

Committee Report

Item No: 3

Reference: DC/18/01555
Case Officer: Lynda Bacon

Ward: Great Cornard South.

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

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application. Residential development (2 No. three bed dwellings and 6 No. two bed dwellings), utilising existing vehicular access.

Location

Land South of Brook Farm House, Bures Road, Great Cornard, Sudbury

Parish: Great Cornard

Expiry Date: 04/10/2018

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Fox Earth Development Ltd

Agent: Mr Dean Pearce

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 with other development in the locality.

Details of Previous Committee / Resolutions and any member site visit

A Panel of Members visited the site on 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

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of any Pre Application Advice

Pre application advice was not sought.

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 refusal.

- i) Increase in traffic along Bures Road
- ii) Unsuitable access
- iii) Over development of site

The Parish Council strongly believes that the District Council should enforce the terms of the outline planning consent for the site, which granted permission for two detached dwellings with detached garages.

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.

The Environment Agency

Have returned the consultation without comment as the Environment Agency have checked the application and do not need to be consulted.

SCC - Flood & Water Management

SCC Flood & Water Management is a statutory for major applications only and as this is a minor application, no comment is offered however, relevant guidance is highlighted.

SCC - Fire & Rescue

The plans have been inspected by the Water Officer who has offered comment in relation to access and fire fighting facilities and water supplies.

SCC - Highways

Initial Comment

The County Council as Highway Authority initially advised that the proposed visibility splay to the north of the access appeared to cross third party land and would therefore be, outside of the applicants control and recommended that permission be refused unless the above point is addressed.

Subsequent Comment

Following receipt of a visibility splay drawing to show 90m splays in both directions without requiring third party land, the Highway Authority subsequently advise that any permission should include conditions to secure provision and retention of the new access and the required visibility splays; means to prevent the discharge of surface water onto the highway and provision of refuse/recycling bin storage.

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). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important 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, three standard planning conditions are recommended to secure the implementation of a programme of archaeological work; archaeological site investigation and recording; and the publication and dissemination of results and archive deposition.

Heritage Team

The Heritage Team have been consulted on three separate occasions and the following comments have been received:

Initial response (dated 1 May 2018).

- i) The Heritage Team considers that the proposal would cause a low level of less than substantial harm to a designated heritage asset because the presence of a 'mock' mill conversion adjacent to a listed former agricultural/industrial building would harm the latter's significance. However, the Heritage Team does not object to the principle of development on this site.
- ii) The application concerns the construction of two buildings, which would contain eight dwellings between them, on land on the southern boundary of Great Cornard. The application is a revision of an earlier application on the same site, under DC/18/00325. The heritage concern relates to the impact of the development on the significance of the Grade II Listed Brook House, the remaining part of a former maltings site, located opposite the development site on Bures Road.
- iii) The original application for two dwellings on the site was granted under DC/17/02341. The Heritage Team were not consulted on this application. The subsequent application, DC/18/00325, proposed three buildings, containing six dwellings between them, on the same site. The buildings were designed to resemble a farmhouse, barn and cottage. The Heritage Team raised the following concerns regarding this application:
 - Three dwellings on the site would constitute an overdevelopment of the site and would thus overly sever the inter-visibility between Brook House and the remaining waterways to the west of the site, which likely had historic connection with each other through Brook House's former maltings function.
 - The creation of a pastiche agricultural building, in the form of the 'mock' barn, would diminish the significance of Brook House, an existing building connected to agricultural/industrial functions.
- iv) The current application proposes to retain the cottage-style building to the south of the site, which would contain two dwellings, but replace the other two buildings with a single, three-storey, 'mock' mill building, to contain six flats.
- v) The density of the development, with two buildings instead of three, is an improvement over the previous proposal, as there would be more open space between the new buildings and therefore better inter-visibility between Brook House and the waterways beyond.
- vi) However, the Heritage Team considers that a 'mock' mill building is inappropriate, as it is designed to resemble another form of agricultural/industrial building. This would result in an artificial narrative, whereby a reading of the site could give a false impression of a historic link between the maltings and the 'mill.' Therefore, like the 'mock' barn, it would lessen the significance of Brook House, an authentic agricultural/industrial building.
- vii) In conclusion, the application does not meet the requirements of s.66 of the P(LBCA)A 1990, nor the policies within the NPPF and the Local Plan. It is for these reasons that the Heritage Team does not support the proposal.

Second response (dated 9 Aug 2018).

- i) The Heritage Team considers that the proposal would cause a low level of less than substantial harm to a designated heritage asset because the larger proposed dwelling would be of a contrived appearance that would be detrimental to the setting of the listed building. Additionally, the extensive proposed parking would also negatively impact the setting of Brook House.
 - ii) The proposal concerns revisions to an application for two buildings, which would contain eight dwellings between them, on land on the southern boundary of Great Cornard. The application is a revision of an earlier application on the same site, under DC/18/00325.
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The heritage concern relates to the impact of the development on the significance of the Grade II Listed Brook House, the remaining part of a former maltings site, located opposite the development site on Bures Road.

- iii) The Heritage Team considered that the previous application was inappropriate, because one of the buildings would have appeared as a pastiche of a mill building, which would have created a false impression of a historic link between the listed maltings and the mill. The application has now been revised and the mill replaced with a different form of building.
- iv) The Heritage Team considers that the revised building form, replacing the 'mock' mill, is not appropriate. The replacement building would be an awkward mix of traditional forms, with a balanced gambrel roof with a mansard roof front porch. While there are one or two brick buildings in Great Cornard with gambrel roofs, neither balanced gambrel roofs, nor mansard roofs, are typical of the area. The building would resemble something fleetingly traditional, without reflecting the local distinctiveness of Great Cornard, as per the requirements of paras.185 and 192 of the NPPF, to consider "the desirability of new development making a positive contribution to local character and distinctiveness." The building is considered rather disjointed and this it would detrimentally affect the setting of Brook House. An alternative approach that may be acceptable could be a completely contemporary building.
- v) The Heritage Team has concerns regarding the extent of proposed car parking in relation to the size of the development site. The amount of hard surfacing, vehicles, and vehicle movements would conflict with the edge-of-settlement, semi-rural setting of Brook House. Instead it would considerably suburbanise it. The Heritage Team considers that the amount of car parking space should be significantly reduced.
- vi) The Heritage Team also has concerns regarding the proposed bike shed, as it would resemble a row of toilet cubicles. The Heritage Team considers that the bike shed should be revised so that its intended function is clearer from its design.
- vii) The Heritage Team has no objection to the second, smaller dwelling.
- viii) In conclusion, 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. It is for these reasons that the Heritage Team does not support the proposal.

Final response (dated 25 Sept 2018).

- i) The Heritage Team considers that the proposal would cause a low level of less than substantial harm to a designated heritage asset because the larger proposed dwelling would be of a contrived appearance that would be detrimental to the setting of the listed building. Additionally, the extensive proposed parking would also negatively impact the setting of Brook House.
 - ii) The proposal concerns revisions to an application for two buildings, which would contain eight dwellings between them, on land on the southern boundary of Great Cornard. The application is a revision of an earlier application on the same site, under DC/18/00325. The heritage concern relates to the impact of the development on the significance of the Grade II Listed Brook House, the remaining part of a former maltings site, located opposite the development site on Bures Road.
 - iii) The mansard roof porch has been altered to a traditional pitched roof. No other relevant changes to the application are evident.
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- iv) The Heritage Team maintains its previous objection to the application. Changing the mansard roof to a pitched roof would not lessen the harm to the listed building, as it would only substitute one traditional element for another on a building that would remain an awkward mix of traditional forms.
- v) The Heritage Team also maintains its concerns to the proposed bike shed and car parking.
- vi) In conclusion, 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. It is for these reasons that the Heritage Team does not support the proposal.

B: Representations

11 responses from the residents of five neighbouring properties have been received objecting to the proposals on the following grounds:

- Loss of views over farmland and beyond, existing views will be lost and replaced by housing.
 - Increasing the number of dwellings is opportunist.
 - The car park/driveway will increase associated noise. These houses could generate 12 or more vehicles onto the already extremely busy, dangerous, narrow road.
 - What is meant by the buffer zone, will the applicant retain ownership of this estate and will the houses be rented out and not offered for sale to help those in need of housing?
 - 2 houses in keeping with the plot and surrounding buildings would be far more in keeping.
 - Old maps show brooks and water courses coming from the river across this site. There is a well at Brook House and large underground chambers full of water fed by the underground streams draining into them, development here will disturb traditional water courses.
 - Completely wrong type and size of development for this plot.
 - Overdevelopment on such a small area of land.
 - View is that a block of flats and large car parking area that would not be in keeping with the area either or surrounding houses.
 - Already very concerned for the safety of 2 teenage sons who daily walk along this road and past Brook House to get to school. There is no pavement and the road is narrow. The road has a 30 limit but regularly cars exceed the limit. Since the new estate and the roundabout cars are accelerating at this point and have very little regard for anyone trying to exit their properties or walking along Bures Road.
 - Alterations have been made to try to satisfy heritage with the design of the buildings. They do not address any other issues raised by residents.
 - Flats are out of place here, surrounded by family homes.
 - Invasion of privacy. Overlooking into neighbours bedrooms, lounge and garden from all three floors. This would be unlike a house, which would have bedrooms upstairs, normally only occupied at night. Due to 3 storey height, the light to rooms will be significantly reduced.
 - Right to light.
 - Every flat would have at least one or two cars, flats are best kept in a town centre location. There is no visitor parking, and potentially not enough spaces for the residents.
 - This will be an overdeveloped and overcrowded site, with an ugly car park frontage. Not appropriate as you enter the village.
 - Inadequate floor to ceiling height.
 - A previous application made for the site for 6 dwellings, was refused by the council. One reason being overdevelopment. This new application is for 8 dwellings. This proposal has maximum profit in mind, without a care for the surrounding neighbours.
 - Site has had continual problems with flooding, particularly in the winter. Concerned that should the development go ahead the problem of flooding will then be shifted to surrounding properties.
 - Reasons for refusing 6 dwellings (DC/18/00325) equally applicable to current proposal.
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- Council now has its 5 year land supply so full justification for proposal under policies CS2, CS11 and CS15 required or application should be refused to be consistent with other decisions elsewhere.
 - Application fails to properly consider the setting of the listed building and the council will need to fully justify any approval given.
 - The quantum of development has increased although the footprint has been reduced due to additional third storey. One building has been removed compared to previously refused scheme but the building is much larger/bulkier and parking has increased resulting in an over-development through increased intensification.
 - Proposed parking resembles a public car park and urbanises the street scene, impacting the character of the area and the listed building. No visitor parking is provided and there is no footpath provision to the front of the site albeit there is a narrow footpath in front of the next door property.
 - The application cannot demonstrate the required visibility splays and a breach of a condition will occur.
 - Bulky three storey building will be out of character by virtue of its dominance and over-bearing form. The mansard roof is out of character and the design is contrived.
 - Limited amenity space is provided for the occupants of the two-bed flats.
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PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The application site comprises just over 0.17 hectares of former grazing land within the countryside but on the edge of the Sudbury/Great Cornard urban area. The site is located on the western side of Bures Road to south of a detached dwelling known as Brook Farmhouse and its converted farmstead to north where three new dwellings were constructed in 2015. To the east side of Bures Road is a large housing estate on land formerly part of Sudbury Rugby Club. Brook House on the opposite side of Bures Road is Grade II listed and The Brook Public House is also opposite.

1.2. The site has a frontage of 65m to Bures Road and a maximum depth of 43m. The site is around 120m 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 outside Flood Zones 2 and 3 of the River Stour to the west and is within a Special Landscape Area based around the Stour. The applicant owns an adjoining parcel of land (approx. 0.12 ha), which is within the flood zone but excluded from the application.

2. The Proposal

2.1. The application seeks planning permission for the erection of 2 no. semi-detached, two-storey, dwellings positioned at the southern front corner of the site and detached three-storey apartment building comprising 6 no. flats towards the centre of the site alongside Brook Farm House to the north. The semi-detached dwellings would be 3 bedroom properties and the flats would be 2 bedroom properties.

2.2. The semi-detached dwellings have been designed as simple 'period' cottages of traditional form and presenting the appearance of a frontage onto Bures Road (east) and to the north and southern side elevations. Their appearance to the street scene as the site is approached from either side along Bures Road will be traditional in outline, with ridge heights below that of the proposed apartment building and Brook Farm House to the north of the site but of comparable height to the ridge and eaves levels of Brook House (listed building) opposite. Private amenity space is provided for both dwellings.

2.3. The external construction materials include colour-washed render with black painted plinths and white windows under a pan tiled roof.

2.4. The detached apartment building has been redesigned since initial submission. The original design comprised a three-storey red brick building of authentic 'maltings' form with black weatherboarded front 'loading bay' projection. The appearance of the building was subsequently amended in response to comments received from the Heritage Team, whereby the second floor accommodation was provided within the roof space (incorporating dormer windows) and the front projecting element was amended to a brick built 'porch' construction under a mansard roof, which was latterly changed to a traditional gable roof. The building maintains a 3m separation to the side boundary with Brook Farm House, which is positioned some 5.5m from the side boundary (combined separation of approx. 8.5m). Shared amenity space is proposed to the rear of the apartment building.

2.5. The application also seeks planning permission for the construction of a single storey detached building at the front of the site to accommodate a cycle and bin storage facility to serve the flats.

2.6. The proposed development provides two allocated parking spaces per property within a central parking area. Vehicular access from Bures Road is via the existing access, with 2.4m x 90m visibility splays in each direction.

2.7. New planting is proposed within the site and to the front and side boundary with Brook Farm House. The additional 'ecological buffer zone', which is to be retained by the applicant, will comprise an informal meadow to further soften the visual impact of the development.

3. The Principle of Development

3.1. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/11/00748 - Alterations to existing access (to provide vehicular and pedestrian access). Granted. (Nb although site address was Brook Farm House, this access will now serve the application site).

B/16/00433 - Outline consent granted for two detached dwellings and garages with all matters reserved. Granted.

DC/17/02341 - Outline Planning Application (all matters reserved) - Change of use of land and erection of 2 no. detached dwellings with detached double garages. Granted.

DC/18/00325 - Erection of six dwellings utilising existing vehicular access. Refused. Appeal lodged.

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. The proposed site is adjacent to existing built development that is also beyond the BUAB; the new housing estate off Grantham Avenue/Spicer Way on the opposite side of Bures Road 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. Moreover, material to the consideration of this case is the two previous outline approvals for housing development on this site in the form of two detached dwellings and associated garages. The principle of the development of the site for housing is therefore established and the application falls to be determined with regard to the quantum and form of development that is proposed.

3.14. 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.

3.15. 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.

3.16. **Economic:** The provision of 8 no. dwelling units will give rise to 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 benefit to the local economy. In addition, the proposed development represents a more efficient use of the land that could otherwise be developed to deliver 2 no. dwellings.

3.17. **Social:** The development would provide a benefit through the delivery of 8 no. additional dwellings on the open market, which are smaller and therefore more likely to be affordable than the 2 no. larger detached dwellings approved in outline.

3.18. **Environmental:** The site is located in the countryside however, given that the site lies opposite and adjacent to the existing built development, it is perceived as an extension of the urban area and is well related to the settlement geographically with good access to its services and facilities. An existing footway lies on the western side of Bures Road heading north to connect the site to the existing footway network. The proposed dwellings would also be built to current Building Regulations standards which embed positive measures to reduce carbon emissions and energy usage.

3.19. 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, without adverse impacts to outweigh the benefits.

3.20. 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 criterion 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.

3.21. 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. 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 villages in between. Therefore, residents have access to a number of public transport connections which 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.

3.22. 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). These assessments need to be made in order to fully assess the sustainability of the proposal as a whole, along with the following matters:

- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
- The proposed development includes smaller and single storey properties that would support local services and facilities (criterion v of CS15).
- The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
- The proposal will deliver a mix of dwelling sizes, including those suitable for older people (criterion vi of CS15)
- New soak-aways with rainwater diverters to water-butts will be provided (criterion xii of CS15).

4. Site Access, Parking and Highway Safety Considerations

4.1. The site has direct access from Bures Road via an existing access approved under ref B/11/00748, which included provision of 2.4m x 43m visibility splays in both directions. The application proposes to utilise the existing access to serve the development with increased visibility splays of 2.4m x 90m provided in each direction.

4.2. Concern has been expressed by neighbouring occupiers that the required 90m splay cannot be achieved without involving third party land. In this regard the southern splay utilises highway verge beyond the application site to achieve the required visibility whilst the northern splay crosses the frontage of Brook Farm House, which is also subject to a 2.4m x 90m visibility splay in each direction and secured by planning condition (DC/17/02344 condition 4). Therefore, both the application site and Brook Farm House nextdoor rely on each other's visibility splay to achieve the required standard.

4.3. 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 subject to conditions. Officers concur with the findings of the Local Highway Authority and thereby consider the proposal to be acceptable in this regard, subject to the imposition of those conditions as recommended.

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 east off Grantham Avenue/Spicer Way provides an 'in depth' alternative to the existing pattern of development. The application proposes to make use of the triangular plot by siting a simple 'period' styled semi-detached pair of cottages close to Bures Road, which will serve to reflect the position of Brook House opposite and create an entrance into the built up area. The semi-detached pair has been designed to present principal elevations to the north, east and south side to add visual interest and respect the street scene from either the approach into, or exiting, Great Cornard.

5.3. The apartment building is sited further back from the road frontage and is positioned alongside the neighbouring property at Brook Farm House. The main front façade of the apartment building is set behind the front wall of Brook Farm House, whilst the rear of Brook Farm House extends some 7.8m beyond the rear of the apartment building. The footprint of the apartment building is therefore significantly less than that of Brook Farm House. The ridge height of the apartment building is consistent with the ridge height of Brook Farm House whilst the eaves are lower to better relate to the eaves height of the proposed semi-detached pair. In terms of the scale and proportions of the development within the street scene, it is considered that the apartment building provides a successful transition between the cottage styles semi-detached pair proposed to the south and the larger existing dwelling at Brook Farm House.

5.4. Given the form of development, the proposal is considered to maintain the predominately linear character of the locality and therefore remains in keeping with the character and appearance of the area in this regard.

5.5. With respect to the 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, and thus remains in keeping with development in the area.

5.6. In terms of the proposed parking layout, there are examples of large areas of parking provision within the immediate vicinity; Brook Farm House has frontage parking and the recent development to the north (4 no. dwellings) also has frontage parking that is partly screened by a garage block not dis-similar to the cycle/bin storage building proposed at the front of the application site. The parking layout includes provision for landscaping within the site, which together with the cycle/bin storage building, will soften the visual impact of parked cars.

5.7. 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 within the locally designated Special Landscape Area. Policy CR04 requires that development proposals in Special Landscape Areas will only be permitted where they maintain and enhance the special landscape qualities of the area and harmonise with the landscape setting.

6.2. In landscape terms, the site is devoid of trees or hedgerows at present and the proposal incorporates new native hedging to the front boundary and tree/shrub planting to the north side boundary to visually enclose the site. The ecological buffer (outside the application site) at the rear will be retained by the applicant as an informal meadow to further soften any wider visual impact of the development from the south and west. The development will be viewed in the context of the existing built form and the visual impact of the development in the wider landscape setting of the locally designated Special Landscape Area is therefore considered to be minimal.

6.3. The site has previously been used as grazing land; its enclosed by agricultural land and the highway and is confirmed as being of low ecological value by the applicant. No planning condition requiring ecology mitigation or further investigations was imposed on previous permissions 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 Geo-Environmental Desk Study. 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. 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.

8.3. The submitted Heritage Statement explains that the proposal has been extensively redesigned to address the officer's heritage concerns expressed under DC/18/00325. A third building comprising a detached 4 bed dwelling has been omitted to provide a wide gap between the semi-detached pair and the apartment building, thereby ensuring that the historical connection between the Grade II listed Brook House (opposite) and the River Street is respected.

8.4. The initial comments from the Heritage Team explained that the density of the development, with two buildings instead of three, was an improvement over the previous proposal, as there would be more open space between the new buildings and therefore better inter-visibility between Brook House and the waterways beyond. However, the Heritage Team considered that the 'mock' mill design of the apartment building as originally proposed was inappropriate, as it would result in an artificial narrative and create a false impression of an historic link between the maltings (Brook House) and the new 'mill' building, thereby lessening the significance of Brook House.

8.5. Following receipt of an amended design for the apartment building, the Heritage Team reinforced their earlier comments with regard to the design of the building and further commented that the extensive proposed parking would also negatively impact the setting of Brook House by virtue of the amount of hard surfacing, vehicles, and vehicle movements that would conflict with the edge-of-settlement, semi-rural setting of Brook House and that instead, it would considerably suburbanise it.

8.6. The final comment from the Heritage Team maintained its previous objection to the application and explained that changing the mansard roof to a pitched roof would not lessen the harm to the listed building, as it would only substitute one traditional element for another on a building that would remain an awkward mix of traditional forms. The Heritage Team also remained concerned with the proposed bike shed and car parking.

8.7. In response the applicant has drawn attention to the officer delegated report in respect of the previous outline permissions for two dwellings on this site, which state that 'Given the separation of the application site from the listed building by the Bures Road and the suggested layout and form of development it is not considered that the setting of the listed building would be harmed'. The applicant goes on to explain that the Heritage Team comment on the current application appears to contradict (or directly ignore) the position of the previous grant of planning permission on this site, which provides for negligible difference in the bulk and scale of the blocks of development on the site between the approved (outline) scheme and the current proposal.

8.8. The Heritage Team remain firmly of the opinion that the proposal would cause a low level of less than substantial harm to a designated heritage asset because the larger proposed dwelling would be of a contrived appearance that would be detrimental to the setting of the listed building and, additionally, the extensive proposed parking would also negatively impact the setting of Brook House. 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. Notwithstanding the above commentary, Officers consider the extant outline planning permission for two dwellings to be a material consideration in the determination of this application. There is a realistic prospect that the site could be developed to deliver two detached dwellings with garaging and given that fall-back position, the proposed development is not considered to be demonstrably different in terms of scale and layout so as to materially harm the setting and significance of the Listed Building, similarly, the perception and appreciation of the listed property would not be materially affected compared with the earlier approved scheme.

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 semi-detached pair of dwellings is situated towards the front of the site away from neighbouring property and is separated from the public frontage of Brook House by Bures Road. The apartment block is positioned to the south side of part of the neighbouring Brook Farm House with its rear wall set forward of the rear wall of Brook Farm House by some 7.8m. There are existing windows in the southern side elevation of Brook Farm House to first floor bedrooms and bathroom/ensuite and lounge and utility room below, a side space of approximately 8.5m will be maintained between the apartment building and Brook Farm House. Being on the southern side of Brook Farm House, the apartment building will reduce the amount of direct sunlight received in these rooms however, most rooms have additional windows in other elevations and the loss of direct sunlight is not considered to be significant. Minimal loss of early morning winter sunlight may also affect the rear garden of Brook Farm House; again this is not considered significant.

9.3. Concern has been expressed that the occupiers of the apartment building will overlook into the neighbours bedrooms, lounge and garden from all three floors and there will be a loss of privacy at Brook Farm House. The northern side elevation of the apartment building includes two narrow windows on each floor serving the combined kitchen/dining/living room area of the three of the proposed flats. All windows on this northern side elevation facing towards Brook Farm House are shown to be obscured glazed on the submitted drawings and this can be conditioned as such to respect privacy. In addition the submission of details of the opening mechanism for these windows can be secured by planning condition to minimise potential overlooking that may result when the obscure glazed windows area opened.

9.4. There is potential to overlook the rear garden at Brook Farm House from the sitting room and bedroom windows in the rear elevation of the apartment block. However, as Brook Farm House is positioned some 7.8m further back than the proposed apartment building, the rear corner/wall of Brook Farm House itself affords screening to the northern side of its rear garden and restricts overlooking from the apartment building to a triangular shaped area of garden on the southern side. The potential to overlook this triangular area of garden will also be reduced by new boundary planting, the details of which can be secured by planning condition.

9.5. It should also be noted that the rear garden of Brook Farm House extends to approximately 12 – 13m beyond the rear wall of the property and that currently there is no boundary enclosure to separate the garden from the agricultural land that lies between the garden and the railway line beyond. Whilst the occupiers of the apartment building will be able to overlook the agricultural land to the rear of Brook Farm House (as does the neighbour on the other side), most of the private garden area at the rear of Brook Farm House will be screened from view.

9.6. In terms of the relationship of the parking area to Brook Farm House, it is considered that the amenity of the neighbouring property will not be materially affected by the location of 6no. of the parking spaces to the front of the apartment building, which are positioned adjacent to the driveway and parking area at Brook Farm House. The remaining 10no. parking spaces are located to the front and southern side of the apartment building 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.

9.7. 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. Planning Obligations / CIL

10.1. The application is liable for CIL.

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

11.1. 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.

- 11.2. The Council can demonstrate a five year housing supply and therefore the tilted balance at paragraph 11 of the NPPF is not engaged.
- 11.3. 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.
- 11.4. 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.
- 11.5. 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 overarching objectives for sustainable development in the NPPF. The site is geographically well located to an existing urban area with its associated access to a good range of services, facilities and employment opportunities. Commuting is possible by means other than being dependant on the private car.
- 11.6. There is strong evidence to conclude that the scheme offers benefits to the economic, social and environmental conditions in the district, not least because the development offers a number of smaller units and is a more efficient use of the land and therefore accords with Policy CS1.
- 11.7. The principle of developing the site for residential purposes is established by the extant outline planning permission for two new dwellings.
- 11.8. 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. Full consideration has been given to the comments received from the Heritage Team however, in this specific case the application proposal is not considered to be materially different, in terms of its built form, from the extant outline permission so as to warrant refusal of the application.
- 11.9. 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.
- 11.10. 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.
- 11.11. Officers have therefore 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 identified outweigh the less than substantial harm, having given considerable importance and weight to the harm identified.
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11.12. The existing site is of some visual amenity value being within the locally designated Special Landscape Area however, the site is visually open and perceived as part of the larger area of agricultural land beyond. There will be a change in character as result of the proposed development although the landscape effect will be localised with limited effect on the wider landscape.

11.13. Amenity and highway safety matters can be adequately managed by planning conditions.

11.14. In the balance, the proposal is considered to deliver sustainable development, in accordance with policies CS1, CS15 and the core principles of the NPPF. Additionally, the design, layout and landscaping of the development accords to the design principles of the NPPF, and to policies CS1, CS3, CS4, CS15, CS18, CN01 and CR04 of the development plan.

11.15. The recommendation is to grant planning permission.

RECOMMENDATION

That authority be delegated to Acting Chief Planning Officer to grant planning permission subject to conditions to his satisfaction and including:

- Standard time limit
- Approved Plans
- As recommended by SCC Highways
- As recommended by SCC Archaeology
- Construction Management Plan
- Hard and soft landscaping to be submitted and agreed
- Boundary enclosure details to be submitted and agreed
- Implementation of landscaping scheme
- Details of external facing materials
- Details/restriction of obscure glazing and opening mechanisms

And the following informative notes as summarised and those as may be deemed necessary by the Acting Chief Planning Officer:

- Pro active working statement
 - SCC Highways notes
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