

Committee Report

Item No: 2

Reference: DC/18/02197
Case Officer: Lynda Bacon

Ward: Great Cornard South.

Ward Member/s: Cllr Peter Beer. Cllr Mark Newman.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Full Planning Application - Erection of 2 No. detached dwellings and garages

Location

Land Adjacent to 247 Bures Road, Great Cornard

Parish: Great Cornard

Expiry Date: 28/09/2018

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Robert and Peter Crawford

Agent: Whymark Moulton Ltd

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The application has been brought to committee following consideration by Delegation Panel as the scheme represents a cumulative impact having regard to other schemes within the immediate vicinity.

Members were requested to visit the site to understand the relationship of the site with the flood zones.

Details of Previous Committee / Resolutions and any member site visit

A Panel of Members visited the site on the 7 November 2018.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern Policy

CS03 - Strategy for Growth and Development

CS04 - Chilton Woods Strategic Land Allocation and Strategy for Sudbury / Great Cornard

CS15 - Implementing Sustainable Development

CS18 - Mix and Types of Dwellings

CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR04 - Special Landscape Areas
TP15 - Parking Standards - New Development

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

Great Cornard Parish Council - Recommended approval.

SCC - Highways

Initial comment:

The County Council as Highways Authority recommends that permission be refused for the following reasons:

Safe and suitable access cannot be achieved therefore, the current proposal contravenes NPPF para.32.

Visibility splays are shown to be x=2.4m by y=16m in each direction on drawing number 16/188-01A. This splay must be demonstrated to be x=2.4m by y=90m, in accordance with DMRB.

An intensification of use on a substandard access is detrimental to highway safety. Therefore, unless the aforementioned can be overcome, SCC will be upholding its objection under highway safety grounds.

Subsequent comment:

To be reported at the meeting.

Heritage Team

Initial comment:

The Heritage Team considers that the proposal would cause a low to moderate level of less than substantial harm to a designated heritage asset because the proposed development would negatively impact the setting of Brook House.

The proposed development to the south of Brook House, following previous or granted development to the north, east and west, would result in the loss of the last aspect in which Brook House retains its historically isolated position.

Subsequent comment:

The Heritage Team considers that the proposal would cause a low to moderate level of less than substantial harm to a designated heritage asset because the proposed development would negatively impact the setting of Brook House.

The Heritage concern relates to the physical isolation of Brook House, which it now retains only to the south. The construction of dwellings further to the south would result in the listed building being physically surrounded by development, considerably altering the character of its setting.

Environmental Health - Land Contamination - Confirm no objection to the proposed development from the perspective of land contamination but request to be contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

SCC - Fire & Rescue - The plans have been inspected by the Water Officer who has offered comments in relation to access and fire fighting facilities, and water supplies.

Arboricultural Officer - No comment received and the consultation deadline has now expired.

The Environment Agency

Initial comment:

Raise a holding objection on flood risk grounds.

At the time of writing, flood maps show the site is located in Flood Zone 3b, the functional floodplain. The proposed development is classified as 'more vulnerable' in Table 2: Flood Risk Vulnerability Classification of the PPG. Table 3 of the PPG makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.

Further confirmed that modelling was being undertaken for the River Stour and that it was expected that this modelling would alter the flood risk classification of the site. Once the modelling is complete, the Environment Agency would review the flood risk at the site with a view to removing the holding objection.

Subsequent comment:

The application has now been reviewed against the latest flood modelling results for this area of the Stour. The modelling shows that the site is located in Flood Zone 2, instead of Flood Zone 3b. On this basis, we are satisfied that the earlier holding objection can be removed.

Maps show the site lies within fluvial Flood Zone 2 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a medium probability of flooding. The proposal is for 2 dwellings, which are classified as 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA). If the LPA is satisfied that the application passes these Tests and will be safe for its lifetime, it is recommended that a condition be imposed to secure compliance with the FRA.

Guidance is also offered in relation to the Sequential Test. The LPA is reminded that the requirement to apply the Sequential Test is set out in Paragraph 158 of the National Planning Policy Framework and that this test is the responsibility of the LPA and should be completed before the application is determined. Further guidance concerning flood resilience construction, emergency flood planning and other sources of flooding are also offered.

BDC - Planning Policy - No comment received and the consultation deadline has now expired.

SCC - Archaeological Service

This site lies in an area of archaeological potential recorded on the County Historic Environment Record, in a favourable topographic location on the edge of the floodplain, close to the remains of known and excavated Bronze Age burial mounds (COG 004, COG 005, COG 006, and COG 025).

Thus, 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 to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), 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.

In this case, it would be appropriate to impose two standard archaeological conditions.

SCC - Flood & Water Management

Suffolk County Council, Flood & Water Management confirm that it is a statutory consultee for major applications only. Therefore, as this is a minor application, no comment is offered however, the LPA is directed towards relevant guidance.

The EA holding objection regarding the proposed development in flood zone 3b was noted. Advise that it is more appropriate for the EA to comment.

B: Representations

Three letters have been received from adjoining properties raising the following objections and comments;

- The land is designated flood plain and floods consistently every winter and is unsuitable for development. If the status changes, it will set a precedent for neighbouring land. The council formerly insisted on an agreement to prevent the status of the garage at 247 Bures Road changing because it is adjacent to this land and therefore considered unsuitable for dwelling. If the land is built up to protect the new houses from floodwater, the waters may instead flood existing properties or highways.
 - There are no pedestrian walkways within the vicinity, making it unsuitable for wheelchair, or mobility vehicle users. If the ground is built up, it will be too steep an elevation for disabled users. The highway at this point is narrow and a hazard for pedestrians or mobility scooters. The location is too far from local amenities/infrastructure for many disabled people to be able to access independently.
 - Repeat concerns expressed previously in relation to withdrawn application (DC/17/02311) as the same case is being made by the applicants in DC/18/02197 and previous comments still stand.
 - The plot was sold and purchased as "1/4 Acre Woodland and Amenity Land..," the application described the site as unkempt, which is misleading.
 - Issues regarding the required minimum visibility splays for any driver exiting the proposed vehicular access have not been addressed. Unless safe vehicular access can be achieved, the rest of the current application is untenable.
 - No evidence provided to show that the application meets a requirement for new residential building in the area. There are a number of other building schemes underway in Sudbury and Great Cornard to meet need.
 - Loss of sunlight, daylight, outlook or privacy; the application will result in a significant loss of outlook and of privacy to neighbouring property to the rear (East).
 - Existing views extend, unbroken, across the fields, railway line and the Stour Valley to the other side of the Stour Valley. The erection of two dwellings side-by-side will remove the outlook completely.
 - Privacy - estate was designed so that property is not directly overlooked by others. It is clear from the plans that the proposed dwellings will have windows directly overlooking neighbours garden and will have line of sight of the windows to the rear of our property.
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The proposed dwellings would also have a considerable impact on the amenity value of the garden since they will change the atmosphere and the outlook.

- Design, layout and impact on the character of the surrounding area: Proposal site imposes four new buildings on a landscape which has been reserved for non-domestic and non-commercial building. Proposal will change the amenity value of the land itself and that of the surrounding area.
- Highway issues: traffic generation, highway safety, vehicular access and parking issues.
- Assumed that up to eight vehicles will regularly be exiting and entering the proposed site, with consequences for the flow of traffic and highway safety. Parking for up to eight vehicles is excessive for two proposed dwellings.
- People utilising the proposed garden areas will make a significant difference to the noise levels in the environs.
- Capacity of physical infrastructure (public drainage, water systems): The proposed dwellings would be built on flood plain. The FRA conclusion assumes that the nature of potential flooding is related to fluvial flooding and therefore, that the presence of a raised railway embankment and the slightly elevated nature of Bures Road would be sufficient to hold back any such flooding. However, neighbours have direct experience that flooding is a regular occurrence and likely to more to do with the effects of a raised water table combined with increasingly frequent prolonged heavy rainfall leading to surface flooding of roads and gardens and garaging. An extra pumping station was built on Blackhouse Lane to support the over-stretched existing pumping station managed by Anglian Water is located within the Persimmon estate.
- The FRA concludes that an estimated 124m³ of flood water capacity would be "lost" if the proposed buildings are erected, which would represent an increased hazard given the prevailing annual flooding patterns. Where will run-off flood water go? Even if soakaways are put forward, their efficacy must be tested by a percolation test.
- Deficiencies in social facilities (employment, healthcare, community facilities, school spaces): Local services will not be able to absorb the additional population.
- The density of the proposed buildings appears high. There is little room between them which may lead to noise, disturbance and privacy issues between future potential occupants.
- The plot measurements have been exaggerated. A small plot, not as appears on plans which floods, and will have major effects on our surrounding area pushing flood waters elsewhere. The buildings are not in keeping with area and could shade our property, affecting our amenities even more after the large building was passed directly behind us at no.247.
- Feel strongly that should this go ahead the surrounding areas will continue to fill up with new builds. Housing for young families is needed not large expensive properties.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The application site comprises just over 0.10 hectares of land within the countryside but on the edge of the Sudbury/Great Cornard urban area. The site is located on the eastern side of Bures Road and to south of a detached dwelling at No. 247 Bures Road. To the north and east of the site is a large housing estate on land formerly part of Sudbury Rugby Club, Nos 22 and 24 Game Close back onto the application site. Brook House to the north of the site is Grade II listed and adjacent to which is The Brook Public House.

1.2. The site has a frontage of 31m to Bures Road and a maximum depth of approx. 41m. The site is around 200m from the southern limits of the Built Up Area Boundary to the north. The site is within the designated 30 mph zone along Bures Road. The site is within Flood Zones 2 (present day) and Flood Zone 3 (with climate change) and is opposite but outside of the Special Landscape Area based around the Stour on the opposite side of the road.

2. The Proposal

2.1. The application seeks planning permission for the erection of 2 no. detached, two-storey 'chalet' style dwellings positioned towards the centre of the site. Both properties will be of a similar design and constructed using traditional materials and detailing. First floor accommodation will be within the roof space incorporating dormer windows to the front and rear elevations, each will dwelling provide 4 bedrooms. The overall ridge height of the dwellings is 7.7m.

2.2. A new shared vehicular access will be created towards the centre of the combined frontage and detached double garages with shared driveway are proposed to the front/ side of both properties. A raised deck pathway will be created along either side boundary to facilitate pedestrian access from the garages to the front door of each property to provide escape in the event of flooding and wheelchair access.

3. The Principle of Development

3.1. There is limited planning history, an application for the erection of 2 no detached dwellings and detached cartlodge garages was submitted under DC/17/02311 but was withdrawn prior to determination.

3.2. Policy CS2 of the Core Strategy identifies a settlement hierarchy so as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement/areas within the district, with Towns/Urban areas representing the most preferable location for development, followed by the Core then Hinterland Villages.

3.3. The Countryside, for the purposes of Policy CS2, is defined as those areas outside the towns/urban areas and Core and Hinterland Villages. The Countryside is identified as the least preferable location for development, with development permitted only in exceptional circumstances subject to a proven justifiable need.

3.4. Policy CS3 sets out the Council's Strategy for Growth and Development. It states that employment and housing growth will be accommodated within Babergh's existing settlement pattern and in new mixed and balanced communities on the edges of the towns and the Babergh Ipswich Fringe. It provides for a minimum 850 new dwellings to be delivered in the Sudbury and Great Cornard Towns / Urban areas for the period between 2011 and 2031.

3.5. Policy CS4 (B) states that development in Sudbury / Great Cornard should comply with other policies in the Local Plan, particularly Policy CS15, and where appropriate, provide inter alia:

- i) high quality design, structural landscape planting, and layouts and scale of development that respect adjacent landscape or townscape features;
- ii) a green infrastructure framework connecting with and adding or extending formal and informal green spaces, wildlife areas, and natural landscape settings and features;
- iii) good links and/or the enhancement of existing links for pedestrians and cyclists to the town centre, rail station, employment areas, schools, bus stops, etc.

3.6. Policy CS15 of the Core Strategy requires development within the district to demonstrate the principles of sustainable development. The Policy identifies a number of criteria as to apply it within the local context, including that new development should ensure an appropriate level of services, facilities and infrastructure are available to serve the proposed development and that development should seek to minimise the need to travel by car.

3.7. Policy CS18 states that residential development will be supported where it provides for the needs of the District's population especially the elderly and at a scale appropriate to the size of development.

The overall thrust of the policies contained within the development plan, when taken as a whole, presents a presumption in favour of sustainable development (see Policy CS1 and Objectives of the Core Strategy). Note; Policy CS11 is the Strategy for Development for Core and Hinterland Villages and is not therefore applicable to this proposal.

3.8. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 73). For sites to be considered deliverable they have to be available, suitable, achievable and viable.

3.9. The Council published its Annual Monitoring Report (AMR) in July 2018 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Babergh District Council is able to demonstrate a 5 year housing land supply.

3.10. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives; economic; social and environmental, which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

3.11. Paragraph 38 of the NPPF states that Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible, as outlined in paragraph 11 of the Framework.

3.12. Paragraph 77 of the NPPF advises that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and Paragraph 79 advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless there are special circumstances.

3.13. Paragraph 155 of the NPPF advises inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 goes on to explain that in determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere through the implementation of the Sequential Test and, if necessary, the Exceptions Test.

3.14. The proposed site is adjacent to existing built development that is also beyond the BUAB; the new housing estate off Grantham Avenue/Spicer Way to the north and east was a land allocation built outside the confines of the BUAB. The site is not therefore considered to be in an isolated location and it is not necessary to assess the proposal against the types of development listed under NPPF Paragraph 79 as being appropriate exceptions.

3.15. In light of all of the above, this report will consider the proposal against the weight of the policies within the development plan following the announcement of BDC's housing land supply position, but also the three strands of sustainable development set out in the NPPF taken as a whole.

3.16. The application site is located in the countryside, wherein Policy CS2 of the Core Strategy states that new development will only be permitted in 'exceptional circumstances subject to a proven justifiable need'.

This requirement is not entirely consistent with the objectives of the NPPF for sustainable development and full weight is not therefore given to Policy CS2 in this case. The three objectives of sustainable development, in the context of the proposed development, are assessed below.

3.17. Economic: The provision of 2 no. dwelling units will give rise to limited employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of some benefit to the local economy.

3.18. Social: The development would provide a benefit through the delivery of 2 no. additional modest family dwellings on the open market.

3.19. Environmental: The site is located in the countryside however, given that the site lies adjacent to existing built development, it could be perceived as an extension of the urban area. The site is well related to the settlement geographically, which provides a good range of services and facilities. However, the site itself is not connected to the settlement by a footway and pedestrian access from the site to the settlement will be limited due to this lack of footway provision. An existing footway lies some 80m to the north, on the opposite side of Bures Road, which heads northwards to connect the site to the existing footway network. The applicants have indicated verbally that they would be prepared to consider providing a public footway across the frontage of the application site however; this offer has not been pursued at this stage as the footway would not be connected to the existing footway and pedestrians could not complete their journey into the settlement via a continuous footway. The proposed dwellings would also be built to current Building Regulations standards which embed positive measures to reduce carbon emissions and energy usage.

3.20. In terms of the benefits offered in respect of each of the overarching objectives of sustainable development as set out by paragraph 8 of the NPPF, the proposal is considered to represent sustainable development in so far as the social and economic objectives are met without adverse impacts outweighing the benefits. The proposal is not, on balance, considered to represent sustainable development in regards to the environmental objective of the NPPF as safe vehicular access to the site and pedestrian access to the settlement cannot be achieved; even though the site is otherwise geographically well related to the settlement. There are also fundamental adverse flood zone and heritage impacts that will be considered elsewhere in the report that outweigh the benefits of the development.

3.21. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development at the local level. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterions within policy CS15 are covered elsewhere within this report and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.

3.22. Given the proximity of the site to the Sudbury/Great Cornard urban area, the site is considered to be conveniently located to a good range of local services and facilities however, access to services is more likely to require the use of a car as there is no footway serving the proposal. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Great Cornard benefits from a regular bus service between Colchester, Sudbury, Bury St Edmunds and the villages in between. There is therefore, potential for the new residents of the development to access a number of public transport connections to provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.

3.23. This report will go onto consider the landscape setting of the site and surroundings and heritage assets (criterion i of CS15) and the associated highway issues (criterion xix of CS15) and biodiversity aspects (criterion vii of CS15) will also be considered.

The design and layout of the scheme, and its impacts on the local area, are also to be considered (criterion ii of CS15) along with the requirement to minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development (criterion xi of CS15). These assessments need to be made in order to fully assess the sustainability of the proposal as a whole.

4. Site Access, Parking and Highway Safety Considerations

4.1. The site does not currently benefit from direct access from Bures Road. The proposal includes provision of a new vehicular access located centrally within the frontage. The submitted plans show the new vehicular access will be constructed to County Highways requirements DM01 (which is the domestic vehicular access layout where no footway is present) however; the submitted plans do not show the required visibility splay in either direction. In the absence of which, the County Highway objection and recommendation for refusal still stands.

4.2. The total number of parking spaces to be provided accords with the Suffolk Guidance for Parking technical guidance adopted by the district. The Local Highway Authority raises no objection to the proposal in relation to parking provision.

5. Design and Layout [Impact On Street Scene]

5.1. At a local level, policy CS15 requires that proposals for development must respect the local context and character of the different parts of the district and should (inter alia): make a positive contribution to the local character, shape and scale of the area. Policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and construction materials for the location and Policy HS28 states (inter alia) that applications for infill developments will be refused where the proposal represents overdevelopment to the detriment of the character of the locality, residential amenity or where the proposal is of a scale, density or form which would be out of keeping with adjacent or nearby dwellings.

5.2. The built form of existing development along Bures Road is predominately linear and set back from the highway, however 'close/cul-de-sac' type development on land to the north and east off Grantham Avenue/Spicer Way provides an 'in depth' alternative to the existing pattern of development. The application proposes to make use of this tapering/rectangular parcel of land by siting a pair of similar 'chalet' styled detached properties towards the centre of each plot, with detached double garaging to the front and side of the dwellings. Existing property at Nos. 245 and 247 Bures Road are positioned much further back from the road and neither dwelling (or ancillary outbuildings) are readily apparent in the street scene such that the first visible property that is viewed on entering the settlement from the south is Brook House, the Grade II listed building that is set adjacent to the roadside to the north of the application site. The central position of the proposed dwellings within their plots and the forward siting of the detached garaging do not respect the existing pattern and spacing of development in relation to the road however, wider distant views of the development from the approach in either direction will largely be concealed by established planting on adjoining land thereby minimising the visual impact of the development within the street scene.

5.3. The scale and proportions of the development are appropriate within the street scene and the proposal is considered to be in keeping with the character and appearance of the area in this regard.

5.4. With respect to the design and appearance of development, properties within the area are broadly of a traditional design, constructed using traditional Suffolk materials, including render, red brick, boarding and clay tile. Additionally there are examples of slate and concrete tiles being used. The proposal is constructed using a comparable pallet of materials, which will be subject to agreement by condition, and thus remains in keeping with development in the area.

5.5. In terms of the proposed parking layout, there are examples of parking areas to the front of properties within the immediate vicinity; Brook Farm House to the north has frontage parking and the recent development further to the north (4 no. dwellings) also has frontage parking that is partly screened by a garaging. The parking layout includes provision for new hedge planting along the frontage to help soften the visual impact of the garages and any parked cars.

5.6. Accordingly, Officers consider the proposal is of an acceptable design and will give rise to an acceptable impact upon the built and natural environment, consistent with the above policies and the environmental dimension of sustainable development.

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

6.1. The site is not within the locally designated Special Landscape Area, which is on the opposite side of Bures Road. In landscape terms, the interior of the site has been cleared of trees and other vegetation whilst an overgrown hedgerow remains across most of the frontage, which will be removed and replanted to facilitate the new proposed access. To the south, the site is enclosed by an existing close boarded fence that separates the site from an area of informal public open space, which has planting that is becoming established that helps screen the south side of the application site from wider views on the southern approach into Great Cornard. Similarly, established planting within the grounds of neighbouring property serves to screen the site from view from the north. The application site is therefore visually enclosed by existing screening outside the site boundaries and the visual impact of the development in the wider landscape setting of the locally designated Special Landscape Area opposite is therefore considered to be minimal.

6.2. The site has cleared of vegetation and it is not considered that the proposal has any potential impact on protected species or their habitats.

7. Land Contamination

7.1. The application is supported by a Sitecheck Environmental Risk Assessment. The Councils Environmental Protection Team has reviewed the information and raise no objection to the proposal.

8. Heritage Issues

8.1. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.

8.2. Paragraph 192 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

8.3. Paragraph 191 of the NPPF 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. In consideration of the contribution towards the Council's housing targets, provision of affordable housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh the less than significant harm to the heritage asset.

8.4. English Heritage (now Historic England) (HE) guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Heritage significance can be harmed through development within setting.

8.5. The initial comments from the Heritage Team explain that the proposed development is considered to be inappropriate as development on this site would cause harm to the setting of Brook House. The reason being Brook House and the adjacent public house were historically isolated within agricultural land, away from the village centre. The setting of the listed building has therefore been characterised by this isolation. This isolation remained until the late C20 to early C21, when new housing developments were constructed immediately to the north and east, diluting the setting of Brook House. Additionally, an application for two houses across the road from Brook House was granted under DC/17/02341. Brook House now only retains a connection to open-land to the south. Therefore, the Heritage Team considers that the cumulative harm caused by this application would lead to a complete loss of this aspect of Brook House's setting.

8.6. The Heritage Statement submitted by the applicant subsequent to the receipt of the above Heritage Team comment explains that there is extensive and mature tree and hedge planting to the area of land between the application site and Brook House such that Brook House is not clearly visible from the application site or public highway when travelling from the south. The submitted statement also explains that the setting of Brook House has already been affected by construction of the three dwellings to the rear of the property, namely Nos. 244, 245 and 246 Bures Road and, in addition, no adverse heritage comments were raised for the recently granted Planning Permission on land directly opposite Brook House for two detached dwellings ref. DC/17/02341/OUT.

8.7. Final comment from the Heritage Team in relation to the Heritage Statement confirms that it is not relevant that the listed building and development site are not clearly intervisible, due to vegetation in between. The Heritage Concern relates to the physical isolation of Brook House, which it now retains only to the south. The construction of dwellings further to the south would result in the listed building being physically surrounded by development, considerably altering the character of its setting. The Heritage Team maintains that there would be less than substantial harm, which is still a high bar, which should be weighed against public benefits.

8.8. The Heritage Team remain firmly of the opinion that the proposal would cause a low to moderate level of less than substantial harm to a designated heritage asset because the proposed development would negatively impact the setting of Brook House. The development would result in the loss of the last aspect in which Brook House retains its historically isolated position and for this reason the Heritage Team do not support the proposal and advise the application does not meet the requirements of s.66 of the P(LBCA)A 1990, nor the policies within the NPPF or the Local Plan.

8.9. Officers concur with the above Heritage Team commentary. Unlike application DC/18/01555 in relation to the proposed development on land adjacent to Brook Farm House appearing elsewhere on the schedule for Planning Committee, there is no other material planning consideration to take into account in the balancing exercise for the consideration of this application; this is new development within the setting of the listed building that will irreversibly and unacceptably alter its character.

9. Impact on Residential Amenity

9.1. The NPPF (paragraph 127f) states planning policies and decisions should ensure that developments, inter alia, create places ... with a high standard of amenity for existing and future users. Saved Policy HS28 also advises (inter alia) that applications for infill developments will be refused where the proposal represents overdevelopment to the detriment of the character of the locality or residential amenity.

9.2. The proposed pair of detached dwellings is situated towards the centre of the plot and will retain a rear garden depth of at least 17m (Plot 1) and 16m (Plot 2). Although the dimensions of the extent of the application site have been questioned by the occupiers of properties to the rear in Game Close, the development will provide a 'back to back' separation between existing and proposed dwellings of more than 35m, which is considered acceptable.

9.3. Concern has been expressed by neighbouring occupiers that the development will result in the loss of sunlight, daylight, outlook and privacy at their property. The site is located to the west of the rear of properties in Game Close and the proposed dwellings may therefore reduce the amount of direct sunlight received in the rear garden at the end of the day towards sunset however, the loss of direct sunlight is not considered to be significant. Given the degree of separation between the existing and the proposed dwellings, the amount of daylight being received within neighbouring property is not considered to be materially affected.

9.4. In terms of loss of outlook and privacy, it is not the purpose of the planning system to protect the right of individuals to retain a view however; it is in the public interest to ensure that the spacing and pattern of development respects neighbouring amenity and outlook. It is considered that the proposed dwellings are sufficiently distant from neighbouring property so as not to appear overly dominant or oppressive when viewed from those adjoining dwellings and/or gardens and the proposal will not result in the significant loss of outlook. The internal layout of the proposed dwellings provides first floor bedroom and bathroom windows in the rear elevations; the bathroom windows will be obscure glazed. This first floor accommodation is within the roof space and the sloping ceiling, coupled with the dormer window arrangement, will reduce the extent within the rooms where views over neighbouring property can be achieved. Moreover, the degree of separation between the existing and proposed dwellings further reduces the impact of mutual overlooking between dwellings.

9.5. In terms of the relationship of the proposed parking layout to the objectors property in Game Close, it is considered that the amenity of the neighbouring property will not be materially affected by the location of the parking/garaging area as this is to the front of the site and is screened from neighbouring property by the proposed dwellings and will not therefore impact on neighbouring amenity. It is also considered that any cumulative noise associated with vehicle movements within the parking area will not be significant, given the proximity to traffic using Bures Road.

9.6. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. It is considered that the proposal does not give rise to concerns of loss of neighbour amenity by reason of its form and design, given the degree of separation of existing adjoining property to the boundary and the proposed arrangement of space and built form.

10. Flood Risk and the Sequential Test

10.1. The NPPF requires a sequential, risk-based approach to be applied to all levels of the planning process and the first step in assessing the acceptability of the proposal in flood risk terms is the application of a sequential test (ST) of the application site to ensure that it is the safest option for the location of the development given the characteristics of the proposal. In order for the ST to be passed it must be demonstrated that there is no reasonably available alternative land at lower risk of flooding that could accommodate the development instead of the siting proposed.

10.2. The submission does not include a substantive Flood Risk Assessment (FRA) beyond comment on the Environment Agency's 2011 flood modelling of the river Stour and reference to subsequent modelling and FRA carried out on behalf of the applicant, neither of which has been submitted in full. It appears however that the EA have received this information and have accepted the new model data for the site as confirmed in their consultation response and associated model maps.

10.3. According to the advice received from the Environment Agency (EA) the application site is affected by flooding. As such the proposal must be considered against the requirements of the NPPF (including the NPPG) and Development Plan policies on flood risk which aim to prevent development that would be unsafe or which would increase the risk of flooding elsewhere and to ensure that new development is directed towards the safest land as a preference.

10.4. The applicant has not provided any information for consideration in the Council's application of the sequential test which is therefore carried out on the basis of the information received from the EA and that which is otherwise available to the Council.

10.5. In their consultation response the EA provide flood outline maps based on the revised modelling that has recently been signed off. They confirm that the site lies within Flood Zone 2 (present day) and Flood Zone 3 (with climate change).

The Sequential Test:

10.6. The proposal is for the development of 2 open market dwellings adjoining the settlement of Great Cornard, a Town as designated by policy CS2 of the BDC Core Strategy 2014. In the absence of an FRA the design lifetime of the proposed dwellings is assumed to be 100 years in accordance with the NPPG. The application documents do not include any information relating to the search area for reasonably available alternative sites as required by the ST. According to the information received from the EA the application site lies within flood zone 3a allowing for climate change sensitivity.

10.7. It is considered appropriate that the search area for reasonably available alternative sites is defined by local circumstances relating to the catchment of the development. The proposed development is for 2 open market dwellings within a Town settlement that is not intended to meet any targeted need beyond the provision of general needs housing as specified in Policy CS3 and the Strategic Land Allocation set in Policy CS4. There are not therefore considered to be any special characteristics of the development or the application site that inform the search area of the ST.

10.8. On this basis and having regard to the overarching sustainability objectives of the NPPF and Local Plan it is reasonable to consider all alternative sites with a lower probability of flooding (flood zones 1 and 2) within areas of equal or greater sustainability status to the application site in accordance with Settlement Pattern Policy CS2.

10.9. Settlements of equal or greater sustainability status as Great Cornard according to the BDC Local Plan are Sudbury, Hadleigh and The Babergh Ipswich fringe. The search area for the ST may therefore include land within flood zones 1 and 2 in all of the above mentioned settlements.

10.10. The AMR records the number of unbuilt commitments, being sites with extant planning permission for residential development in the districts. The latest AMR (July 2018) shows that there are currently 4160 permitted but unbuilt dwellings within the Babergh district. The evidence documents used to inform this number identify unbuilt commitments by settlement. In the 'Urban Area and Market Town of Sudbury with Great Cornard there are a total of 1464 dwellings on sites with planning permission that have not yet commenced. An assessment of these permissions shows that at least 1150 of these dwellings (the Chilton Woods site) are located within flood zone 1.

10.11. As the proposed development is for 2 dwellings, Officers conclude that the existence of at least 2 unbuilt commitments on land at a lower risk of flooding (flood zone 1 or 2) shows that there are reasonably available alternative sites as defined by the NPPF. It is therefore not necessary to move on to consider unbuilt commitments within the other identified settlements.

10.12. It is necessary to determine the test having regard to the lifetime of the development and an appropriate sensitivity for climate change. On this basis the application site is located within flood zone 3. The ST shows there to be a large number of reasonably available alternative sites at a lower risk of flooding that could accommodate the proposed development and on this basis the sequential test has been failed.

10.13. In accordance with NPPF, as the proposal fails to pass the ST it is not appropriate to move on to consider the details of proposal in terms of the Exception Test (safe access and egress) or the safety of the development itself and the risk of flooding elsewhere. The NPPF states that 'development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding'. The application should therefore be refused planning permission.

11. Planning Obligations / CIL

11.1. The application is liable for CIL.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

12.1. Central to the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the Core Strategy for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2. The Council can demonstrate a five year housing supply and therefore the tilted balance at paragraph 11 of the NPPF is not engaged.

12.3. The statutory weight to be attached to Policy CS2 is reduced owing to the age of the settlement boundaries and the blanket approach favoured by the policy not being consistent with the balanced approach to decision making advocated by the NPPF.

12.4. Policy CS11 is not relevant as the site is not adjacent to a Core or Hinterland Village; it is however, situated in close proximity to the edge of the urban area of Sudbury Town/Great Cornard.

12.5. The key tests are Policy CS1 and Policy CS15, which carry full statutory weight. The proposal satisfies a number of important criteria, important because they reflect the core principles and over-arching objectives for sustainable development in the NPPF. Whilst the proposal is considered to satisfy the social and economic objectives for achieving sustainable development as stated in the NPPF, the environmental objective, which inter alia, seeks to protect and enhance the built and historic environment and mitigate climate change, is not satisfied.

12.6. In determining this application Officers are mindful of the specific duty imposed on the local planning authority with respect to the need to have special regard to the desirability of preserving the listed building or its setting, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12.7. Officers have applied the balance required by paragraph 192 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act and given the harm considerable importance and weight.

The outcome of this balancing exercise is that those public benefits do not outweigh the less than substantial harm, having given considerable importance and weight to the harm identified.

12.8. The environmental objective is not met as the development does not provide evidence of sufficient visibility to provide for safe vehicular access; it causes harm to the setting of the Grade II Listed Brook House (s.66 of the P(LBCA)A 1990, NPPF) and because it would result in inappropriate development in an area at risk of flooding and other alternative sites at lower risk of flooding are available that could accommodate the development instead of developing within the flood zone.

12.9. In the balance, the proposal is not considered to deliver sustainable development, in accordance with policies CS1, CS15 and the core principles of the NPPF.

12.10. The recommendation is to refuse planning permission.

RECOMMENDATION

That authority be delegated to Acting Chief Planning Officer to refuse planning permission for the following reasons:

1. Paragraph 108 of the NPPF sets out that decisions should take account of whether, inter alia, safe and suitable access to the site can be achieved for all users. The submitted plans show provision of a new vehicular access however, the proposed visibility splays are not sufficient for safe vehicular access and do not comply with a standard of 2.4m x 90 m for a 30mph speed limit as specified in the Design Manual for Roads and Bridges. The proposal is therefore unacceptable and would not ensure safe access and egress to the site. The proposal is, therefore, contrary to criterion xix of Policy CS15 of the Babergh Core Strategy (2014), Saved Policy HS28 of the Babergh Local Plan Alteration No.2 (2006) and to paragraph 108 of the NPPF.
 2. The proposal would result in the loss of the site as an area of undeveloped land, forming part of the setting and contributing to the significance of the adjacent Grade II listed Brook House. The proposed development to the south of Brook House, together with previous or approved development to the north, east and west, would result in the listed building being physically enclosed by built development and the last aspect in which Brook House retains its historically isolated position would be lost, thereby considerably altering the character of its setting. The proposal would cause a low to moderate level of less than substantial harm to a designated heritage where the public benefits of the proposal do not outweigh the level of harm. The proposal is therefore, contrary to criterion i of Policy CS15 of the Babergh Core Strategy (2014), Saved Policies HS28 and CN06 of the Babergh Local Plan Alteration No.2 (2006) and to paragraph 196 of the NPPF.
 3. The proposal would result in built development on land designated within Flood Zone 2 (present day) and Flood Zone 3 (with climate change). Paragraph 155 and 163 of the NPPF advises inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk through the implementation of the Sequential Test. The proposal has failed the Sequential Test as there are a large number of reasonably available alternative sites at a lower risk of flooding that could accommodate the proposed development. The proposal is, therefore, contrary to criterion xi of Policy CS15 of the Babergh Core Strategy (2014), Saved Policy HS28 of the Babergh Local Plan Alteration No.2 (2006) and to paragraphs 155 and 163 of the NPPF.
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4. For all of these reasons, the proposal does not comply with the development plan or the overarching environmental objectives of the NPPF and it is considered that the proposal would not represent sustainable development, contrary to Policy CS1 of the Babergh Core Strategy (2014), as the resultant harm would significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole, and where there are specific policies in the Framework which would direct that development be restricted.
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