

Committee Report

Item No: 2

Reference: DC/17/04239

Case Officer: Gemma Walker

Ward: Hadleigh North.

Ward Member/s: Cllr Tina Campbell. Cllr Siân Dawson.

Description of Development

Full Planning Application - Erection of detached, two-and-a-half storey dwelling with detached cart lodge and storage building, construction of access and parking area and associated landscaping.

Location

Land Adjoining Hadleigh Hall, Pound Lane, Hadleigh, IP7 5EQ

Parish: Hadleigh

Site Area: 2200 m²

Conservation Area: In Conservation Area

Listed Building: Affects setting of Listed Buildings

Received: 16/08/2017

Expiry Date: 20/04/2018

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: Not required.

Applicant: Mr Bruce Giddy

Agent: Mr Neil Ward

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1623 100 received 16/08/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Floor Plan - Proposed 1623 003 PL1 - Received 02/03/2018

Elevations - Proposed 1623 004 PL1 - Received 02/03/2018

Proposed Site Plan 1623 005 PL4 - Received 02/03/2018

Elevations - Proposed 1623 006 PL1 - Received 02/03/2018

General Details 1623 008 PL2 - Received 02/03/2018

Proposed Site Plan 1623 002 C - Received 02/03/2018

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Ward Member has requested that the application be determined by the Planning Committee, which request was agreed by the Delegation Panel.

PART TWO – APPLICATION BACKGROUND

History

There is no relevant planning history for the site.

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

CN01 - Design Standards
CN03 - Open Space within Settlements
CN06 – Listed Buildings
CN08 - Development in/near conservation areas
CR07 - Landscaping Schemes
TP15 - Parking Standards - New Development

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS13 - Renewable / Low Carbon Energy
CS15 - Implementing Sustainable Development

NPPF - National Planning Policy Framework

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

Hadleigh Town Council

Recommend refusal due to concerns raised over the tree management; the ecological report not received, the height of the dwelling and the impact on the surrounding listed buildings.

Hadleigh Town Council (Comments following amendment)

Refusal was recommended

This application was refused by Hadleigh Town Council on the 15th September 2017 because of the height of the dwelling and the impact on the surrounding listed buildings and this remained unchanged. The scale of the building is unsuitable for the site. The Committee wished to commend the comments made in the Babergh District Council Heritage Team Report and also by Historic England.

SCC - Highways

No objection subject to condition to secure parking and manoeuvring.

Environmental Health - Land Contamination

No objection from the perspective of land contamination.

SCC - Archaeological Service

No grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets, subject to the imposition of conditions.

Heritage

The Heritage Team objects to the proposed development - and the principle of development - because of the effect upon the setting of listed buildings and the character and appearance of the CA.

It is clear the site is as sensitive as it could possibly be. As a result of this, the Heritage Team considers any development would be contrary to the requirements of the P(LBCA)A 1990. There is a statutory duty at s16 to have 'special regard to the desirability of preserving the listed building or its setting. The courts have recently interpreted this as making preservation of listed buildings 'presumptively desirable' and requiring preservation to be afforded 'great or considerable weight as a 'high priority'. Any harm to any listed building is to be treated in this way.

The Heritage Team objects to both the current proposed development, and to the principle of development because the contribution that the open land makes to the setting of the various listed buildings is so significant that it cannot be compromised.

Heritage (Comments following amendment)

This application has been amended very slightly, but the Heritage Team comments, dated October 12, 2017 remain entirely pertinent. We object to the proposed development.

Ecology - Place Services

Holding objection due to insufficient ecological information I have reviewed this application and recommend that a further ecological assessment for reptiles is still required to provide certainty to LPA of likely impacts for protected/priority species. This survey was recommended in Place Services initial comments (Sue Hooton, September 2017). A Preliminary Bat Roost Assessment (Eco-Check Ltd, October 2017) for the trees on site has been provided in response of Places initial comments and is considered suitable to determine that bat species will not be present or affected by the proposed works.

Any mitigation measures and reasonable enhancements for protected species and priority species/habitats, recommended within the further ecological assessment, can then be secured as a condition of consent.

Ecology - Place Services (Additional comments following amendment)

No objection subject to conditions to secure biodiversity mitigation and enhancement measures.

Arboricultural Officer

Unable to support the application - TPO Trees in close proximity - Arboricultural report advocates use of precautionary measures, however, impact is unavoidable - not satisfied that relationship of dwelling to trees would provide acceptable living conditions for future occupiers - proximity, orientation and scale of development in relation to the trees is likely to result in pressure to fell due to loss of light and nuisance from leaf and branch fall and such requests will be difficult for the Council to resist and would threaten the value and future of this important natural feature and consequently have a detrimental impact upon the character and appearance of the Conservation Area.

Arboricultural Officer (Additional comments following amendment)

Following our recent meeting regarding potential development near Hadleigh Hall I've received the shade analysis report as discussed with Hayden's. The findings indicate that levels of probable sunlight fall slightly below what is considered an acceptable level. This is perhaps not surprising given the scale of the proposal and its proximity to existing mature trees. However, the discrepancy is relatively minor and will need to be considered on balance against the benefits of the development. Although the relationship between the proposed building and trees will never be ideal I am happier that this impact has been quantified and I feel this will put the Council in a more defensible position should it need to resist future pressure for pruning or felling. The overall sensitivity of the site remains extremely high if harm is to be avoided to these important trees and arboricultural monitoring during development and robust planning conditions will be extremely important.

Historic England

The site lies to the north of the churchyard which is the historic core of the town and contains its most significant and impressive historic buildings; the parish church, Guildhall and Deanery Tower, and is the principal green space within the historic town. The new dwelling would result in the erosion of this open space and harm the significance of these listed buildings and the conservation area. We do not consider there is clear and convincing justification for this level of harm and object to the application on heritage grounds.

Historic England objects to the application on heritage grounds because of the high level of harm the new dwelling would cause to the significance of the surrounding listed buildings and conservation area.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 8, 14, 131, 60, 61, 132, 137.

Historic England (Additional comments following amendments)

The site lies to the north of the churchyard which is the historic core of the town and contains its most significant and impressive historic buildings: the parish church, Guildhall and Deanery Tower, and it is the principal green space within the historic town. The open green space of the churchyard, application site and grounds to the buildings around the churchyard makes an important contribution to the significance of the surrounding listed buildings and a key contribution to the significance of the conservation area.

The minor revision to the siting of the proposed dwelling has not addressed our concerns regarding the impact of the development on the setting of the nearby highly graded listed buildings and the conservation area. The new dwelling would erode the open space, compromise views from the churchyard where the site is experienced in conjunction with the surrounding listed buildings and undermine the hierarchy of buildings in this area as it is overly large. It would cause a high level of harm to the significance of the surrounding listed buildings and the conservation area. We do not consider there is clear and convincing justification for this high level of harm and continue to object to the application on heritage grounds.

Recommendation

Historic England objects to the application on heritage grounds because of the high level of harm the new dwelling would cause to the significance of the surrounding listed buildings and conservation area.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 8, 14, 131, 60, 61, 132, 137.

The Hadleigh Society

Object due to:

Loss of historic green open space

Damage to treed setting

Prejudice to long term retention of trees

Adverse impact on Hadleigh Hall

Inappropriate size, layout and siting of dwelling

Introduction of domestic paraphernalia

Historically and visually the site most emphatically ought to remain a green, undeveloped area, unspoilt by buildings, particularly those in a residential use.

The Hadleigh Society (Additional comments following amendments)

Object to the proposal on grounds that the development:-

1. Causes loss of an historic undeveloped green open space
2. Damages the site's fine treed setting
3. Prejudices the long-term retention of trees to be left on the site
4. Has an adverse impact upon the setting of Hadleigh Hall
5. Would create a dwelling of inordinate size out of keeping with this setting
6. Introduces an irrelevant architectural style again out of context with the historic setting
7. Would introduce domestic paraphernalia into an otherwise ecclesiastical and public open space.

B: Representations

Objections received based on the following grounds (summary):

Land used to belong to Hadleigh Hall

Loss of historic green space

Dominant Hadleigh Hall

Loss of privacy and daylight for residents of the Hall

Impact on special character of this area and Hadleigh Conservation Area

Impact of domestication of the entire site on character and appearance

Pressure to remove trees

Scale, massing and height of the proposal would dominate its surroundings and be out of keeping

Loss of local amenity

No justification for setting aside substantial harm to designated heritage assets

Support comments received:

Make use of un-used land

Historic assets are screened from the proposed development

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under specific express authorisation the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1.0 The Site and Surroundings

- 1.1 The application site is located in the centre of Hadleigh, to the north-west of St Marys Churchyard and to the north of Hadleigh Hall. The site currently forms an overgrown area of land adjacent to the churchyard. The site was separated from Hadleigh Hall when the hall was sub-divided into 16 residential flats, but ultimately forms part of the open space around the Church and Hadleigh Hall.
- 1.2 The application site is within the Hadleigh Conservation Area and enclosed by Listed Buildings, including St Marys Church, the Deanery Tower, Guildhall, Deanery and Hadleigh Hall.
- 1.3 The site has vehicular access from Pound Lane, which currently provides access for other existing residential dwellings.

2.0 The Proposal

- 2.1 Full planning permission is sought for the erection of a detached, two-and-a-half-storey dwelling with detached cart lodge and storage building, construction of access and parking area and associated landscaping.

3.0 Principle of Development

- 3.1 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision making purposes.
 - 3.2 The application site is within the built-up area boundary for Hadleigh, which is designated within the Babergh Core Strategy as a Town to which new development should be directed, such that the principle of the proposal is acceptable in this respect.
 - 3.3 Whilst the proposal may be acceptable in principle with regards to the Babergh Local Plan the NPPF nonetheless states *"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. The NPPF sets out three roles for sustainable development at paragraph 7, including as part of the environmental role to contribute to *"protecting and enhancing our natural, built and historic environment"*.
 - 3.4 For reasons set out in this report, the proposal causes a high level of 'less than substantial harm' (within the context of the NPPF) to the historic environment, in a particularly sensitive location, failing to either protect or enhance the historic environment of the locality, such that the principle of the proposal is considered contrary to the requirements of the NPPF with particular regards to paragraph 7, 14, 131, 132 and 134.
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4.0 **Site Access, Parking and Highway Safety**

The application site is accessed via road from Pound Lane, a narrow lane which provides access to several residential properties and the former Brett Works site. The Brett Works site has consent for 35 retirement apartments, 4 houses, and 25 bungalows (B/16/00760), although the access for this development will be from the High Street rather than Pound Lane, with only pedestrian and emergency access provided to that site via Pound Lane.

- 4.1 Whilst Pound Lane is relatively narrow the intensification as a result of one additional dwelling is not considered to result in impacts on highway safety to consider refusal. Furthermore, the proposal provides four parking spaces, which is in excess of the requirements of the Suffolk Parking Guidance. There is also sufficient space provided to access and egress the site in forward gear, such that the proposal is considered acceptable in this regard. Suffolk County Highways raise no objection to the proposal subject to a condition to ensure the parking is provided.

5.0 **Design and Layout (Impact on Street Scene)**

The proposed dwelling would have two prospects. To the north-west would be the access to the site via road, with parking area and entrance. However, in an attempt to connect the site to the churchyard, rather than disengage with this important vista, the south-east elevation is also public facing, with pedestrian access into the churchyard and from there into Hadleigh.

- 5.1 With regards to Pound Lane, this is a narrow lane, with a limited appreciation of the wider area due to the enclosed nature of the street, with visibility of the rear of buildings in the High Street, such that the parking and access here would be in keeping with the existing character of the area and would not be considered detrimental to the character or appearance of the locality. The Brett Works development would be relatively separate from the application site and not affected by the proposal in that respect.

- 5.2 In respect of the frontage to the south-east, facing the Churchyard, this area is of particular historic importance, including the Church, Hadleigh Hall, Deanery Tower and Guildhall. These are some of the most important buildings within Hadleigh and are three of Hadleigh's four Grade I listed buildings and form the heart of the Conservation Area. Grade I listed buildings form the top 2.5% of all listed buildings. The Deanery, adjacent to the tower, is listed grade II*. Historic England advise:

"The church is a stone building which is essentially built in the gothic Perpendicular style, the pre eminent ecclesiastical style of the period c. 1335/50 to c.1530. The Deanery Tower is a free standing gatehouse built of red Tudor brick in c.1480 for the rector of Hadleigh. A delightful powerful but decorative architectural composition, it has a central gateway framed by polygonal turrets with arched panels and tapered battlements. The Guildhall is a three storey timber framed building with two jetties, built between 1438-51. The buildings are a symbol of the town's prosperity during this period and the power of these institutions and individuals. The church and Deanery Tower were painted by the artist Thomas Gainsborough in c.1750. The buildings therefore have a high architectural and historical significance and an important artistic association. They form a highly attractive and unusual composition charmingly set around the churchyard. The green space around these buildings reflects their status and contrasts with the more densely built High Street. It provides an attractive setting for the buildings. The space also complements the spiritual value of the church."

- 5.3 The proposal would result in the imposition of a substantial building into the space around those historic buildings, and whilst somewhat screened by existing landscaping would be both visible from the churchyard and, by reason of the loss of the space, affect the appreciation of the historic core of Hadleigh, with particular regards to the importance of those heritage assets to the significance of the Conservation Area and Hadleigh. The loss of this space combined with the substantial nature of the building proposed results in a competition with those historic buildings. Furthermore, the
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proposal would clash with the existing streetscene towards the High Street/Queen Street, given the modest domestic nature of the surrounding dwellings. The combination of competition with the existing heritage assets and dominance over the existing residential elements is such that the proposal is considered to be out of keeping with the character of the locality.

- 5.4 In the light of this the proposal is considered to conflict with the character and appearance of the locality, with particular regards to the churchyard aspect, with Grade I listed buildings and the Conservation Area, contrary to Local Plan Policies CN06 and CN08 and Core Strategy Policy CS15, by virtue of failing to respect the townscape, heritage assets, important spaces and historic views.

6.0 **Landscape Impact**

The application site is currently an open area of land situated to the west of the churchyard, and although not publicly open space this nonetheless contributes to the setting, appreciation and understanding of the surrounding heritage assets. The proposal would ultimately lead to the permanent loss of this space and the associated reduction in space around the heritage assets, clearly identified as being important to the significance of the Listed Building by Historic England. This landscape impact is considered to be harmful to the character of the locality, and contrary to Local Plan Policies CN01, CN03 and CN06 and Core Strategy Policy CS15.

- 6.1 The site is also host to numerous trees protected both by Tree Preservation Order and as a result of the inclusion of the site within the Conservation Area. The proposal utilises various precautionary measures to avoid damage to the TPO trees in proximity. Following concerns from the Arboricultural Officer the proposal was amended to reduce the proximity to trees and a shade analysis was provided. This indicates that the levels of probable sunlight fall slightly below what is considered to be an acceptable level.

- 6.2 Overall the proposal is not considered to have a such an impact on trees as to result in such pressure to prune or fell the trees in the future to warrant refusal.

7.0 **Environmental Impacts – Ecology and Land Contamination**

- 7.1 Following the provision of additional information our Ecologist advises that the proposal is not considered to have an unacceptable impact on Protected or Priority Species, and biodiversity enhancements can be secured by way of condition. As such the proposal is not considered to be unacceptable in this regard.

- 7.2 Environmental Health raise no objection to the proposal with regards to land contamination and the proposal is considered to be acceptable in this respect.

8.0 **Heritage Issues – Including the Impact on the Character and Appearance of the Conservation Area and On the setting of Neighbouring Listed Buildings**

- 8.1 The Planning (Listed Buildings & Conservation Areas) Act 1990 places a duty on the local planning authority to “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”. The application site is situated within an area of several important listed buildings and also within the Conservation Area wherein, the local planning authority also has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 8.2 Local Plan Policies support this duty, and in particular Local Plan Policy CN06 requires that proposals within the setting of a Listed Building should: *“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....respect those features which contribute positively to the setting of a Listed Building, including space, views from and to the building and historic layout”*
- 8.3 Furthermore Local Plan Policy CN08 requires that proposals should *“preserve or enhance the character of the conservation area or its setting, retain all elements and components, including spaces, which contribute to the special character of the area, be of an appropriate scale, form, and detailed design to harmonise with its setting.”*
- 8.4 As mentioned above, the application site is situated within the heart of Hadleigh, adjacent to the Towns’ most important buildings, the 15th-century church, the Deanery Tower from C.1480, and the Guildhall built between 1438-51, all Grade I listed. Part of the significance of those buildings is derived from the setting around them, with open space including the churchyard, gardens to the deanery and spaces between buildings. The application site forms part of this open space, previously forming part of the grounds of Hadleigh Hall (Grade II listed) and is almost equal in size to the adjacent churchyard, appearing as an extension of the green space and contributing to the openness and space of the setting of each of these buildings. The site also forms part of the Conservation Area, contributing to its setting. Historic England confirm “the area of the site is almost equal in size to the northern side of the churchyard. The grounds are an extension of the green space of the churchyard and thus also contribute to the setting and significance of the surrounding listed buildings and form part of this important area of open space at the heart of the conservation area. This is also true of the large grounds to the west of the Deanery. This is identified in the conservation area appraisal.” Overall this area has an extremely high level of significance in heritage terms, and special regards must be had to the desirability of preserving the listed buildings and their settings.
- 8.5 The proposal would have two main impacts on the setting and significance of the heritage assets around the site, firstly the loss of the space itself, and subsequently the impact of the proposed dwelling. Taking each in turn:
- 8.6 The application site forms an area of open space which contributes to the historical and aesthetic significance of the surrounding listed buildings and Conservation Area. The proposal would result in the permanent loss of this area of open space, which would result in a significant enclosure of those historic buildings. Furthermore, this would bring a development into the heart of the historic core of Hadleigh, compared to its current form, with separation helping to denote and understand the significance of not just one heritage asset, but several, of which 3 are of the most important grading identified by Historic England and are protected by law. As such the loss of this space is considered to result in a high degree of harm to the setting and significance of those heritage assets. It is considered that the loss of that open space would fail to preserve the setting of those buildings, fail to protect or enhance the historic environment, to which we must have special regard for the desirability of preserving, and further would not preserve or enhance the character of the Conservation Area. This would be contrary to the requirements of the Listed Buildings Act, NPPF, Local Plan Policies CN06 and CN08, and Core Strategy Policy CS15.
- 8.7 The second element for consideration is the impact of the proposal itself. The proposed development is for a two-and-a-half-storey dwelling, with cart lodge. It would be a substantial building that would occupy a significant part of the site. Currently the listed buildings, in particular the Church, Guildhall, Deanery Tower and Hadleigh Hall have a dominance in the area by reason of size, and the open space surrounding them, compared to the domestic scale of other surrounding buildings. The buildings in the wider area are subsequently of smaller size, significantly less dominant and with less space surrounding them, creating a clear delineation between the buildings
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of importance in Hadleigh, and the more domestic scale. The proposal would compete with that dominance and result in a proposal with a prominence inappropriate to the significance and character of the site, in direct competition with the importance of the heritage assets. The proposal would furthermore clearly and significantly interject into this relationship with a proposal that not only affects the significance of heritage assets as a result of the loss of open space, but which by virtue of the size and competing dominance of the proposal affects the setting, significance and understanding of the heritage assets which form the heart of Hadleigh. This would result in further harm to the setting and significance of these assets.

- 8.8 In the light of this the proposal is considered to result in harm to the appearance, character, setting and significance of the nearby heritage assets, both by reason of the loss of the area of open space, and by reason of the dominance and scale of the proposed building, contrary to Local Plan Policies CN06 and CN08 and Core Strategy Policy CS15.
 - 8.9 The NPPF paragraph 132 requires great weight to be given to the conservation of heritage assets, the more important the asset, the greater the weight should be. In this case the proposal affects three Grade I listed buildings, and nearby Grade II* and II listed buildings as well as the setting of the Conservation Area. As such a considerable level of weight must be given to the conservation of those assets and the importance of the harm that has been identified.
 - 8.10 Paragraph 132 goes on to state “*heritage assets are irreplaceable, any harm or loss should require clear and convincing justification... Substantial harm to or loss of designated heritage assets of the highest significance notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*”
 - 8.11 Paragraph 134 states that “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*”
 - 8.12 Historic England consider the harm to be high, not rating it in terms of substantial, or less than substantial. The Council's Heritage Officer considers that harm is at the very upper end of 'less than substantial' harm as defined by the NPPF. Given the harm identified it is considered that the proposal would result in harm at the very upper end of 'less than substantial'.
 - 8.13 Paragraph 134 of the NPPF requires the weighing of less than substantial harm against the public benefits of the proposal. The proposal offers public benefits by way of the provision of a single dwelling, not offering affordable or local needs housing. Furthermore, this is in a location within a town where other housing could be delivered without such harm and with at least equivalent benefits. The benefits identified by the applicant with regards to bringing the land back into use are not considered a public benefit, making this land absolutely private, separating it further from the heritage assets.
 - 8.14 The extent of harm identified is significant, considered to be at the very highest level of 'less than substantial', and it requires a considerable importance attached to it in light of the statutory duties set out under the listed buildings Act. As such, identified public benefits would need to be substantial in order to achieve a favourable weighting against that level of harm, which effectively acts as a presumption against harmful development proceeding without compelling justification (of which there is none). In this instance the public benefits that would follow in allowing the development to proceed would not outweigh the very clear high-level less than substantial harm that has been identified.
 - 8.15 As such the proposal would be contrary to the NPPF paragraphs 7, 14, 60, 61, 131, 132 and 134 and the policies of the development plan including CN06, CN08, and CS15.
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9.0 **Residential Amenity**

- 9.1 The proposal, due to the separation retained to neighbouring properties, the landscaping proposed and retained, and the orientation of the proposed dwelling, is such that the proposal is not considered to result in harm to residential amenity with regards to privacy, overlooking or overshadowing.

PART FOUR – CONCLUSION

10.0 **Statement Required by Article 35 of the Town and Country Planning (Development Management Procedure Order) 2015.**

- 10.1 When determining planning applications the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 10.2 In this case pre-application advice was sought. During the course of the application several issues have arisen and amended plans been sought.

11.0 **Planning Balance**

- 11.1 The proposal would result in the loss of open space which forms part of the character and significance of heritage assets at the heart of Hadleigh, causing harm to the significance, setting, understanding and appreciation of these heritage assets. This permanent loss is not considered to be acceptable due to the harm caused to the heritage assets, affecting the setting, space and historic layout of the area and accordingly affecting the heritage assets.
- 11.3 Furthermore the proposed development by reason of its size, prominence and competing dominance would result in further harm having particular regards to the importance of the church, Guildhall, Deanery Tower and Hadleigh Hall due to their size, compared with the domestic scale of surrounding development, so as to result in a prominence inappropriate to the significance and character of this area.
- 11.4 The harm identified would be at the very upper end of 'less than substantial' and would not result in public benefits which would outweigh the harm.
- 11.5 The proposal would furthermore not protect or enhance the historic environment as required by the NPPF and Core Strategy Policy CS15, and indeed is considered to result in harm to the historic environment, in a particularly sensitive location at the heart of Hadleigh. As such the proposal is considered to result in adverse impacts to the environmental strand of sustainable development, which significantly and demonstrably outweighs the limited benefits of the proposal, such that the proposal fails to meet the requirements of the NPPF and the development plan when taken as a whole.
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RECOMMENDATION

That Planning Permission be refused for the following reasons:

The proposal results in the loss of the site as an area of open space, forming part of the setting and contributing to the significance of the adjacent Grade I listed Church, Deanery Tower and Guildhall, as well as the Grade II* Deanery, Grade II Hadleigh Hall and the Conservation Area. The proposal would therefore fail to protect, preserve or enhance the character and appearance of the locality, landscape and the setting and significance of the surrounding heritage assets, with particular regards to the churchyard aspect, and listed buildings by virtue of failing to respect the townscape, historic environment, important spaces and historic views, which would result in a high level of harm of less than substantial harm to the setting and significance of the Listed Buildings and the Conservation Area, not outweighed by public benefit. As such the proposal would be contrary to the requirements of the NPPF including with regards to the environmental role of sustainable development and furthermore with particular respect to paragraphs 7, 14, 60, 61, 131, 132 and 134 of the NPPF, Policies CN01, CN03, CN06, CN08, HS01 and HS28 of the Babergh Local Plan (2006) and Policies CS1 and CS15 of the Babergh Core Strategy (2014).

The proposal would further result in the imposition of a substantial domestic property into the setting of the Listed Buildings and Conservation Area. This would detrimentally affect the setting and significance of the Listed Buildings and Conservation Area, having particular regards to the dominance of the heritage assets compared to the smaller scale of properties in the wider setting. The proposal due to its size and significance would compete with this dominance, important to the significance of the heritage assets, and result in a proposal with a prominence inappropriate to the development and intruding upon the significance of the heritage assets and character of this area. This would result in a high level of harm of less than substantial harm to the setting and significance of the Listed Buildings and the Conservation Area, not outweighed by public benefit. As such the proposal would be contrary to the requirements of the NPPF including with regards to the environmental role of sustainable development and furthermore with particular respect to paragraphs 7, 14, 60, 61, 131, 132 and 134 of the NPPF, Policies CN01, CN03, CN06, CN08 of the Babergh Local Plan (2006) and Policies CS1 and CS15 of the Babergh Core Strategy (2014).
