in future, for example one off events, celebrations etc.
- Whilst meeting parking requirements, I would be concerned that additional vehicles from the housing will spill into the public parking areas, potentially causing conflicting issues for the amenity of visitors to the pub and village.
- The scheme planned within this application has a close proximity to the pub and its outside space. This creates the potential for neighbouring amenity issues that may fetter the ability of the pub to operate in future - I would strongly recommend that should this part of this scheme go ahead that far greater consideration is given to distance and screening to create a greater sense of separation between the two uses ensuring that customers of the pub can fully utilise the outside space.

### **BMSDC Heritage Team**

This application is for the erection of five dwellings, a storage building with two bed and breakfast rooms for the Hotel and Brasserie, a public convenience building following demolition of the existing toilet block, and alterations to the car park. The issues of the Heritage Teams concern relate to the potential impact of the proposals on the setting and therefore the



significance of the Grade II listed The Red Lion, a 17th century timber framed and red brick building; the Grade II listed Cottage to the north of The Red Lion, also known as Red Lion Cottage, an 18th century timber framed building; and the Grade II\* listed The Gables, a late 16th century and 19th century building. The proposals also have the potential to affect East Bergholt Conservation Area as the proposal site stands part within and part without the western boundary, and it stands within close proximity to non-designated heritage assets including the Congregational Church.

This application follows various discussions during pre-application submissions with both the Planning and Heritage Teams, and an earlier Planning application (DC/20/05800). During that advice, the Heritage Team did not oppose the principle of development on the proposal site, but focussed on achieving an organic, small scale, respectful and sensitively detailed scheme which responds to the architectural language of its context. Recommendations were given to help the proposals provide an appropriate hierarchy to existing development and reflect its back-land location.

The scheme has been amended following the most recent advice, and it is considered to reflect those discussions.

Scale, layout and the detailed design are considered fundamental aspects necessary to achieve a suitable scheme which preserves the settings of both designated and non-designated buildings within its proximity, and the character and appearance of the conservation area.

The heights of the proposed dwellings, the pub store and B&B building have all been sufficiently reduced from previous schemes to appear subservient to The Red Lion and Red Lion Cottage.

The layout of the dwellings has been broken up into two parts to help reduce the visual massing and create a less regimented arrangement which better reflects the more organic morphology of the village. The architectural language in the scheme traditional, any may be influenced in part by Constables stable block, as well as Hatters and The Old House which are on the opposite side of the road to the pub. The proposed designs are arguably a combination of vernacular style with some simplified Classical detailing. The scheme also incorporates traditional forms such a gambrel roofs and low eaves to rear catslides, as a way of demonstrating subservience and providing an ancillary character to the development. The break in the ridge line and the articulation given to the design of the houses helps to minimise visual massing and retain an appropriate hierarchy as back-land development. Similarly, the pub store and B&B building has been simplified. Its cladding, reduced size of its openings and the small dormers with louvred windows helps provide a vernacular and utilitarian aesthetic which in turn reflects its subservient status, which is also helpfully portrayed in the visualisation.

I acknowledge the minor concerns in regard to scale noted by Historic England. However, the combination of articulation, materials and layout which have been employed, as well as the reduction in height from earlier iterations is considered sufficient to address the Heritage Teams earlier concerns.

The public convenience has been located to the north-west corner of the site as discussed. Due to its proposed location and position against a hedge which would help to soften its appearance

it would on balance appear relatively discreet. In addition, there is an enhancement to the hard surfacing in the car park, which involves the removal of tarmac, with its suburbanising effect, and the introduction of block paving with resin bound gravel to the private car parking area. Whilst I acknowledge Historic England's comments in regard to this point, the Heritage Team concludes the changes would provide a more sensitive finish which would amplify the small scale, pedestrian-friendly nature of the residential space, as well as reinforcing the distinction between public and private spaces. The brick boundary wall and vegetation would also help to delineate the public and private spaces, as well as reduce the visual impact of parked vehicles. The soft landscaping incorporated into the development is also supported and would help to avoid an overly urban character to the site.

The scheme is therefore considered to sustain the various heritage assets in the vicinity and is in line with previous advice. This is subject to a number of details to be agreed by condition, in order to achieve a well detailed scheme which respects and reflects the importance and traditions of its surroundings.

Therefore, the application is considered to cause no harm to the significance of the listed buildings and non-designated heritage assets, as well as the character and appearance of the conservation area, subject to appropriate details to be agreed by condition. Should the LPA be minded to grant consent, the following conditions should be imposed:

- Manufacturers literature of facing and roofing materials, including finish colours
- Large scale section drawings of eaves and verges
- Large scale elevation and section drawings of windows, doors and shutters or louvres
- Manufacturers literature of rainwater goods
- Details of all boundary treatments and edging, including all kerbstones
- Sample panel of brickwork for the walls, no less than 1 metre square, to be constructed and photographs submitted. Following agreement of an appropriate panel, panel to remain on site for duration of the build.
- Manufacturers literature of external lighting, including proposed location
- PD rights removed external facing colour to render, extensions, outbuildings, boundary treatments

### **BMSDC Strategic Housing Team**

The site size has been quoted in this application as less than 0.50 hectares of land and less than 10 dwellings, therefore at present there would be no affordable housing contribution.

### **Essex Place Services – Ecology – 27.07.2022**

Holding objection due to insufficient ecological information – Out of date ecological assessment and further surveys Bats (European Protected Species)

### **Essex Place Services – Ecology – 20/09/2022**

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

## **Essex Place Services – Landscape**

The site is located in the village of East Bergholt, land at the back of the listed building The Red Lion public house and adjacent to the grounds of East Bergholt Church to the south and public car park to the north. The western boundary looks into private gardens of residential property White Cottage.

East Bergholt is rich in heritage assets with a high number of listed buildings and has a special character. It has been identified as a Core Village and as per Policy CS2 of the Babergh Core Strategy (2014), all proposals will be assessed against Policy CS11. We also consider that Policy CS15 also applies and makes emphasis in achieving sustainable development through good and appropriate design.

The adopted East Bergholt Neighbourhood Plan (July 2016) shows that the site is outside the built-up area boundary. The main objective of the East Bergholt NP is to maintain its attractive village environment, meeting local needs for new housing and services, and respecting the village's special character, heritage assets and its setting within a unique landscape in the heart of Constable Country.

### **Landscape impact**

The site is within the Area of Outstanding Natural Beauty (AONB) and next to the East Bergholt Conservation Area. The proposal should meet requirement under Policies CR02 – Areas of Outstanding Natural Beauty and should consider requirements under CN08 – Conservation Areas from the Babergh Local Plan (2006).

A Landscape and Visual Impact Assessment (LVIA) was submitted which reached the conclusion that the new development if designed with sensitive materials and appropriate scale, form and massing and it will not have a major impact on the landscape character.

From our desktop review, the proposed development has experienced a series of amendments following feedback after pre-app consultation. Having reviewed the proposal and LVIA, we do not have major concerns on the proposed development, and we consider that the site has the capacity to absorb the development as shown on the latest submitted drawings (30.08.2022).

Notwithstanding the above, detail design will be key in delivering a good quality development with a sense of place that protects and enhances the character of the village, the setting of the listed building and the AONB. We have included some recommendations below which we expect are addressed and incorporated into the detail design proposal.

### **Landscape proposal**

#### **Landscaping**

A number of existing trees are proposed to be removed but new trees have been proposed to mitigate for tree loss. We would expect to see a range of native trees proposed including some long-life expectancy trees (e.g., pedunculate oak, hawthorn). When space is a constraint, native varieties could be acceptable at appropriate locations, but these should be kept to a minimum and ensure they are beneficial to wildlife.

We noticed that the existing brick wall to the north of the site has some planting growing against. The current drawings are not showing any planting at this location. We request that this planting

is retained and enhanced as it does contribute to softening the brick wall elevation and hard surface area of the car park.

We welcome the soft landscape areas to the front of the new dwellings; however these are currently proposed as grass. In order to improve the public realm of the new development, create a sense of place and enhance the built character, these areas should include some planting that is in keeping with the rural character of the village, i.e., terraced cottage style planting.

The proposed open space in between new building blocks should include a range of planting which enhances biodiversity and provides visual interest. The same should apply to the soft landscape areas within the public and private car park.

In general, we encourage the use of flowering lawns instead of amenity grass. where appropriate. Flowering lawns provide visual interest, improve biodiversity value, establish quickly and are easy to maintain long-term. We would recommend that some of the grass areas are specify as flowering lawns.

The proposed resin bound gravel for the private car park is appropriate and contributes to delivering a more sensitive setting for the listed building and to be in keeping with the rural character of the village.

#### Boundary treatment

We welcome the new brick wall which are in keeping with the character of the village and with the existing wall at the public car park.

However, some of the other boundary treatment is not clear, such as the boundary to private gardens facing onto footpaths and boundary for new Pub store/bed and breakfast building. Details on the type of fencing should be submitted to include height, type and material of proposed boundaries. We noted that details on the proposed brick wall have already been submitted.

We would recommend that brick wall is proposed on those elevations facing into the public realm and footpaths. This will assist in keeping with the local character.

#### Recommended conditions

Notwithstanding the comments above, if the application is minded for approval, we would advise conditions to secure a Landscape Management Plan and details of hard and soft landscaping.

### **B: Representations**

At the time of writing this report at least five letters/emails/online comments have been received. It is the Officer opinion that this represents 22 objections and 13 support. A verbal update shall be provided as necessary.

Views are summarised below:-

## OBJECTIONS

- Overdevelopment of the site
- Loss of parking
- Impact on village infrastructure – increased strain
- Sustainability of design – net zero considerations
- Several elements on one application
- No housing need in village
- Impact on the AONB
- Car park concerns
- Removal of trees
- Toilet access
- Coach parking
- Scale of store/B&B rooms
- Storage container
- Possible overlooking from the B&B rooms
- Impact on the Conservation Area
- Increase in ambient lighting
- Increase in traffic
- Reduction in public conveniences
- Noise from speed bumps

## SUPPORT COMMENTS

- Improved public conveniences
- Additional accommodation for tourists and visiting families
- Five dwellings are smaller and more affordable
- Development will financially support the award winning Red Lion

(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**

More than sixty Planning applications have been submitted on this site, going back as far as 1976. The full list has been placed at the end of this 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 application site includes the Red Lion Public House, and its beer garden and the East Bergholt public car park. The site is wholly within the East Bergholt Conservation Area and the Dedham Vale Area of Outstanding Natural Beauty.
- 1.2 This area of East Bergholt forms the heart of the village with a mixture of residential and commercial properties. The Street lies in the historic core of the village with a large number of fine Listed Buildings. The buildings in The Street are largely Grade II Listed with The Gables having a Listing of Grade II\*, this building shares a boundary with the public car park. The BT telephone exchange building sits to the north of the site, the cemetery to the west and the East Bergholt Congregational Church to the south. The Congregational Church is not a Listed Building but is considered to be a non-designated heritage asset.
- 1.3 The Red Lion is a Grade II Listed Building along with its neighbouring residential properties of Red Lion Cottage and The Manse (both of which are in separate ownership).
- 1.4 The site comprises The Red Lion Public House and beer garden which runs along the southern boundary of the site. Within the grounds of the public house there is an outbuilding that was granted planning permission for Change of Use of outbuilding (Class A4) to (Class A1) antiques and craft shop; Erection of external staircase, re-roofing, alterations to fenestration under reference DC/17/03151.
- 1.5 The public car park falls within the same ownership of the Red Lion but is leased to East Bergholt Parish Council. This area has recently been upgraded with tarmac and parking bays marked out. The car park contains public conveniences in a square building with a pyramidal roof. The car park contains some mature trees both in the centre of the parking area and around the edges. There are three important access points. First is the main access from The Street to the car park. Within the site are two more access points that must be kept clear at all times - one to access the BT Telephone Exchange building and the other to access the cemetery.
- 1.6 A large proportion of the site is within the Built-Up Area Boundary (BUAB) of East Bergholt which is classed as a Core Village in the Babergh Core Strategy. However, the section of the site where the five dwellings are proposed is outside of the BUAB and is, therefore, classed as Countryside.

## **2.0 The Proposal**

- 2.1 This application is a re-submission of DC/20/05800 (Planning Application. Erection of 7No 2 bedroom terrace dwellings, 1No garden office building and 1No store / commercial building. Demolition of toilet block. Car park improvements) and DC/21/00517 (Development consisting of 7 No. 2 bedroom terrace properties to the rear of the Red Lion. Change of use of Red Lion from A4 to C1 along with new Garden office building and store / accommodation building). Both of these applications were withdrawn prior to determination.
- 2.2 The proposal comes in three separate elements but all are included on one application form. Firstly, is the erection of a storage building with two bed and breakfast rooms at first floor level. Secondly are the demolition of the public conveniences and erection of replacement public convenience buildings along with alterations to the car park. Thirdly is the erection of five dwellings within part of the beer garden. The dwellings would each have two bedrooms. The original proposal also included a home office for the neighbouring property, The Old Manse. This element of the proposal has been removed from the scheme.
- 2.3 A total of ten parking spaces have been provided for the five dwellings, which is dedicated parking for the residents and separated from the public car park with a brick wall. Two dedicated parking spaces are provided for the Bed and Breakfast rooms above the storage building. The block plan shows a total of 29 standard parking bays, three disabled bays and one coach bay. The car park also includes a new public convenience building. The existing car park arrangement has 32 bays, three of which are disabled bays and two coach bays.
- 2.5 The proposed heights of the buildings are as follows:
- Public conveniences – 3.4m
  - Pub store/B&B rooms – 6.4m
  - Semi-detached dwellings – 6.4m to the ridge
  - Row of terraced dwellings – 6.4m to the ridge
- 2.6 Most of the gardens are small and range from approximately 32sqm to 126sqm.
- 2.8 A mix of traditional materials is proposed:
- Public conveniences – walls – silvered oak weatherboarding on a brick plinth, windows – painted hardwood with obscure glass, doors – painted hardwood, roof – plain tiles, rainwater goods – painted cast iron.
  - Pub store/B&B rooms – walls – silvered oak weatherboarding, roof – red clay plain tiles, joinery – painted hardwood, rainwater goods – painted cast iron.
  - Dwellings – all houses to be timber framed construction, roof – plain tiles, walls – lime render, doors and windows – hardwood painted, chimneys – soft red brick, rainwater goods – cast iron painted, dormer windows – lead covered.

2.9 The site area is 0.38Ha.

### **3.0 The Principle of Development**

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise. Strictly speaking, that direction is more appurtenant to the determination of applications for planning permission; however, it is considered appropriate that the development plan be the starting point in determining the appropriateness of the reserved matters detail that has been submitted and is no less relevant in that respect.

3.2 Relevant to the submitted application, the development plan comprises the following:

- Babergh Core Strategy (2014)
- Saved policies from the Babergh Local Plan (2006)
- East Bergholt Neighbourhood Plan 2016

3.3 Within the current development plan, those policies considered to be most important for the determination of the reserved matters application and its associated details are as follows:

- CN01 - Design Standards
- CN06 - Listed Buildings - Alteration/Ext/COU
- CN08 - Development in/near conservation areas
- CR02 - AONB Landscape
- CR07 - Landscaping Schemes
- TP15 - Parking Standards - New Development
- EM01 - General Employment
- EM20 - Expansion/Extension of Existing Employment Uses
- 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
- CS12 - Design and Construction Standards
- CS13 - Renewable / Low Carbon Energy
- CS15 - Implementing Sustainable Development
- CS16 - Town, Village and Local Centres
- CS18 - Mix and Types of Dwellings
- CS21 - Infrastructure Provision
- NPPF - National Planning Policy Framework
- East Bergholt Neighbourhood Plan

3.4 The Council is currently in the process of preparing a new Joint Local Plan with Mid Suffolk District Council. The National Planning Policy Framework (NPPF) identifies that decision-takers may give weight to relevant policies in emerging plans according to their



stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with national policies. The plan-making process in this instance is at a very early stage and is therefore not weighed as a determinative consideration in this instance.

- 3.5 The NPPF of July 2021 contains the Government's planning policies for England and sets out how these are expected to be applied. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (paragraph 9).
- 3.6 There are three parts to this application each with its own set of policies that are relevant but also shared policies that cover the whole scheme such as policies to do with highway safety, design, residential amenity and heritage impact.
- 3.7 It is important to understand the location of the proposal development. The site is partly within and partly outside of the BUAB of East Bergholt that is defined as a Core Village in policy CS2 of the Core Strategy. Core Villages act as a focus for development within their functional cluster for both housing and employment needs. Policy CS2 is a rigid policy and not fully compliant with the aims of the National Planning Policy Framework (NPPF) and, therefore, the policy is not given full weight in decision making. The Red Lion PH and public car park fall within the BUAB of East Bergholt with the area proposed for new housing sitting outside of the BUAB but adjoining it on three sides of the plot.
- 3.8 The proposed storage building with letting rooms above is within the curtilage of The Red Lion and forms part of the business. This area is within the BUAB and therefore the principle of development is acceptable under policy CS2. The design, layout and materials of the building have been carefully considered within the setting of listed buildings and within the conservation area and have not raised any objection on heritage grounds. This part of the development is considered to be compliant with policies CN01, CN06 and CN08 of the Babergh Local Plan.
- 3.9 The building is considered necessary and would replace a shipping container that had been in place to help support the kitchen and bar. East Bergholt is a tourist area being the home of John Constable and with Flatford in very close proximity to the centre of the village. Expansion of existing businesses is supported by both Local Plan and Core Strategy policies. Visitors using the letting rooms at the Red Lion are likely to use other facilities within the village, such as cafes, shops and pubs. Tourism is very important to local economics in Babergh, which is a very rural district with two AONBs – Suffolk Coast and Heaths and also Dedham Vale, which East Bergholt falls within (Suffolk Coast and Heaths AONB being only a few miles away). East Bergholt offers a lot to visitors in terms of its history, links with one of the most important English landscape artists and beautiful buildings and landscapes.

3.10 The East Bergholt Neighbourhood Plan specifies objectives in Chapter 7 - Economy. The objectives that are relevant to the business part of this application are:

- Support local employment and business needs
- Maintain East Bergholt's position as a successful tourist destination.

Policies EB15 (The Development of New and Expanded Businesses), EB16 (Safeguarding Employment Land and Premises and Community Facilities) and EB20 (Tourist Facilities and Services) encourage the protection of existing employment and tourism growth in the village. Specific criteria in the policies are assessed below, but overall the proposal for a store and lettings rooms to enhance the existing public house is considered to be acceptable and is policy compliant.

3.11 The second part of the proposal concerns changes to the public car park and public conveniences. This area of the site is also within the BUAB and Conservation Area of East Bergholt. The car park is in the same ownership as the Red Lion but is leased to East Bergholt Parish Council. The Parish Council listed the car park as an Asset of Community Value on 29/07/2021. The ACV is in place for five years and will expire on 28/07/2026. The Parish Council recently had the car park resurfaced and parking bays were marked which included 32 bays, three of which are disabled bays and two coach parking bays.

3.12 Although this is a public car park it is understood that there is a clause in the leasing agreement that allows customers of The Red Lion to park free of charge and demonstrates that the provision of a car park is vital to the sustainability of the business. The Parish Council raised concerns about parking during a recent application at the public house DC/22/01688 (*Full Planning Application - Use of first floor and second floor as 5no. bed and breakfast rooms with en-suites, change of use of retail shop to bed and breakfast room with office for pub at first floor, siting of storage container, water tank, erection of a cold store and screen fencing*). The Parish Council felt that there would be an increase in the number of vehicles from patrons of The Red Lion using the public car park as a result of this application being granted. A condition was attached to the permission which required a parking strategy to be agreed.

***ACTION REQUIRED PRIOR TO USE/OCCUPATION: SCHEME OF PARKING MANAGEMENT TO SERVE BED & BREAKFAST ACCOMMODATION***

*Prior to the first use of any room for bed and breakfast accommodation as proposed in this application, a scheme of parking management, to ensure that off-street car parking is available for guests using that accommodation, shall be submitted to the Local Planning Authority to its satisfaction. The scheme shall demonstrate that dedicated car parking space for such guests is available at appropriate times of day and shall include the times and details of that dedicated space. The agreed scheme shall thereafter be implemented and the dedicated spaces made available at all times the use is in being.*

*Reason: In order to ensure that appropriate off-street car parking is available, in the interests of highway safety and to safeguard the character and appearance of adjacent heritage assets including the Conservation Area. The application documentation depicts*

*the car park area land owned or controlled by the applicant and the application form states that the applicant does not have any existing car parking space and it is appropriate to ensure that parking to serve guests can be secured in a dedicated manner.*

To date, this condition has not been discharged.

- 3.13 The car park is an important feature of the centre of the village as it is close the village shops, cafes, pharmacy and public house. The car park features in the Neighbourhood Plan with its own policy – EB11.

*The Red Lion Car and Coach Park identified on Map 19 shall be safeguarded for parking. The change of use of the site shall only be permitted if alternative parking provision of a similar size is provided in a location accessible to the local facilities in the Village Heart.*

- 3.14 The proposal does not change the use of the car park. However, the car park is the linking element to both of the other parts to the application. This is because the two car parking spaces to be provided for the B&B rooms would be within the current access area of the car park, and the proposed dwellings, which have their own parking area, separated by a brick wall, would encroach upon the current car parking area. The two areas that would be lost from the total area of the current car park have not been offset with an alternative parking area of a similar size within the Village Heart. The proposal is considered to fail policy EB11 on this point.
- 3.15 The Neighbourhood Plan also lists projects that the village will look to carry out in the future. This includes EB12 which defines improvements to the car park. The car park has recently been resurfaced. This is an improvement in terms of the maintenance of the car park. However, in the future, it may be that the car park could be laid out in a way that provides more parking bays than are currently available, or to change the parking to suit vehicles at that particular time. If areas of the car park are removed for dedicated parking for the new dwellings or the letting rooms, this may not be possible and would conflict with the aims of the project EB12.
- 3.15 The third part of the proposal is for the erection of five new dwellings with associated parking. This area of the site is outside of the BUAB and is therefore classed as Countryside in policy CS2 of the Core Strategy. As already mentioned, full weight is not given to this policy in decision making because it does not altogether align with the NPPF. Babergh current has a healthy land supply for housing of 7.13 years. Therefore, the development plan as a basket of policies is considered to be up to date and holds full weight in decision making.
- 3.16 Policy CS11 of the Core Strategy is a much more flexible policy which does align with the aims of the NPPF and looks more to the sustainability of a location for future development rather than rigidly looking at whether a site is inside or outside of a defined BUAB. The plot in question adjoins the BUAB on three sides of its rectangular shape and is therefore assessed against the criteria of CS11.
- 3.17 The landscape, environmental and heritage characteristics of the village: The site is within the Dedham Vale Area of Outstanding Natural Beauty and also within the historic

core of the village, with parts of the site within the Conservation Area and the area for the new dwellings being outside of the Conservation Area but within its setting. There is built form to the north, east and south and the village cemetery lies to the west. The site is contained within either built form or mature trees and, therefore, the development of the site would not impact the wider landscape. The scheme has been sensitively designed to reflect the design, heights and materials of the surrounding historic buildings.

- 3.18 The development of the dwellings would result in the loss of a green space within the Village Heart. However, this area is to the rear of existing development and forms part of the Red Lion beer garden, which is a large area that is under-used and currently laid to grass. There would be some loss of trees within the site from the proposed development, however further landscaping will take place to replace the losses. No harm has been identified from the development on landscape or heritage grounds.
- 3.19 The locational context of the village and the proposed development: The site for the new dwellings is within the Village Heart which has a number of facilities available for residents. Within easy walking distance there are shops, a post office, cafes, a pub and a pharmacy. This is the historic core of the village with a mix of buildings that are non-designated heritage assets, Grade I, II\* and II buildings are within this Conservation Area. It is unusual to find a space within the historic core of a village that is suitable for a small housing development. It is also unusual to find such a site in the centre of a village that is outside of the BUAB. The site is currently a grassed area to the rear of the public house with the public car park to the north, the beer garden of the public house (Grade II Listed) to the east, land associated with the non-designated heritage asset (the Congregational Church), to the south and a residential garden to the west. The site itself is outside of the Conservation Area but is within its setting. Other than being within the AONB, the site has no other status in its land use such as an area of visual and/or recreational amenity. The development is considered to be acceptable in context terms.
- 3.20 Site location and sequential approach to site selection: In terms of alternative sites within the settlement boundary, it is considered that there are no sites available within the built up area boundary available to provide a small development of modest dwellings. The proposed site is within 400 metres walk to the hub/core of existing facilities within the Village being; the local convenience shop, post office, bakery, tea rooms, estate agent, pub, pharmacy and village notice board.
- 3.21 The Doctor's surgery is located away from the hub facilities, on the edge of the village. A site located closer to the Doctor's surgery would then be remote from the hub of existing village facilities. The hub facilities are likely to be in far more regular (arguably daily) use than the Doctor's surgery.
- 3.22 There is no other shop in East Bergholt outside the hub of existing facilities (although it is noted that there is a shop proposed for the development of 75 dwellings on Heath Road). There is a kiosk in the garage, selling sweets, soft drinks and ice creams catering for the schoolchildren entering and exiting the nearby High School. The Kiosk does not sell convenience goods, and is only open during standard business hours, closing at lunchtime on Saturday and closed all day on Sundays and Bank Holidays. It cannot be reasonably said to provide convenience shopping provisions. By contrast, the Co-op in

the hub is a fully stocked convenience store, open seven days a week with extended opening hours and on bank holidays.

- 3.23 For completeness, consideration is given to other possible sites. The existing garage in the village, is closer to the doctor's surgery, but is remote from all other hub facilities. The garage site is 1.7 km distant from the main facilities hub/village core. The application relevance B/16/01092 land east of the Constable Country Medical Practice is also located some 1.7km from the main facilities hub/village core. Additionally, it is currently an employment site so its use for residential development may well be considered to be contrary to Local Plan and NP policies. In addition, a public footpath runs along the site boundary adding a further constraint to any development.
- 3.24 In terms of the area around the main village hub or core where the shops are located, there are no other sites that are known to be suitable and or available at this time.
- 3.25 Realistically there are no other sites with access to services within the built up area boundary, other than perhaps an odd single infill development within the built up area boundary.
- 3.26 The application site is very close to main facilities, with easy access to bus services that provide a circular route around the village passing the doctor's surgery, with footpath connections from the site to the facilities. The application site achieves this whilst providing a small number of dwellings meeting the policies contained with the NP and local plan policies.
- 3.27 Locally identified need: The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "appropriate" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
- 3.28 The Core Villages are very varied and their needs and factors which influence what is an "appropriate level of development" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
- 3.29 Accordingly, "locally identified need" or "local need" should be construed as the development to meet the needs of the Core Village identified in the application, namely East Bergholt and the functional cluster of smaller rural settlements which it serves.
- 3.30 It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as "rural growth", including the development needs of

the "functional cluster" served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4).

- 3.31 Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "rural growth", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
- 3.32 In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlements but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area. The size of the site area (under 0.5Ha) and the number of dwellings proposed (less than 10), does not trigger the requirement for affordable housing. Certainly, with the high quality design and the materials proposed, these will not be affordable dwellings. It is likely that these will be homes for older people that wish to downsize without losing the character, location or quality of their existing dwellings. The dwellings are of lifetime standards and could be adapted for residents that are less mobile.
- 3.33 The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the functional cluster of smaller rural settlements it serves. In this case the Applicant has submitted a housing needs assessment.
- 3.34 The housing needs assessment that accompanied the application has identified that information taken from the 2011 census that the percentage of households in the East Bergholt Functional Cluster that need a two bedroom property might be:

One person 65 and over	13.7%
Couple 65 and over	14.1%
One person (under 65)	10.9%
Couple (no Children)	22.8%

That is a total of 61.5% of the population of the Function Cluster that maybe looking to downsize or to purchase a smaller house in the future within East Bergholt, without losing the character of cheaper dwellings built by larger development companies. The

assessment also highlights that 58.8% of dwellings are detached properties in the Functional Cluster. The Functional Cluster for East Bergholt includes:

- Brantham
- Higham
- Holton St Mary
- Layham
- Raydon
- Stratford St Mary
- Tattingstone

3.35 It is acknowledged that East Bergholt has been the subject of several larger schemes over the past several years:

B/16/01092 Heath Road – 75 dwellings

B/15/00673 Moores Lane - 144 dwellings

B/15/01678 Gatton House - 10 dwellings

This is in addition to other developments within the functional cluster that also offer a mixed development of housing sizes and tenure, particularly in Brantham.

3.36 This proposal is slightly different because of its location so close to the Village Heart and in what it is offering by way of modest, two-bedroom dwellings but of a high quality design within a very sensitive area. Further estate housing would not be acceptable in this location.

3.37 The Housing Needs Assessment that accompanied the application was not conclusive on whether the housing need in East Bergholt has been met or not. All three of the sites listed above, provide a total of 229 dwellings for the village. These sites are either in the build stage, have commenced or are making preparations to commence which means that it is likely that all of the sites will be delivered and provide the housing that has been granted. The sites provide a mixture of housing types and tenure with varying numbers of bedrooms. It is likely that these sites provide more than the local need in East Bergholt and the Functional Cluster. However, the two larger sites are not within the Village Heart area defined by the Neighbourhood Plan, which is the preferred location for smaller housing units suitable for older residents who wish to downsize. The proposed five dwellings would be a departure from the development plan if allowed.

3.37 Locally identified community needs: Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the "functional clusters" they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the "approach advocated for the management of

growth in Core Villages and their hinterlands, has many benefits for the communities". The benefits that the application of Policy CS11 and other relevant policies should secure include "Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages" (see item iii) in paragraph 2.8.5.2).

- 3.38 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment. The proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities.
- 3.39 In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.
- 3.40 Cumulative impact of development in the area in respect of social, physical and environmental impacts: The SPD identifies, at paragraph 13, that "cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account".
- 3.41 The technical advice received from highways demonstrates that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.
- 3.42 It is therefore considered that, given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of CS11.
- 3.43 The individual elements of CS11, in relation to Core Villages, have been assessed above. Notwithstanding the balancing exercise required in respect of heritage assets and public benefits, which will be carried out later in this report, the proposal cannot be said to fully comply with policy CS11. The proposal does not demonstrate that the development meets local needs, both in terms of housing and community facilities.



3.44 Policy CS15 is relevant to all three parts of this proposal. CS15 has a long list of criteria that proposals should score positively against, not all the criteria are relevant to this case. The proposals are considered to:

- Respect the landscape and heritage assets
- Would make a positive contribution to the local character of the area
- Would protect jobs at the Red Lion by providing more accommodation for visitors
- Would retain and protect a local facility
- The proposal considers access to services and the wider needs of an aging population by providing housing in the Village Heart that would be suitable for older people to downsize
- Biodiversity enhancement forms part of this proposal
- The proposed dwelling will utilise heat pumps in the rear garden to provide space heating and domestic hot water. Each dwelling will have an electric vehicle charging point and three have been included in the public car park. Water consumption will be limited to 110 litres per person per day. Low energy lighting and A rating kitchen and utility products will be provided. All homes will outperform building regulations u-values for wall, floor, roof and window construction.
- The site is not within a flood risk area.
- The dwellings will be built to lifetime standards which will allow older people to stay in their homes rather than to move again to more suitable accommodation.

3.45 East Bergholt Neighbourhood Plan: Policy EB1 of the Neighbourhood Plan requires a minimum of 86 homes to be developed in East Bergholt up to 2030. East Bergholt has extant planning permissions for more than 86 homes as discussed above.

3.46 Policy EB2 requires that:

- *all new housing development should be within or immediately adjacent to the BUAB – the site adjoins the settlement boundary on three sides of the plot.*
- *Would not have an unacceptable adverse impact on the Dedham Vale Area of Outstanding Natural Beauty (Map 9), Local Green Spaces or sites of biodiversity and geodiversity importance – the site is contained within existing development with good vegetative screening and does not raise issues of biodiversity*
- *Conserves, enhances and respects the Conservation Area (Map 18), heritage assets and built character of the local area, respecting the density, rhythm, pattern, proportions and height of existing development in the street scene – the layout, design and materials used are considered to blend with the historic heart of the village. The buildings are traditional, with heights being kept as low as possible to ensure that heritage assets and their settings are protected from alien features within this sensitive area.*
- *Would not have an unacceptable adverse impact on the local highway network – this is a very small development of five modest dwellings through an existing access which serves as a public car park. Pedestrian links form part of this application which protects the safety of people walking within the car park area. The application has not raised any issues of highway safety.*
- *Would be of an acceptable size and scale that contributes to the character of the village and the “Sense of Place” – this is a small development of five dwellings that has been sensitively designed to reflect the traditional features of this area of East Bergholt.*

- *Is within 800 metres of the Village Heart or Focal Points* – the site is within the defined Village Heart area shown on Map 4 within the Neighbourhood Plan.

Policy EB2 goes on to say, Housing development of up to 15 homes that is well designed and integrated into the village will be preferred. The proposed five dwellings is considered to comply with policy EB2.

- 3.47 Policy EB3 of the Neighbourhood Plan specifically talks about housing development within the Village Heart.
- 3.48 This is a small-scale development of only five dwellings and satisfies policy EB2. Neither the Heritage Team nor Historic England has raised an objection, and no harm to the settings of the listed buildings, conservation area or non-designated heritage assets has been identified. The dwellings have been traditionally design in their scale, form, massing and siting. However, this is considered to be backland development of the beer garden of the Red Lion. Whilst it is not detrimental to the character of the Conservation Area or listed buildings, it would result in the loss of a green area which is not publicly accessible and is in private ownership.
- 3.48 Policy EB4 provides details of the type, tenure and sizes of dwellings that would be acceptable. This is a small scheme that does not reach the threshold for affordable housing contribution. The site is limited in space and therefore only smaller units would be suitable in this location. The policy states that at least 40% of new dwellings should be one or two-bedroom homes. This scheme is 100% two-bedroom units. No actual housing need has been established through the assessment because of the number of extant planning permissions already in place for East Bergholt.
- 3.49 Policy EB5 encourages housing designed for older people. This is a small scale development; although considered to be backland development, it is within a mixed use area with existing development on three sides of the site. The dwellings have been designed to lifetime standards (which now fall under Building Regulations Part M4(3) – Wheelchair User Dwellings) and offer the opportunity for existing residents in the village to downsize and move into the Village Heart where facilities are easily accessible by foot or Motability scooters. The development is within 400 metres of St. Marys Church.
- 3.50 The proposal overall is not completely policy compliant as the Local Housing Needs Assessment does not explain fully that there is a need for further housing within East Bergholt. However, this is a small development of sensitively-designed and well located dwellings that may be suitable for older people in the village to downsize to.
- 3.51 It should be made clear that this aspect is not considered to be enabling development to help the viability of the public house. Building dwellings within the curtilage of a public house is seen as a short term “fix” to help support a business. The viability aspect comes from the expansion of the business by way of the two extra letting rooms for the public house.
- 3.52 Overall, the scheme is considered to be acceptable and issues raised by statutory consultees have been addressed.

3.53 However, the public car park is the key to the whole scheme. Neither of the two other elements would be possible - using parts of the existing car park as parking areas for the letting rooms and the new dwellings. This would erode the site area of the existing car park, which is defined by the red line site area submitted as part of the Asset of Community Value application, which both parties (the Parish Council and the Landowner) were consulted on as part of the ACV process.

3.54 This erosion of the total site area is not considered to be acceptable. It is unlikely that the proposed dwellings would be able to provide enough area for parking and private amenity space for the five dwellings proposed on just the existing land associated with the beer garden of the public house.

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

4.1 The Red Lion and public car park are within the heart of the village. The Post Office, Co-op store, pharmacy and other shops/cafes are within this area of the village. There are pedestrian links to other areas of the village from this location, including the primary school, high school and doctor's surgery. This area is considered to have very good connection with services within the village but also easy access to the A12 and to mainline railway links at nearby Manningtree and Colchester to access a wider range of services and employment opportunities in Ipswich, Colchester and London.

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

5.1 The access to the proposed development would be from the existing public car park access onto The Street in East Bergholt. The SCC Highway Authority was consulted on the application and has raised no objection following further details being submitted to address concerns of pedestrian safety and ongoing maintenance of the restrictions within the public car park.

5.2 The proposed storage building for the public house with letting rooms above would provide two dedicated parking spaces for the two bedrooms to the north of the building. These two parking spaces are separate from the other parking arrangements within the main public car park. The number of parking spaces for this element of the proposed development is considered to be acceptable.

5.3 The proposal is to re-arrange the public car park, with the existing public conveniences being demolished and a new public convenience building being erected within the car park. The layout of the car park is proposed to be changed to allow for access to the proposed new dwellings. The car park area also forms access points to the BT Building and the village cemetery to the west of the car park. These must be kept free of parked vehicles at all times for 24 hour access.

- 5.4 The public car park currently has 32 (including three for people with disabilities) standard marked parking bays and two coach parking bays. The new layout shows 29 standard marked parking bays and three for people with disabilities. The coach parking has been reduced to one parking bay. There is no loss of parking of cars within the car park but there is a loss of one coach bay. SCC Highway Authority is content that vehicles can turn and move within this new layout.
- 5.5 SCC Highway Authority raised concerns about pedestrian and cycle movements around the car park, particularly to access the public conveniences. A revised drawing was submitted showing a footpath which runs along the eastern, southern and western boundaries of the car park.
- 5.6 The five dwellings would have a segregated parking area to define the private parking for the dwellings from the public car parking area. The areas are separated by a brick wall. A total of ten parking spaces are provided for the five dwellings which each have two bedrooms. This is compliant with current parking standards.
- 5.6 In terms of site access, parking and highway safety, the proposal is considered to be acceptable and is compliant with current Suffolk Parking Standards

## **6.0 Design and Layout**

- 6.1 This application is a re-submission of a previous scheme where the number of dwellings has been reduced as has the height of the buildings in order to safeguard the setting of the Conservation Area and nearby Listed Buildings. Pre-application advice from both Planning and Heritage officers was sought and further pre-application advice was taken direct from Historic England because of the setting of the Grade II\* listed building, The Gables.
- 6.2 The storage/B&B building has been redesigned to reflect the existing antique shop on the adjacent site. The ground floor is given over to the pub store, (which is badly needed as demonstrated by the container recently installed in the service yard area and the walk-in fridge licence application DC/22/01688), with two bed and breakfast rooms above, aligning with the increased focus of staycations in what is a popular tourist area drawing in over 200,000 tourists a year. These are described as important additions to The Red Lion to ensure the sustainable development of the business and to encourage tourism which is a mainstay of the local economy and consistent with Policies EM01 and EM20 of the EBNP.
- 6.3 The ridge of the proposed building is the same height as the antique shop and the depth of the plan has been reduced to five metres and the length of the building reduced to 10.6 metres. The building has a similar pallet of materials to the antique shop in the form of a simple barn. The ground floor is weatherboarded with painted hard wood casement windows/louvres and plank doors with simple plate architraves giving the characteristic classical highlights. In the gables are casement windows to the bed and breakfast rooms below the eaves. There is a simple plain tiled roof in the same manner as the antiques shop with high level hips, a feature common on barns which help to reduce apparent bulk. On the first floor are two small dormers facing onto the Red Lion Garden which light

bathrooms and a small dormer on the north side lighting the stairwell. There are no overlooking issues towards The Gables and the overall effect of the building is that of a barn which cannot be mistaken for a private house.

- 6.4 The Gables is an important Grade II\* listed building, and care has been taken to avoid disruption to its setting. The pub store is clearly defined within the Red Lion curtilage. There was formerly a building on the site and in recent years a shipping container. The nearest part of the Gables is 100 metres away and there is a modern two-metre-high brick wall around its boundary. The boundary edge is clearly defined and densely planted with trees, many of which are at least 11 metres tall. There is a narrow verge between the wall and the car park, and this is to be maintained. This means there is no visual connection between the proposed development and The Gables.
- 6.5 The car park has been redesigned to accommodate the entrance and vehicle manoeuvring requirements for the new cottages and maintains the existing 32 marked spaces and formally allocates two coach bays which were not previously designated. There are three designated disabled access bays, and three bays are served with electrical charging points. Drawing 1429-A-6 shows car and coach manoeuvring within the car park and drawing 1429-A-7 shows service vehicles. It should be noted that, although East Bergholt Parish Council leases the carpark from The Red Lion, clause 4.5 allows customers of The Red Lion to park free of charge and demonstrates that the provision of a car park is vital to the sustainability of the business and is consistent with Policy-EB11 in the EBNP.
- 6.6 The yellow box formally allocated within the plan for cemetery vehicles is positioned at the cemetery entrance allowing funeral traffic a guaranteed space. The route to the BT building is maintained.
- 6.7 The two coach bays recently installed are illustrated in more detail on drawings numbers 1429-A-18 and 19. These illustrate that these bays are unusable for more than one coach, because of the restrictions placed by their position in the car park and the large turning circles required to manoeuvre. The Coach bays are also too small and severely restrict disabled access around the coaches and access for luggage.
- 6.8 Highways has confirmed that the size of the area is only large enough for one coach. The new single proposed coach bay has been considered with safety and access in mind and complies with the British Parking Associations Guidelines. The layout also accounts for easy and safe access for emergency and utility vehicles safely around the public and coach area.
- 6.9 The car park is to be covered in block paving from the cobbled raised table at the entrance from The Street to the entrance into the area of housing. This is a more appropriate and sympathetic material for the conservation area with a colour distinction between the private road for the houses and the public road onto The Street, which is currently black tarmac. Drainage is to be renewed and there is a public footpath running through the carpark to the cemetery which does not enter the area of the private houses and is an improvement on the existing arrangement. There is a small loss of trees and

shrubs in the area of the car park, but this is modest and is more than compensated for by new planting in the pub garden and the area around the new houses. The two mature Hornbeam trees are retained, and an Owl box and hedgehog boxes are to be incorporated into the new planting scheme. The Arboricultural Officer has raised no objection to the loss of the trees proposed by the development.

- 6.10 The proposed site plan shows two reserved spaces for occupants of the B&B rooms as required by the Suffolk Highway Authority. The area of planting to the east is to be retained and the area of planting to the west is to be adapted for the required parking bays but would retain the existing silver birch trees. Access to the back of house area for The Red Lion remains unchanged. It is proposed to improve access into the car park by making the entrance area a no parking zone with double yellow lines. This is justified by the illustration of the turning circles at the entrance for coaches and fire appliances. It is noted that this is privately owned land and therefore the enforcement of the yellow lines would be the responsibility of the landowner or tenant.
- 6.11 The existing toilet block is an unattractive and uninviting building within this sensitive area. The design and materials are not sympathetic to its setting within the conservation area and close to heritage assets. It is proposed to be demolished. However, the client recognises the community value of providing public conveniences and is prepared to provide new ones as part of the proposal which are of a size and scale suitable for the conservation area and the AONB as shown on drawing 1429-A-14. This element of the proposal would result in the loss of three toilet cubicles. The existing public conveniences are not a welcoming place and provide an area where people may not feel secure, this does nothing to enhance the Conservation Area. However, this is an important facility for the village and its loss would not be supported. The proposed new public conveniences would provide a more suitably subservient building and would be located in a better position where there is more natural surveillance, and therefore people are less likely to feel nervous about using the facility.
- 6.12 The proposed houses are two-bedroom properties of modest scale, reflecting existing backland development in East Bergholt. The proposal is for five cottages arranged in a row of three and a pair of semi-detached dwellings with a green area between with views through the site to the Congregational Church. Each row runs parallel to the site boundary and each house has a small front garden defined with a low post and rail fence, its own front door and back garden. This informal arrangement is in line with pre-application advice and is a response to the backland setting. The five cottages are of a similar design which creates a sense of community.
- 6.13 The houses are to be positioned to the south of the site, but would still maintain a 6-metre deep private garden for each house. This means the entire built development of the houses and most of the associated access and parking are outside the conservation area. However, to be able to access the dwellings and provide parking, a portion of the public car park would be shaved off and included in this private ownership area. This would reduce the amount of available parking on the site should the tenant or landowner wish to reconfigure the car park at a later time.

- 6.14 Despite being modest in scale, the cottages would provide good-sized, well-proportioned rooms. A 1850mm x 1450mm ground floor WC is the approved size for conversion to a bathroom in accordance with lifetime homes policy. The dwellings would be built to Part M4(3) of the Building Regulations which is Wheelchair User Dwellings making them to lifetime home standard.
- 6.15 The site for the housing is surrounded by a 2-metre-high soft red brick wall, creating a defensible space around the housing development. There are openings for cars to arrive and leave and the road is suitable for bin lorries, removal vans and emergency vehicles to manoeuvre.
- 6.16 There is a green zone of planting between the eastern house and the pub garden and a gap between the rows of houses which maintains the verdant character of the setting and provides views through the site to the Congregational Church with new trees planted in this area. There are also new trees in the area of residents' car parking and the cemetery entrance. The rear gardens are subdivided with native species hedges planted either side of a close boarded fence.
- 6.17 Car parking is to the north of the site behind the central part of the north boundary wall, so residents' cars are not seen from the Red Lion car park. There are no cars parked in front of the houses, so the scale of the houses is not compromised. The residents' road would be resin bonded gravel to differentiate the residential space from the Red Lion car park. Every other parking bay would have an electric charging point. There are 10 residents parking bays shown, meeting a requirement for two bays per household.
- 6.18 All the houses in the development are to be of timber-framed construction. An energy assessment has been commissioned for the buildings on the site which details the energy requirements for the houses and the renewable energy sources which have been designed to exceed current building regulations.
- 6.19 The houses have the typical local character of a vernacular terrace with lime-rendered walls and a plain-tiled mansard roof with lead covered dormers. The street elevation has classical highlights with sash windows and a door case which is typical of East Bergholt. The rear of the properties is less formal with the roof coming much lower, similar to Red Lion Cottage and cottages in The Street directly opposite The Red Lion.

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

- 7.1 The site is within the Dedham Vale Area of Outstanding Natural Beauty (AONB) and next to the East Bergholt Conservation Area. The proposal should meet requirement under Policies CR02 – Areas of Outstanding Natural Beauty and should consider requirements under CN08 – Conservation Areas from the Babergh Local Plan (2006).
- 7.2 A Landscape and Visual Impact Assessment (LVIA) was submitted which reached the conclusion that the new development, if designed with sensitive materials and appropriate scale, form and massing, would not have a major impact on the landscape character.

- 7.3 From the desktop review, the proposed development has experienced a series of amendments following feedback after pre-application consultation. Having reviewed the proposal and LVIA, the landscape officer does not have major concerns on the proposed development, and consider that the site has the capacity to absorb the development as shown on the latest submitted drawings (30.08.2022).
- 7.4 A number of existing trees are proposed to be removed but new trees have been proposed to mitigate for tree loss. It is expected that a range of native trees proposed including some long-life expectancy trees (for example, pedunculate oak, hawthorn). When space is a constraint, native varieties could be acceptable at appropriate locations, but these should be kept to a minimum and ensure they are beneficial to wildlife.
- 7.5 It was noticed that the existing brick wall to the north of the site has some planting growing against it. The current drawings are not showing any planting at this location. The landscape officer requests that this planting is retained and enhanced as it does contribute to softening the brick wall elevation and hard surface area of the car park.
- 7.6 The soft landscape areas to the front of the new dwellings is welcomed, however these are currently proposed as grass. In order to improve the public realm of the new development, create a sense of place and enhance the built character, these areas should include some planting that is in-keeping with the rural character of the village; that is to say terraced, cottage-style planting.
- 7.7 The proposed open space in between new building blocks should include a range of planting which enhances biodiversity and provides visual interest. The same should apply to the soft landscape areas within the public and private car park.
- 7.8 In general, the use of flowering lawns instead of amenity grass is encouraged, where appropriate. Flowering lawns provide visual interest, improve biodiversity value, establish quickly and are easy to maintain long-term. The Landscape Officer has recommended that some of the grass areas should be specified as flowering lawns.
- 7.9 The proposed resin bound gravel for the private car park is held to be appropriate and to contribute to delivering a more sensitive setting for the listed building and to be in keeping with the rural character of the village.
- 7.10 The new brick wall, which is in keeping with the character of the village and with the existing wall at the public car park, is welcomed. However, some of the other boundary treatment is not clear, such as the boundary to private gardens facing onto footpaths and boundary for new Pub store/bed and breakfast building. Details on the type of fencing should be submitted to include height, type and material of proposed boundaries. It is noted that details on the proposed brick wall have already been submitted. It is recommended that brick wall is proposed on those elevations facing into the public realm and footpaths. This will assist in keeping with the local character.
- 7.11 The LPA's Ecologist has reviewed the Preliminary Ecological Appraisal (Bright Green Environmental Ltd, August 2022), supplied by the applicant, relating to the likely impacts of development on designated sites, Protected & Priority Habitats and Species.



- 7.12 The ecologist is satisfied that there is sufficient ecological information available for determination, following the provision of the bat emergence survey, confirming the likely absences of roosting bats within the toilet block, and the updated ecological report.
- 7.13 This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 7.14 The mitigation measures identified in the Preliminary Ecological Appraisal (Bright Green Environmental Ltd, August 2022) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.
- 7.15 The ecologist also supports the proposed bespoke biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. This should be secured via Biodiversity Enhancement Strategy to be delivered prior to any works above slab level.
- 7.16 This application falls within the 13km Zone of Influence (ZOI) for the Stour and Orwell Estuaries SPA & Ramsar site. Consequently, the LPA is advised that a financial contribution should be sought, in line within the Suffolk Recreational disturbance Avoidance and Mitigation Strategy (RAMS), from the residential development within the 13 km ZOI specified.
- 7.17 A Habitats Regulations Assessment (HRA) record has been prepared to determine any adverse effect on site integrity and secure the developer contribution for delivery of the visitor management measures at the Stour & Orwell Estuaries SPA & Ramsar site.
- 7.18 This enables the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

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

- 8.1 A land contamination assessment is a requirement of the validation process for new housing schemes. This was received with the application submission. The Environmental Protection Team has reviewed the assessment and is content that the land on which the proposed dwellings would be built is safe for future occupiers of the site.
- 8.2 The site is wholly within Flood Zone 1 and is considered to be at low risk of flooding. Surface Water will be dealt with by way of soakaways within the site.
- 8.3 Foul drainage will be way of the mains sewage system.

## **9.0 Heritage Issues**

- 9.1 The issues which the Heritage Team is concerned with relate to the potential impact of the proposals on the setting and, therefore, the significance of the Grade II listed The Red Lion, a 17<sup>th</sup> century timber-framed, red brick building; the Grade II listed Cottage to the north of The Red Lion, also known as Red Lion Cottage, an 18th century timber framed building; and the Grade II\* listed The Gables, a late 16th century and 19th century building. The proposals also have the potential to affect East Bergholt Conservation Area as the proposal site stands part within and part without the western boundary, and it stands within close proximity to non-designated heritage assets including the Congregational Church.
- 9.2 This application follows various discussions during pre-application submissions with both the Planning and Heritage Teams, and an earlier Planning application (DC/20/05800). During that advice, the Heritage Team did not oppose the principle of development on the proposal site, but focused on achieving an organic, small-scale, respectful and sensitively-detailed scheme, which responds to the architectural language of its context. Recommendations were given to help the proposals provide an appropriate hierarchy to existing development and reflect its backland location.
- 9.3 The scheme has been amended following the most recent advice, and it is considered to reflect those discussions.
- 9.4 Scale, layout and the detailed design are considered fundamental aspects necessary to achieve a suitable scheme which preserves the settings of both designated and non-designated buildings within its proximity, and the character and appearance of the conservation area.
- 9.5 The heights of the proposed dwellings, the pub store and B&B building have all been sufficiently reduced from previous schemes to appear subservient to The Red Lion and Red Lion Cottage.
- 9.6 The layout of the dwellings has been broken up into two parts to help reduce the visual massing and create a less regimented arrangement which better reflects the more organic morphology of the village. The architectural language in the scheme is traditional, and may be influenced in part by Constables stable block, as well as Hatters and The Old House which are on the opposite side of the road to the pub. The proposed designs are arguably a combination of vernacular style with some simplified Classical detailing.
- 9.7 The scheme also incorporates traditional forms such as gambrel roofs and low eaves to rear catslides, as a way of demonstrating subservience and providing an ancillary character to the development. The break in the ridge line and the articulation given to the design of the houses helps to minimise visual massing and retain an appropriate hierarchy as back-land development. Similarly, the pub store and B&B building has been simplified. Its cladding, reduced size of its openings and the small dormers with louvred windows helps provide a vernacular and utilitarian aesthetic which in turn reflects its subservient status, which is also helpfully portrayed in the visualisation.

- 9.8 The Heritage Team acknowledges the minor concerns regarding scale noted by Historic England. However, the combination of articulation, materials and layout which have been employed, as well as the reduction in height from earlier iterations is considered sufficient to address the Heritage Team's earlier concerns.
- 9.9 The public convenience has been located to the north-west corner of the site as discussed. Due to its proposed location and position against a hedge, which would help to soften its appearance, it would on balance appear relatively discreet. In addition, there is an enhancement to the hard surfacing in the car park, which involves the removal of tarmac, with its suburbanising effect, and the introduction of block paving with resin-bound gravel to the private car parking area. Whilst the Heritage Team acknowledges Historic England's comments in regard to this point, the Heritage Team concludes the changes would provide a more sensitive finish which would amplify the small scale, pedestrian-friendly nature of the residential space, as well as reinforcing the distinction between public and private spaces. The brick boundary wall and vegetation would also help to delineate the public and private spaces, as well as reduce the visual impact of parked vehicles. The soft landscaping incorporated into the development is also supported and would help to avoid an overly urban character to the site.
- 9.10 The scheme is therefore considered to sustain the various heritage assets in the vicinity and is in line with previous advice. This is subject to a number of details to be agreed by condition, in order to achieve a well detailed scheme which respects and reflects the importance and traditions of its surroundings.
- 9.11 Therefore, the application is considered to cause no harm to the significance of the listed buildings and non-designated heritage assets, nor to the character and appearance of the conservation area, subject to appropriate details to be agreed by condition.
- 9.12 Historic England was consulted on the application because of the possible impact on the setting of a Grade II\* Listed Building. Its initial response raised concerns over the height of the buildings proposed and also on the surfacing material of the car park. During a re-consultation on some revisions to the scheme, Historic England has withdrawn its concerns and is in agreement with the Heritage Team's recommendation for conditions.

## **10.0 Impact on Residential Amenity**

- 10.1 The proposed storage building with letting rooms above would be located to the rear of Red Lion Cottage. The Cottage is not within the ownership of the Red Lion PH. The Cottage is a two-storey dwelling facing onto The Street with a small private rear garden. The new storage building would be built behind the single-storey garage of Red Lion Cottage. The storage building is two storeys in height with letting rooms at first floor level. The height of the building and window positions are important features of the building when considering the residential amenity of existing neighbours.
- 10.2 The storage building has been positioned to the northeast of Red Lion Cottage. The roof design includes hipped gables to soften the impact of the massing of the building, but also helps with any overshadowing. The height at 6.4 metres (to the ridge) and position of the building on the site are not considered to cause a loss of daylight to the Cottage or

to its garden. The height of the building is very similar to that of the adjacent shop building.

- 10.3 The windows to the building are relatively small. This building has been designed to look like an outbuilding and therefore residential elements, such as windows and doors, have been kept to a minimum. There are windows at the gable ends which sit under the hipped gables. The roof of the building is very steeply pitched which results in relatively small rooms at first floor level. The floor plan shows that the bed will sit directly under the gable end windows. Therefore, it is unlikely that, unless a guest is standing on the bed, these windows would cause an overlooking issue to the Cottage.
- 10.4 Changes are proposed to the car park area. These changes are relatively minor and are not considered to cause any further loss of residential amenity than already exists with noise from vehicles moving around the car park area.
- 10.5 The other area of concern for residential amenity is around the impact of the public house beer garden and plant for extraction and refrigeration at the Red Lion on the proposed new dwellings. A Noise Assessment has been carried out. The Environmental Protection Team has reviewed the information. Concerns were raised that an Entertainments Licence held by the public house may lead to an issue of noise for future residents. Further information has been received and reviewed by the Environmental Protection Team. The applicant has offered mitigation measures for the new dwellings to protect future residents of the properties from noise. Conditions are required that these measures are used in the construction of the dwellings.

## **11.0 Planning Obligations / CIL**

- 11.1 The five proposed dwellings would be subject to CIL payments.

## **12.0 Parish Council Comments**

- 12.1 East Bergholt Parish Council has given comprehensive responses to consultations that have been carried out during the application process. Generally, the Parish is supportive of the storage/B&B building which would support the existing business, with some changes required. However, it has strong objections to the changes of the public car park and the new dwellings. Listed below are the main concerns raised by the Parish Council.

- Impact of parking from the previously allowed six B&B rooms at the public house – This issue is covered under a separate planning permission with a condition on parking arrangement to be agreed. The proposed two additional lettings rooms provide their own parking spaces that is not included in the public car parking area.
- How this application supports the viability of the public house – The storage building with letting rooms is considered to support the viability of the existing business. The other elements of the application are subject to their own assessment which is not considered to be enabling development.
- The loss of three cubicles of the public conveniences – There would be a loss of WC facilities which currently stands at five cubicles. The new public conveniences would

provide two cubicles. However, the public conveniences are still provided in the car park area and would be available to visitors.

- New public conveniences block the rights of way to the cemetery – the public conveniences are positioned away from the cemetery access point. It is close to the BT building access but does not block it.
- The proposed car parking bays are too small and not compliant with Parking Standards – The SCC Highway Authority has been consulted on the car park layout and has raised no objection on Parking Standard grounds
- Double yellow lines within the car park will remove informal parking – Currently people park informally along the wall of The Gables. This, of course, provides further parking opportunities in addition to the 32 marked bays. The yellow lines have been introduced to protect the access point and allow for larger vehicles to manoeuvre within the site safely.
- Double yellow lines will impact the Conservation Area – the Heritage Team and Historic England have not raised an objection to the yellow lines. They are widely seen within the Conservation Area on public roads. It is likely that this may stop people from parking and knocking the historic wall of The Gables with their vehicle doors which is considered a benefit.
- Ridge height of the storage building at 6.4 metres will impact the Conservation Area – The height of this building is similar to that of the shop building adjacent. Both Historic England and the Heritage Team are content with the height.
- The storage building will impact the residential amenity of Red Lion Cottage in terms of light and privacy – this is discussed in the residential amenity section of the report.
- Duplication of office buildings – This element of the proposed has been removed from the proposal description. There are to be no office buildings.
- Concerns of further housing in the village – this is discussed in the Principle of Development section above.
- Impacts on the AONB, Conservation Area and heritage assets – This is discussed in the Heritage and Landscape sections above.
- Fails to meet an identified need – This is discussed in the Principle of Development above.
- Loss of trees in the Conservation Area – Loss of trees is mitigated with additional planting.
- Scale and density of build – The scale and density are held to respect the heritage assets.
- Detrimental to the amenity of the dwellings in Cemetery Lane. The dwellings in Cemetery Lane have large gardens and there is good spacing between the proposed dwellings and the dwellinghouses in the Lane.
- Backland development – This is backland development but there is already development on three sides of the site.
- Harm the approach to the cemetery – the access to the cemetery will remain free from obstruction
- Obscure the views of the Congregational Church – The church is already partially obscured because of the shrubbery and trees within the site.
- Dwellings not suitable for older people – the dwellings will be Part M4(3) compliant with Building Regulations making them suitable for wheelchair users.
- Not affordable dwellings – the site area and number of dwellings proposed does not reach the threshold to require affordable housing contribution.

- Development would alter the character of this part of the village because of density of build – there would be a change in the character from what is currently an extension to the beer garden to built form. This is not necessarily a bad thing; however, it acknowledged that it would be a change.
- Lack of 2-metre distance between semi-detached dwellings and the church boundary – the gardens are 6 metres in depth from the boundary.
- £80,000 of public money has been spent on upgrading the car park in the last year already – the Parish Council has chosen to upgrade the car parking facilities. The tarmac is not a sensitive material within the conservation and the proposed materials are more in-keeping with the character of the area. This is not a planning consideration.
- Removal of the public conveniences is unsustainable – although there would be a loss of three cubicles, two separate cubicles are provided so there is not a total loss of public conveniences on the site.
- New dwellings would impact the public car park – parking for both the B&B lettings room and the dwellings would encroach onto areas currently leased by the Parish Council for the purposes of public car parking.
- Concerns of public parking whilst works are carried out – It is unclear how the public car parking would be managed during the construction of the scheme.
- Applicant failed to give notice to the Parish Council that an application had been submitted when they are an interested party because of the lease of the car park – This was rectified once it had been brought to the Council's attention. The Parish Council was not disadvantaged on commenting on the application because they were sent a consultation letter when the application was registered. The Parish Council has also been re-consulted during the course of the application process.
- No pre-application discussion had taken place between the applicant and Parish Council – This is unfortunate and the applicant was advised to speak to the Parish prior to submitting an application.
- The Local Housing Needs Assessment is inadequate – The assessment has not identified a specific need for the dwellings.
- Noise impact on residential properties – A noise assessment has been provided and been through consultation with the Environmental Protection Team.
- The footpath around the car park – will people use it? – Clearly, whilst people can be encouraged to use footpaths, they cannot be forced to do so.
- Historic England's comments on the heights of the buildings – Historic England has confirmed that it made a mistake with their consultation response. The height of the buildings proposed are acceptable.
- Economic Development's comments on car parking – Car parking is discussed above.
- Parking pressure because of 30 staff who work at the public house who may drive to work – There is already a conflict with staff and public parking. There is no loss of the amount of standard and disabled parking bays available on the site by the proposed development.
- The Design, Access and Heritage Statement suggests that the ten dwellings in Hadleigh Road, adds weight to this scheme is incorrect – Each application is assessed on its merits.

## PART FOUR – CONCLUSION

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### 13.0 Planning Balance and Conclusion

- 13.1 This application comprises three elements – the storage building/B&B letting rooms with parking for the public house, the erection of five dwellings and associated parking in the public house beer garden and the reconfiguration and new public conveniences of the public car park.
- 13.2 All three elements are linked, with the key to development being the public car park. All of the land involved is owned by the applicant. However, the car park is leased to East Bergholt Parish Council and is run as a “free to park” public car park. The car park is subject to its own policy in the East Bergholt Neighbourhood Plan which protects it for parking. The car park is also listed as an Asset of Community Value, with a defined red line which is the area of the lease.
- 13.3 There are certain aspects of this proposal which are acceptable in policy terms and others that are not. The storage/B&B building is considered to be acceptable and would enhance the business opportunity for the public house and provide additional visitor accommodation in a tourist village. The dwellinghouses, although a departure from the development do score well when assessed against the policies in the Neighbourhood Plan and the Core Strategy. However, a need for further housing in East Bergholt has not been established. The demolition of the existing public conveniences and replacement with a more sensitive building is considered to be acceptable, although there would be a net loss of three cubicles. The reconfiguration of the public car park would not result in a loss of marked standard and disabled parking bays, but result in the loss of one coach parking bay. However, the two coach parking bays, as currently set out, would not be usable because of the tight turn circles required for the vehicles to move around the site.
- 13.4 There would be a loss of some trees and shrubs on the site to enable the development to take place. However, this is mitigated by additional planting and wildlife features. Concerns raised by the Heritage Team and Historic England have been addressed in terms of the number of residential units, design and scale and are now acceptable. Concerns raised about noise from the public house on future residents of the proposed dwellings have also been rectified by a noise assessment. Highway concerns over pedestrian safety have been addressed with a footpath that runs around the site to allow access to The Street and the public conveniences.
- 13.5 As mentioned, the key to the development is the public car park. The car park is protected by policy EB11 of the Neighbourhood Plan, which seeks to retain the use of the land for parking of vehicles. Technically this does not change with the proposals. However, to allow space for dedicated parking for the letting rooms of the public house, a piece of land with the access area of the car park, which is currently planted with trees and shrubs, would be used for two parking bays. The five dwellings provide ten dedicated parking spaces behind a wall to define the public and private areas of parking within the site. To enable the private parking, it is necessary to shave part of the car

parking area from the public car park (where the existing public conveniences are sited). This area forms part of the lease agreement with the Parish Council and also forms the red line area of the Asset of Community Value listing. Policy EB11 allows for the public car park to be used for other purposes, if the loss of the land is offset somewhere else within the Village Heart. There is no evidence in this application that such an offset can be achieved and is available. Therefore, the aspirations of the Neighbourhood Plan in Project EB12 for enhancements to the car park are unlikely to be achievable in the future if a new layout were required to provide additional parking bays because the size of the site will have been diminished.

## **RECOMMENDATION**

That the application is REFUSED planning permission/listed building consent/other for the following reason:-

1. The proposed development is not acceptable because the public car park within the Village Heart would be reduced in size. The loss of area of the car park, which is listed as an Asset of Community Value, has not been offset to provide additional parking elsewhere as required by Policy EB11 of the East Bergholt Neighbourhood Plan. The car park is an important feature within the Village Heart and provides essential off-road free parking, which encourages vehicles away from the public highway, and is a main route through the village and within the East Bergholt Conservation Area, which forms the historic core of this important tourist destination. The proposed development is considered to conflict with policy EB11 of the East Bergholt Neighbourhood Plan 2016 and conflict with the aims of the National Planning Policy Framework 2021, Paragraph 8.

Furthermore, if the loss of car parking area is unacceptable, this would impact on the five dwellinghouses because the provision of parking to current adopted Parking Standards would not be achievable and, therefore, the dwellings would be unacceptable because the site would become cramped from overdevelopment. This would be contrary to policies CN01 and TP15 of the Babergh Local Plan 2006, policy CS11 and CS15 of the Babergh Core Strategy 2014 and policy EB2 of the East Bergholt Neighbourhood Plan 2016 which are consistent with the aims of the National Planning Policy Framework 2021.



## Appendix 1. Planning History

<b>REF:</b> DC/17/02501	Planning Application - Erection of single storey side extensions to side and rear. Change of use of land from class A4 (pub garden) to class C3 (residential garden) and erection of new southern boundary wall	<b>DECISION:</b> GTD 11.08.2017
<b>REF:</b> DC/17/02502	Application for Listed Building Consent - Erection of single storey side extensions to side and rear. Internal alterations; alterations to existing fenestration and replacement of entrance doors. Repairs to boundary wall along The Street and erection of new southern boundary wall.	<b>DECISION:</b> GTD 11.08.2017
<b>REF:</b> DC/17/03151	Planning Application - Change of Use of outbuilding (Class A4) to (Class A1) antiques and craft shop; Erection of external staircase, re-roofing, alterations to fenestration.	<b>DECISION:</b> GTD 11.08.2017
<b>REF:</b> DC/17/03152	Application for Listed Building Consent- Erection of external staircase, alterations to fenestration, re-roofing and internal alterations in conjunction with conversion to facilitate change of use to antiques and craft shop.	<b>DECISION:</b> GTD 11.08.2017
<b>REF:</b> DC/17/04366	Discharge of Conditions application for DC/17/03151 and DC/17/03152 - Conditions 3 (Fenestration) and 4 (Stair details)	<b>DECISION:</b> GTD 05.10.2017
<b>REF:</b> DC/17/04370	Discharge of Conditions Application for DC/17/02501 - Conditions 3 (frames), 4 (eaves and verge details), 5 (brickwork), 6 (roofing materials) and 7 (rainwater goods)	<b>DECISION:</b> GTD 01.12.2017
<b>REF:</b> DC/17/04602	Application for Listed Building Consent - Removal of internal partitions and doors to lobby and cask store, and removal of existing bar. Installation of new walls, doors and bar. Revisions to internal layout of previously approved rear	<b>DECISION:</b> GTD 15.11.2017

extension (DC/17/02502)

<b>REF:</b> DC/17/04997	Planning Application. Change of Use of land (Class A4 pub garden) to (C3 residential garden); Erection of new boundary wall and fence (amended height to that approved under DC/17/02501)	<b>DECISION:</b> GTD 28.11.2017
<b>REF:</b> DC/17/05846	Discharge of Conditions for application relating to DC/17/04602 Condition 3. (Door details) Condition 4(Brickwork bond details)	<b>DECISION:</b> GTD 24.01.2018
<b>REF:</b> DC/17/05996	Discharge of Conditions application for DC/17/04997 - Condition 3 (Agreement of brickwork bond details)	<b>DECISION:</b> GTD 24.01.2018
<b>REF:</b> DC/17/06000	Discharge of Conditions for Application DC/17/02502/LBC- Conditions 3 (frames), 4 (eaves and verge details), 5 (brickwork), 6 (roofing materials) and 7 (rainwater goods)	<b>DECISION:</b> PGR 01.12.2017
<b>REF:</b> DC/17/06099	Application for Listed Building Consent - Repairs to roof.	<b>DECISION:</b> GTD 07.02.2018
<b>REF:</b> DC/18/02431	Full Planning Application - Erection of single storey side and rear extensions; external stairs; creation of 2 No. Holiday let units; change of use of land from Class A4 (pub garden) to Class C3 (residential garden); erection of new southern boundary wall. As amended by plans and details received 1st and 7th August 2018 to show revised internal layout and amended use of upper floors.	<b>DECISION:</b> GTD 12.09.2018
<b>REF:</b> DC/18/02432	Application for Listed Building Consent- Erection of single storey side and rear extensions; external stairs; internal and external alterations as described in the schedule of works; erection of new southern boundary wall. As amended by revised plans received 7th August 2018.	<b>DECISION:</b> GTD 12.09.2018
<b>REF:</b> DC/18/04014	Notification of works to Trees in a Conservation Area - Cherry (T1) Reduce height and width by 50%. Sycamore (T2)	<b>DECISION:</b> RNO 04.10.2018

Fell

<b>REF:</b> DC/19/02507	Non Material Amendment to DC/18/02431 to alter fenestration.	<b>DECISION:</b> GTD 10.07.2019
<b>REF:</b> DC/19/02509	Application for Listed Building Consent. Erection of single storey side and rear extensions. External stairs. Internal and external alterations as described in the schedule of works. Erection of new southern boundary wall (revisions to Approval DC/18/02432)	<b>DECISION:</b> GTD 11.07.2019
<b>REF:</b> DC/20/00479	Notification of Works to Trees in a Conservation Area - Fell 3no. Acacia trees.	<b>DECISION:</b> RNO 06.03.2020
<b>REF:</b> DC/20/00764	Application for Listed Building Consent - Installation of new external door and window, and internal alterations (as per schedule of works).	<b>DECISION:</b> GTD 15.04.2020
<b>REF:</b> DC/20/00768	Non-material Amendment to DC/18/02431. Removal of external escape stair. Replace ground floor window with a door. Replace second floor door with a window.	<b>DECISION:</b> GTD 15.04.2020
<b>REF:</b> DC/20/01368	Discharge of Conditions Application for DC/19/02509- Condition 8 (Extraction Equipment)	<b>DECISION:</b> GTD 05.01.2021
<b>REF:</b> DC/20/01428	Discharge of Conditions Application for DC/18/02431- Condition 9 (Extraction Equipment)	<b>DECISION:</b> WFI 18.08.2020
<b>REF:</b> DC/20/02954	Discharge of Conditions Application for DC/20/00764 - Condition 3 (Details of Smoke Vent Detail) and Condition 4 (Fenestration)	<b>DECISION:</b> GTD 20.08.2020
<b>REF:</b> DC/20/03086	Discharge of Conditions Application DC/19/02509 - Condition 3 (Fenestration), Condition 4 (Eaves and Verges), Condition 5 (Brickwork Bond Details), Condition 6 (Agreement of Materials), Condition 7 (Rainwater Goods)	<b>DECISION:</b> GTD 15.10.2020

<b>REF:</b> DC/20/03124	Discharge of Conditions Application for DC/18/02431 - Condition 4 (Fenestration), Condition 5 (Eaves and Verges), Condition 6 (Brickwork Bond Details), Condition 7 (Agreement of Materials), Condition 8 (Rainwater Goods)	<b>DECISION:</b> GTD 15.10.2020
<b>REF:</b> DC/20/05800	Planning Application. Erection of 7No 2 bedroom terrace dwellings, 1No garden office building and 1No store / commercial building. Demolition of toilet block. Car park improvements.	<b>DECISION:</b> WDN 15.03.2021
<b>REF:</b> DC/21/00517	Development consisting of 7 No. 2 bedroom terrace properties to the rear of the Red Lion. Change of use of Red Lion from A4 to C1 along with new Garden office building and store / accommodation building.	<b>DECISION:</b> WFI 29.01.2021
<b>REF:</b> DC/21/06566	Planning Application. Change of use from Public House Class A4 to Hotel Class C1 Use.	<b>DECISION:</b> WDN 01.02.2022
<b>REF:</b> DC/21/06567	Application for Listed Building Consent. Internal alterations to facilitate change of use from public house to hotel.	<b>DECISION:</b> WDN 01.02.2022
<b>REF:</b> DC/22/01688	Full Planning Application - Use of first floor and second floor as 5no. bed and breakfast rooms with en-suites, change of use of retail shop to bed and breakfast room with office for pub at first floor, siting of storage container, water tank, erection of a cold store and screen fencing.	<b>DECISION:</b> GTD 01.09.2022
<b>REF:</b> DC/22/01689	Application for Listed Building Consent - Internal and external alterations to facilitate conversion of first floor and second floor to 5no. bed and breakfast rooms with en-suites, conversion of retail shop to bed and breakfast room with office for Pub at first floor, all as detailed in the Heritage and Design & Access Statement	<b>DECISION:</b> GTD 01.09.2022

<b>REF:</b> DC/22/03043	Planning Application - Construction of 5no. dwellings, storage building with two bed and breakfast rooms for the Hotel and Brasserie, public convenience building (following demolition of existing Toilet Block) and alterations to car park.	<b>DECISION:</b> PCO
<b>REF:</b> DC/22/05008	Discharge of Conditions Application for DC/22/01688- Condition 5 (Scheme of Parking Management), Condition 6 (EV Charging Infrastructure), Condition 7 (Refuse Bins and Collection Areas), Condition 8 (Secure Cycle Storage), Condition 9 (Noise Prevention Measures), Condition 10 (Noise Prevention Measures), Condition 11 (Screening to External Plant) and Condition 12 (Mechanical Ventilation to Outbuilding)	<b>DECISION:</b> PCO
<b>REF:</b> DC/22/05053	Discharge of Conditions Application for DC/22/01689- Condition 3 (Internal Door Details), Condition 4 (Intumescent Paint), Condition 5 (Screening to External Plant) and Condition 6 (Mechanical Ventilation to Outbuilding)	<b>DECISION:</b> PCO
<b>REF:</b> B/0050/79/LBC	Alterations and first floor extension, (as amended by letter received from applicant on 11th June 1979).	<b>DECISION:</b> GRA 26.06.1979
<b>REF:</b> B/0463/79/FUL	Alterations and first floor extension (as amended by letter received from applicant on 11th June 1979)	<b>DECISION:</b> GRA 26.06.1979
<b>REF:</b> B/0039/77/LBC	Demolition of a non-listed building in a Conservation Area (old bus garage).	<b>DECISION:</b> GRA 05.08.1977
<b>REF:</b> B//01/00964	Application for Listed building consent - external redecoration	<b>DECISION:</b> GRA
<b>REF:</b> DC/17/05665	Planning Application - Rendering of existing brickwork walls and replacement of modern clay plain tiles with reclaimed peg tiles	<b>DECISION:</b> GTD 18.01.2018
<b>REF:</b> B/0168/76/FUL	Erection of temporary toilet facilities with access	<b>DECISION:</b> GRA 14.04.1976

<b>REF:</b> B/0184/76/FUL	Erection of toilet facilities	<b>DECISION:</b> GRA 14.04.1976
<b>REF:</b> B//89/01193	APPLICATION UNDER REGULATIONS 4(1) AND 6(1) OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1976 - STATIONING OF MOBILE LIBRARY VAN EACH THURSDAY 1430 TO 1630 HOURS AND EACH SATURDAY 1400 TO 1630 HOURS FOR A TEMPORARY PERIOD OF 5 YEARS	<b>DECISION:</b> GRA
<b>REF:</b> B//92/00577	APPLICATION UNDER REGULATION 4 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1976 - CHANGE OF USE OF PART OF EXISTING CAR PARK TO RECYCLING CENTRE FOR PUBLIC USE	<b>DECISION:</b> GRA
<b>REF:</b> B//94/00985	APPLICATION UNDER REGULATION 3 OF THE TOWN & COUNTRY PLANNING GENERAL REGULATIONS 1992 - RENEWAL OF P.P. B/89/1193 - STATIONING OF MOBILE LIBRARY VAN EACH THURSDAY 14.30 TO 16.30 HOURS & EACH SATURDAY 14.00 TO 16.30 HOURS	<b>DECISION:</b> GRA 20.10.1994
<b>REF:</b> B/0185/76/FUL	Construction of car park and access, and demolition of bus garage	<b>DECISION:</b> GRA 14.04.1976
<b>REF:</b> DC/20/03718	Discharge of Conditions Application for DC/19/05290 - Condition 3 (Wall and Gate Details)	<b>DECISION:</b> GTD 22.09.2020
<b>REF:</b> DC/20/03952	Discharge of Conditions Application for DC/19/05290- Condition 3 (Wall and Gate Details)	<b>DECISION:</b> WDN 14.09.2020
<b>REF:</b> DC/21/03338	Application for Listed Building Consent. - Repairs to roof and replacement of tiles and mullion window.	<b>DECISION:</b> GTD 04.08.2021
<b>REF:</b> DC/21/06284	Application for works to trees in a Conservation Area: Fell 1no Ash tree in rear garden with severe root decay	<b>DECISION:</b> RNO 17.12.2021

<b>REF:</b> DC/22/02245	Application for Listed Building Consent: Repointing and brick repairs to 2no existing chimneys	<b>DECISION:</b> GTD 05.07.2022
<b>REF:</b> DC/22/02637	Application for Listed Building Consent - Alterations to internal layout of part ground floor, and conversion and alterations to garage to form games room.	<b>DECISION:</b> GTD 13.07.2022
<b>REF:</b> DC/22/03110	Notification of Works to Trees in a Conservation Area- Reduce 1No. Beech by 30%. Fell 4No. Sycamore Trees.	<b>DECISION:</b> RNO 22.07.2022
<b>REF:</b> DC/22/03501	Discharge of Conditions Application for DC/22/02245 - Condition 4 (Sample Panel of Pointing to Brickwork to Twin Chimney Stack)	<b>DECISION:</b> GTD 25.07.2022
<b>REF:</b> B/0276/76/OUT	Erection of dwelling	<b>DECISION:</b> REF 21.05.1976
<b>REF:</b> B/0783/77/FUL	Erection of two metre high garden wall.	<b>DECISION:</b> GRA 21.12.1977
<b>REF:</b> B/15/01226	Fell 1 no. Poplar tree.	<b>DECISION:</b> GRA 12.10.2015
<b>REF:</b> B/13/00800	Remove 1 No. Eucalyptus Tree	<b>DECISION:</b> GRA 16.08.2013
<b>REF:</b> B/12/00368	Application for Listed Building Consent - Erection of rear conservatory. Demolition of existing rear conservatory as amplified by CON1243 and CON160 received 2nd May 2012.	<b>DECISION:</b> GRA 23.05.2012
<b>REF:</b> B/04/01671	Felling of 1 No. Italian Poplar tree and 1 No. Silver Birch tree. Removal of a trunk of 1 No. Eucalyptus tree and reduction in height of 1 No. Yew hedge.	<b>DECISION:</b> GRA
<b>REF:</b> B/0789/79/FUL	Temporary storage of one mobile trailer.	<b>DECISION:</b> GRA 31.08.1979
<b>REF:</b> B/0332/81/FUL	Renewal of planning permission B/789/79. Temporary storage of one mobile trailer.	<b>DECISION:</b> GRA 28.04.1981

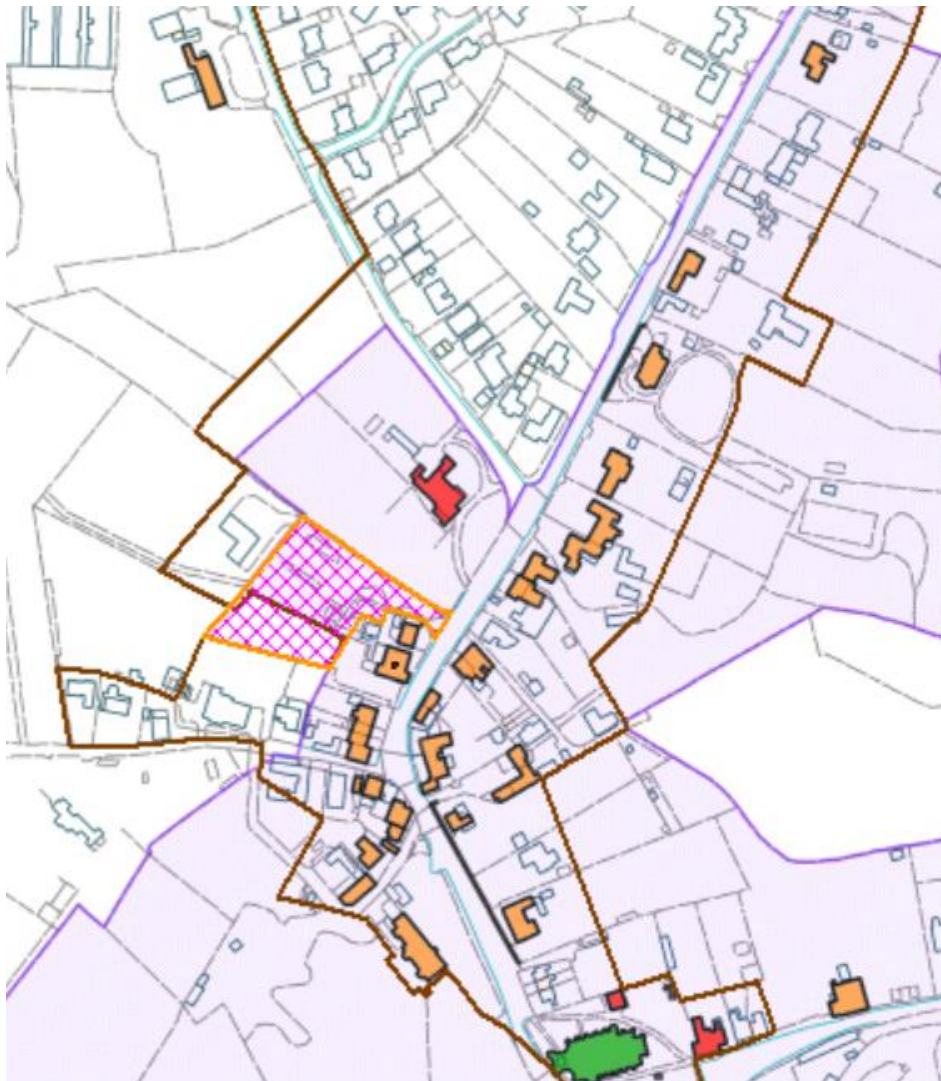
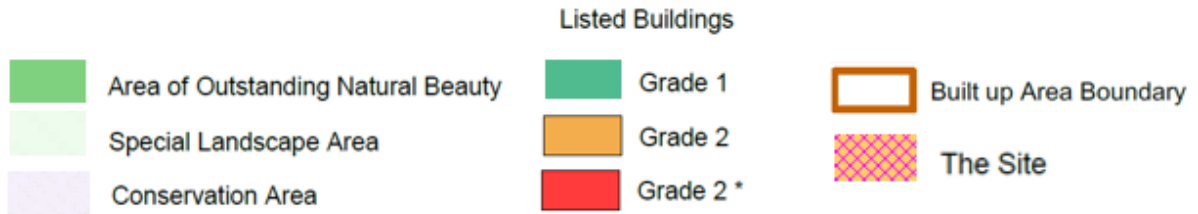
<b>REF:</b> B//00/00546	Erection of a 22.5 metre high mast with 3 cross polar antennae, 2 dish antennae and radio equipment cabin	<b>DECISION:</b> REF 16.05.2000
<b>REF:</b> B//01/01078	Erection of rear single storey extension and conservatory; erection of double garage (existing garage to be demolished) as amended by revised plans received on 14.9.01 to show revised siting and handing of garage	<b>DECISION:</b> GRA
<b>REF:</b> B/04/01210	Erection of two-storey rear extension.	<b>DECISION:</b> GRA
<b>REF:</b> B/0685/76/FUL	Extension to provide kitchen, W.C. and Store.	<b>DECISION:</b>
<b>REF:</b> B/03/01188	Erection of front entrance porch (existing front porch to be demolished) and insertion of replacement front entrance doors.	<b>DECISION:</b> GRA 27.08.2003



Application No: DC/22/03043

Parish: East Bergholt

Location: The Red Lion, The Street



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