

## **Committee Report**

**Item No: 1**

**Reference:** DC/18/04812

**Case Officer:** Daniel Cameron

**Ward:** Hadleigh North.

**Ward Members:** Cllr Tina Campbell. Cllr Siân Dawson.

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

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### **Description of Development**

Demolition of existing building and erection of 21 Affordable flats (use class C3) and associated works.

### **Location**

Former Angel Court Care Home, Angel Street, Hadleigh, Ipswich Suffolk IP7 5HA

**Parish:** Hadleigh

**Expiry Date:** 04/02/2019

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

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

**Applicant:** Babergh District Council

**Agent:** Ingleton Wood LLP

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

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

It is a "Major" application for the development of residential land for more than 15 dwellings. Moreover, the development is being brought forward on land owned by and on behalf of Babergh District Council.

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

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### **Summary of Policies**

NPPF - National Planning Policy Framework

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

CS02 - Settlement Pattern Policy

CS06 - Hadleigh

CS12 - Design and Construction Standards

CS13 - Renewable / Low Carbon Energy

CS19 - Affordable Homes

EN22 - Light Pollution - Outdoor Lighting

CN01 - Design Standards

CN06 - Listed Buildings - Alteration/Ext/COU

CN08 - Development in/near conservation areas

RE14 - Stour & Orwell Estuaries

## **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**

#### **Heritage Team**

The Heritage Team considers that the proposal would cause no harm to a designated heritage asset because the proposal would not have a negative impact on the setting of nearby listed buildings or on the character and appearance of the Conservation Area, subject to the conditions for manufacturer's details of all facing and roofing materials should be submitted and large scale elevations and sections of the proposed fenestration and doors being submitted.

#### **Communities (Major Development)**

There are no specific comments/requirements relevant to Communities, Leisure, Sport and Physical Activity.

#### **Public Realm**

Public Realm have no comment to make about this application.

#### **Hadleigh Town Council**

Approval was recommended (Voting was unanimous). Concerns were raised about the implications for ingress and egress on a congested highway and there appeared to be no mention of Wi-Fi installation to the building and this must be included under Government Guidelines.

#### **SCC - Highways**

Suffolk County Council commented in their capacity as Highways Authority. They note that cycle parking and electric vehicle charging points should be provided. They also note that conditions should be attached to any positive recommendation to cover the provision of visibility splays from the site entrance, that surface water discharge from the site is not made into the public highway and that site shall not be occupied as residential dwellings until the parking and manoeuvring areas for vehicles, loading and unloading areas, cycle parking, and electric vehicle charging points are provided.

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

No objection is raised in light of land contamination. They request a guidance note be included should unexpected contamination be discovered during development on site.

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

No objections.

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

There is no objection in principle to the demolition of the existing building and erection of residential flats. Conditions are recommended in order to control the hours of work on site as well as the preparation and agreement to a construction method statement to control other aspects of the development of the site including traffic management, material storage, dust and noise control and avoidance of taking mud onto the road.

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

The application has been reviewed in light of the submitted documents and it is not felt that enough is done to address Core Strategy Strategic Objective 8 in terms of the information

provided regarding energy and resource conservation. An objection has not been raised at this point, however, conditions to provide detail on electric vehicle charging points, water use limitation and sustainable materials are recommended.

### **The Environment Agency**

No comments are offered.

### **Strategic Housing**

The Strategic Housing Market Assessment (SMHA) 2017 confirms a need for 73 new affordable homes within Babergh per annum with one and two bed properties forming 82% of this delivery. As of October 2018, 850 applicants are currently registered for the Council's Choice Based Lettings system across the district, with 160 of these having a link to Hadleigh. This site delivers 21 new affordable homes, although it is noted this is not in accordance with the Council's 75% rented and 25% shared ownership tenure split. However, viability evidence shows the scheme is not viable with a lower percentage of shared ownership. This is considered acceptable.

In summary, the scheme would provide much needed affordable housing within the district and is supported.

### **SCC - Archaeological Service**

No response.

### **SCC - Strategic Development Contributions Manager**

Suffolk County Council also commented in their capacity to accommodate for future growth within education, library services, waste, etc... They note a number of contributions to various projects, but also note that these will be funded through Community Infrastructure Levy (CIL) payments.

It is noted that there is a surplus of education places as the schools nearest the development site.

With regards to these comments, affordable housing is exempt from CIL in order to promote its delivery, as such no contributions would be received from this development.

### **SCC - Flood & Water Management**

A holding objection is noted with regards to comments from Suffolk County Council's Flood and Water Management team. They require:

1. The submission of a flood risk assessment that evaluates all forms of flood risk (fluvial, pluvial, groundwater, etc...);
2. Detailed drawings of the proposed surface water drainage system and assets;
3. Ground investigation for the areas where soakaways are proposed; and
4. Submission of an amended layout showing soakaways not within trafficked areas.

### **SCC - Fire & Rescue**

Suffolk Fire and Rescue have commented noting that the proposed dwellings will need to accord with the details within Building Regulations regarding access and firefighting facilities. They note no additional water supply is required for firefighting purposes within this area and promote the inclusion of water sprinkler systems within all development.

### **Suffolk Wildlife Trust**

Suffolk Wildlife Trust are satisfied with the content of the submitted ecological survey. They note a European Protected Species Managing License for bats is required to be in place prior to the commencement of works on site, which should be conditioned. It is also recommended that the recommendations within the ecological survey should be implemented in full, again through use of conditions.

### **Natural England**

Natural England note the site falls within the 13km zone of influence for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). As such, they recommend a contribution is secured by means of Section 106 Agreement towards the delivery of the aims of the RAMS. This will ensure the RAMS remains viable.

### **The Hadleigh Society**

The Hadleigh Society welcomes the proposed development subject to legal controls regarding their retention in perpetuity, and exemption from Right to Buy or similar schemes. They also note the lack of clarity over the materials to be used in the scheme and are somewhat disappointed in the submitted designs, but do not note objections on these grounds.

They note concerns over the amenity and living conditions of adjoining residents and for future occupants of the site. Their concerns are:

1. Loss of privacy to adjoining residents at 14, 16, 18 and 20 Meadows Way. They note a back to back distance between these properties and the new proposed residences of between 22 and 25 metres;
2. Noise and lighting nuisance to adjoining residents. The placement of parking to the edge of the site adjacent to 14 to 20 Meadows Way has the potential to give rise to noise nuisance from the parking and manoeuvring of vehicles. Any lighting of these areas, if installed poorly, has the potential to create instances of light pollution to these neighbours.
3. Overshadowing and leaf foliage. Trees are proposed to the boundary of the site adjacent to properties at 14 to 20 Meadows Way. They are positioned to the south of these properties and have the potential to lessen the amount of direct sunlight to these properties and has the potential to cause leaf drop into their gardens as the trees mature.
4. Amenity space for the flats. 750 sq. metres are provided for the use of residents, 50% in public view and 50% overshadowed by a large tree. This is considered to provide little outside space for the future residents to enjoy.
5. Amenity issues caused by parking. Three pergola structures are proposed within the parking area provided to the rear of the site. These have the potential to cause issue to the parking and manoeuvring of vehicles within this area.

A number of issues are identified, and solutions offered many of which can be dealt with through condition.

### **B: Representations**

A number of representations were received from residents living adjacent to the application site they note strong objections with regards to the redevelopment of the site, in particular with regard to the potential to be overlooked and the resultant loss of privacy, the detrimental impact that development would have on existing residential amenity, issues with the parking on site and its location, and concerns over landscaping and structures on the boundary with their properties with the security of their properties. They ask that the application be refused and reworked.

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Officers have met with the residents to discuss their issues, which have also been brought to the attention of local Council Members. They are supportive of their concerns although it is felt that these might best be addressed through effective use of conditions and will be explored and detailed further within the report below.

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

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

- 1.1 Angel Court is a former care home and is located on the northern side of Angel Street (B1070), close to the mini-roundabout which connects Angel Street to Magdalen Street.
- 1.2 The character of the area is predominantly residential, and residential development surrounds the site to its north, south, east and west. An area of open space, incorporating the Hadleigh Skatepark is also located to the immediate north.
- 1.3 The care home itself is composed of a large, square plan building of both one and two storey elements, with a large, two storey extension projecting out from the western elevation. The building is composed of buff brick, with sections of pale-yellow render with red pantiles on the roof. The design of the building is considered to be primarily functional but is not unpleasant in and of itself.
- 1.4 With regards to neighbouring properties, the care home has a particularly close relationship with no's 14, 16, 18 and 20 Meadows Way, being located some 14 to 20 metres from their rear boundaries, as well with 5 and 7 Angel Street, being located some 11 to 14 metres away from their side elevations and rear gardens.
- 1.5 The current site is well greened by veteran trees, particularly to the site's frontage to Angel Street but also within the site itself, particularly along its western elevation. None of these
- 1.6 The site falls within Hadleigh's Conservation Area and is directly opposite some Grade II Listed Buildings at 20, 24, 34, 36, and 36a Angel Street which are all on the southern side of Angel Street and face the application site. These buildings all date from C18 and have been altered during their lifetime. Their special interest likely stems from their historic construction and from their contribution to understanding the development of Hadleigh itself.
- 1.7 Since the use of the care home came to an end, the site has been vacant for a number of years.

### **2. The Proposal**

- 2.1 This application proposes the demolition of the existing care home and the re-development of the site to provide 21 new affordable dwellings composed of 14 one bedroomed flats and 7 two-bedroomed flats. These are to be offered as a mix of affordable rented properties and shared ownership properties.

- 2.2 The proposed building is arranged in a rough 'U' shape and is predominantly two storeys in height and is set back from the street in line with the existing building line established by existing properties.
- 2.3 The total floorspace created by the new dwellings is 1,190 m<sup>2</sup>, however, as the development is offering affordable housing, it is exempt from the Community Infrastructure Levy.
- 2.4 A total of 31 parking spaces are to be provided for the use of the future residents. This is broken down into 14 spaces for the one bedroomed units and 11 spaces for the two-bedroomed units. This leaves 6 spaces for the use of visitors to site. In addition to this, 42 cycle parking spaces are provided within a communal storage area close to the site entrance as well as within a stand-alone shelter to the rear of the site. No electric vehicle charging points are provided within the submitted scheme, however, it has been agreed that this could be secured via use of condition.
- 2.5 Communal bin storage is also provided close to the site entrance.
- 2.6 The existing boundary treatments to the site are, in the main, proposed to be retained, however, a new boundary treatment is proposed to the rear of the site. Within the site itself 10 of the existing trees are to be removed to facilitate development and are proposed to be replaced by eight new trees. Of these, the two large veteran to the site frontage are to be retained as is the tulip tree in the west of the site. Some 1,500m<sup>2</sup> of open space is proposed for the use of the future residents. The close proximity of the site to a large area of open space to the immediate north is also noted.
- 2.7 With regards to back to back distances to existing residential development around the site, the proposed development slightly increases the distance between the side elevation of 7 Angel Street, but not to a large extent. Consequently, no habitable rooms are proposed to this elevation to prevent overlooking. With regards to no's 14 to 20 Meadows Way to the rear of the site, back to back distances are increased from those existing to some 22 to 25 metres, with habitable rooms only present at first floor.
- 2.8 It is noted that some accommodation is provided within the roof of the proposed development, with regards to overlooking within this element of the application, back to back distances to the nearest neighbouring dwelling is over 30 metres.
- 2.9 The site area is approximately 0.307 hectares.

### **3. The Principle of Development**

- 3.1 Pre-application advice (DC/18/02089) was undertaken on site, giving support to the provision of affordable housing but stressed the importance of avoiding unacceptable impacts on the existing levels of residential amenity enjoyed by neighbours, avoid excessive massing of buildings and provide suitable outdoor amenity space for residents.
- 3.2 As stated within comments provided by the Council's Strategic Housing team, the Strategic Housing Market Assessment (SMHA) 2017 confirms a need for 73 new affordable homes within Babergh per annum. There is currently a deficit of available affordable properties with 850 applicants currently registered for the Council's Choice Based Lettings system across the district, with 160 of these having a link to Hadleigh

as of October 2018. In delivering affordable housing, this site would help to address this identified need above and beyond that required by Core Strategy Policy CS19.

- 3.3 Core Strategy policy CS2 sets out the adopted spatial strategy for development within Babergh. Hadleigh is identified along with a number of other areas to provide the main focus of development with opportunities. The policy also notes that previously developed land should be utilised to its maximum extent in order to aid this growth.
- 3.4 As such, the application site is considered to be acceptable in principle. It makes use of an existing brownfield site, well located within the established settlement boundary of a sustainable settlement in line with the directions of the adopted Core Strategy. Further, it seeks to deliver a number of affordable dwellings designed to address and exceed the requirements of policy which would go some way to address the needs of the wider district.

#### **4. Nearby Services and Connections Assessment of Proposal**

- 4.1 The application site is located close to Hadleigh town centre and its associated facilities. Hadleigh is well connected to the rest of the district, with regular bus connection to Ipswich, Sudbury and Colchester allowing connection to the wider rail network.
- 4.2 Consultation with Suffolk County Council indicates a surplus of school places available within the schools closest to the development site.

#### **5. Site Access, Parking and Highway Safety Considerations**

- 5.1 The site has been assessed by the Highways Authority, who are content with the proposed access provided sufficient visibility splays can be demonstrated by the applicant. Additionally, they are satisfied with the general parking layout shown and consider sufficient manoeuvring space is provided such that vehicles may enter and leave the site in a forward gearing.
- 5.2 On road parking is an identified issue within the immediate area to the application site, however, this lies outside the boundary of the application site, so is outside of the power of the applicant to deal with. Parking on site is offered in accordance with adopted parking standards such that enough spaces are to be provided that future residents will be able to avoid on street parking.

#### **6. Design and Layout**

- 6.1 A traditional design is proposed for the new building given its location within the Hadleigh Conservation Area. A small number of modern features are proposed, denoting the modern construction of the building and to help in stand in contrast to the listed buildings directly opposite.
- 6.2 The design is considered to be sympathetic to the character of the surrounding area and streetscene and should serve to improve the general appearance of the site.

#### **7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 7.1 In terms of the removal of trees, no issue has been identified given the intention to replace any being removed and to retain significant trees within the site. A plan

indicating protective measures to be taken to preserve the retained trees throughout development has been submitted and is considered to be acceptable.

- 7.2 With regards to the duty of the Council to have certainty in its decision making with regards to ecological issues, the applicant has submitted a detailed bat survey and ecological report to support their application.
- 7.3 With regards to the submitted bat survey, a day roost of brown long-eared bats was identified within the building itself. While undertaking surveys on site, a number of common and soprano pipistrelle bats were observed feeding within the site. As such, a European Protected Species Licence is required in order to allow the demolition of the building, confirmation of the granting of this licence can be conditioned as can the recommended enhancement measures to ensure that replacement trees are provided on site along with integrate bat boxes.
- 7.4 No other protected or priority species were identified on site by the submitted ecological report such that consideration should be given to further on-site enhancement works. However, the site is identified as falling within the zone of influence for the Stour and Orwell Estuaries SPA and Ramsar site, such that a planning obligation to secure a contribution towards the Suffolk RAMS is required.

## **8. Land Contamination**

- 8.1 No issues are identified within the submitted land contamination studies and Environmental Health are satisfied that development could go ahead without the need for further investigation or remediation at this stage. They do note that an informative should be attached to any positive recommendation informing the developer of the site of their obligations should unexpected contamination be discovered on site during development.

## **9. Flooding**

- 9.1 Suffolk County Council Floods and Water Management team have raised a holding objection with regards to the details submitted. In particular, they require submission of a flood risk assessment that evaluates all forms of flood risk (fluvial, pluvial, groundwater, etc...), detailed drawings of the proposed surface water drainage system and assets, ground investigation for the areas where soakaways are proposed and submission of an amended layout showing soakaways not within trafficked areas.

## **10. Heritage Issues**

- 10.1. The application site falls within a conservation area and affects the setting of a number of Grade II listed buildings. As such, section 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. They require that special regard be given towards the desirability of the preservation of a listed building or its setting, and that the preservation or enhancement of the character of a conservation area is also given due consideration.
- 10.2 Consultation with the Council's Heritage officers has returned no objection on heritage grounds to the proposed development. They note that the proposed development would pose no harm to the setting of the nearby listed buildings as their town centre setting would continue to be evident. Similarly, they note no harm to the character of the conservation area given that the current building detracts from this in its current state, and the redevelopment of the site is considered to act as an enhancement.

## **11. Impact on Residential Amenity**

- 11.1 With regards to the impact on residential amenity, the existing built form of Angel Court places bedroom windows with clear potential for overlooking close to the boundaries with properties at Angel Street and at Meadows Way. From visiting site and the neighbouring properties, views from these first-floor windows are clear and unobstructed, such that it is considered that they have a detrimental effect on the amenity of the existing neighbours.
- 11.2 The proposed development increases the distance between any first-floor windows and the neighbouring properties to both Angel Street and to Meadows Way. Replacement planting of mature trees, as well as other landscaping features are proposed to both boundaries to create intervening features to break up any potential views and would be an improvement over the existing situation.
- 11.3 From the representations received, it is clear that concerns about amenity are at the forefront of the thoughts of neighbouring residents. They cite issues of security, overlooking and disturbance. With regards to overlooking, it is considered that the proposed design would give an increased level of privacy to the residents, however, their other concerns will be explored below.
- 11.4 With regards to their security, there is clearly a real concern given previous incidents at the properties at Meadows Way. Design advice with regards to secure boundary treatments from the Police Service states that a minimum height of 1.8 metres should be implemented. From discussions with residents they favour an increase over this level. This is not objectionable, in and of itself, however, it is considered that this should be carefully designed, as too great an increase may obstruct levels of light reaching the rear gardens of these properties, which may create itself create an unacceptable impact on their amenity and enjoyment of their gardens. A condition is therefore proposed in order to assess this more fully and reach a balance between increased security for residents and limit any impacts on their enjoyment of their gardens.
- 11.5 It is considered that concern over the presence of structures close to this rear boundary may give opportunity for access over any rear boundary treatment. Again, given previous incidents, this is not objectionable in and of itself. That being said, the residential occupation of the site would create significant natural surveillance over the rear of the site and by extension, the rear boundary. This is considered to be of benefit to the security of the residents at Meadows Way, however, again, further information is proposed and movement of these structure possible, such that increased distance to the boundary could be created, limiting any issue.
- 11.6 With regards to other concerns over noise, pollution, and light intrusion, conditions can be leveraged to control this, both during demolition, construction and then occupation, such that any issues can be mitigated.
- 11.7 Two residential units are proposed at second floor level. These are located within isolated areas of the site and offer no direct opportunities for overlooking to neighbouring properties.

## **12. Planning Obligations**

- 12.1 While CIL is not required of the proposed development due to the 100% provision of affordable housing on site, it is required that a Section 106 Legal Agreement be

completed to secure the affordable housing on site and to make clear the nature of the lettings policy with respect of the affordable properties.

- 12.2 In addition to this, contributions are sought towards the aims of the emergent Suffolk RAMS in order to mitigate recreational pressures on the Stour and Orwell Estuaries SPA and Ramsar site. This is calculated at £200 per residential property and should be secured through the same legal agreement.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1 With regards to the site, despite the fact the care home use has not been operated for some time, in planning terms, no further planning applications would be required in order for a care home to operate from this site. This would leave existing concerns over residential amenity unaddressed.
- 13.2 In light of this fallback position for the site, the benefits offered by the demolition of the current building and re-development of the site are clear. In particular, the improved relationship with neighbouring properties, the re-introduction of natural surveillance to the site, and the improvements the re-development of the site would bring the streetscene and wider conservation area are considered sufficient to overcome any negative aspects of the scheme.
- 13.3 Of particular note, the benefit of the provision of the affordable housing through the scheme gives significant weight to the granting of permission in this instance, given the identified need within Hadleigh and the wider district.
- 13.4 There are no planning policy grounds to give sufficient weight to consider refusal of the application. Nor are there significant ecological, arboricultural, or archaeological reasons to refuse the application.
- 13.5 It is noted that Suffolk County Council Flood and Water Drainage team have identified issues, however, given the need to procure a Section 106 Legal Agreement for the site and the time in which this would be brought forward in, it would be pragmatic to allow the applicant this time to provide additional details such that the holding objection can be successfully overcome. This, of course, would be subject to any conditions that the Flood and Water Drainage team recommended.

### **RECOMMENDATION**

That authority be delegated to the Acting Chief Planning Officer - Growth & Sustainable Planning to grant planning permission to the above scheme subject to:

**(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Acting Chief Planning Officer – Planning for Growth to secure:**

- Affordable housing, including properties to be built to current Housing Standards Technical requirements March 2015 Level 1. All ground floor 1 bed flats to be fitted with level access showers, not baths; the council be granted 100% nomination rights to all

the affordable units on initial lets and 75% on subsequent lets; all affordable units to be transferred freehold to one of the Councils preferred Registered providers; adequate parking provision is made for the affordable housing units including cycle storage for all units.

- On site open space, including management of the space and requirement for public access at all times; and
- Contribution towards the Suffolk RAMS in the interests of ensuring that any recreational pressure placed upon the Stour and Orwell Estuaries SPA and Ramsar site can be alleviated.

**(2) That the Acting Chief Planning Officer – Planning for Growth be authorised to grant Planning Permission upon completion of the legal agreement described above and subject to conditions as summarised below and those as may be deemed necessary:**

- Standard time limit (3 years for implementation of scheme);
- Approved Plans (Those submitted forming this application and any subsequent plans to deal with flood and water drainage as may be forthcoming);
- Building materials to be agreed;
- Construction method statement to be prepared and agreed, including hours of delivery, demolition and construction;
- Provision of drawings showing visibility splays from the access;
- Provision of detail showing the means to prevent discharge of surface water from the development to the public highway;
- Provision of details of cycle parking, vehicle parking, vehicle manoeuvring, and electric vehicle charging points within the site and are provided prior to occupation;
- Refuse and recycling facilities to be in place prior to use of the site;
- Provision of drawings showing joinery details of fenestration and doors;
- Implementation of the details included within the submitted tree protection plan;
- Confirmation of the required EPSL for bats has been secured prior to demolition;
- Ecological enhancements detailed within the submitted bat survey are carried out;
- Restriction to external illumination without agreement of the Council; and
- Additional details of the boundary treatment to the rear of the site.

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

- Proactive working statement;
- SCC Highways notes, including the nearby public right of way;
- Support for sustainable development principles;
- Reminder on obligations should contaminated land be discovered; and
- Reminder of S.106 Agreement on site.

**(4) And that in the event of the Planning Obligations referred to in Resolution (1) above not being secured within six months from the date of this Planning Committee resolution that the Acting Chief Planning Officer – Planning for Growth be authorised to refuse the application on appropriate grounds.**