

## **Committee Report**

**Item No:** 1

**Reference:** DC/18/03832

**Case Officer:** Alex Scott

**Ward:** North West Cosford

**Ward Member/s:** Cllr Robert Lindsay

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

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### **Description of Development**

Full Planning Application - Erection of 7 no. dwellings and associated carports following demolition of 2 no. existing dwellings (proposal would utilise existing access)

### **Location**

Old Buckenham Hall School, Brettenham Park, Brettenham, Ipswich Suffolk IP7 7PH

**Parish:** Brettenham

**Expiry Date:** 07/06/2019

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

**Development Type:** Minor Dwellings

**Applicant:** Old Buckenham Hall Educational Trust Limited and Granville P

**Agent:** Edward Gittins and Associates

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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:

The Acting Chief Planning Officer considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council, the extent and planning substance of comments received from third parties, and the location, scale and nature of the application.

### **Details of Previous Committee / Resolutions and any member site visit**

No previous committee resolutions.

A panel of members visited the site on 16<sup>th</sup> January 2019.

### **Has a Committee Call In request been received from a Council Member?**

Yes – From former Ward Member Michael Creffield

### **Details of Pre-Application Advice**

Your Planning and Heritage Officers met with the applicant's agent and members of the School board on site in November 2017. Positive pre-application advice was given with regards the principle of the proposal, should the proposal enable repair works to the fabric of the listed School buildings, subject to acceptable detail being proposed.

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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  
CS03 - Strategy for Growth and Development  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
CS18 - Mix and Types of Dwellings  
HS05 - Replacement Dwellings  
HS28 - Infilling/Groups of dwellings  
CR07 - Landscaping Schemes  
CN01 - Design Standards  
CN06 - Listed Buildings  
CN08 - Development in/near conservation areas  
TP15 - Parking Standards - New Development

## **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

## **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**

#### **Brettenham Parish Council**

Recommend Refusal:

- Proposal is a disproportionately large scale, speculative, residential estate, in a Conservation Area, at a significant distance from the existing core settlement envelope, and out of character with the village;
- The proposal would adversely impact the existing listed properties within the grounds of Old Buckenham Hall School and other listed properties along Bury Road;
- The existing Tree cover will not adequately screen the development as contended, particularly in autumn and winter;
- Acknowledge the current proposal has reduced the total number of dwellings proposed from 8 (as originally proposed) to 7;
- Question why any landscaping of what is now proposed is to be left as historic parkland is necessary at all;
- Do not consider the proposal would meet a proven local need and consider no analysis has been carried out in this respect;
- Consider the reduction in size of the Site Area to under 0.5 hectares is technical manipulation to bring the proposal below the threshold requirement for an affordable housing contribution;
- Consider Babergh District Council has over a 6 year housing land supply and so there is no need to consider further speculative development proposals outside of planning policy;
- Consider the proposed development does not accord with the provisions of the NPPF or with policies CS11 and CS20 of the development plan;
- Consider the proposed development would result in precedent risk in relation to other sites

#### **SCC - Highways**

No Objection - Subject to compliance with suggested conditions.

## **Heritage Team**

No objection, subject to conditions:- Recent amendments and removal of Plot 8 welcome; Current proposal accords with the requirements of the listed buildings and conservation areas act and would preserve the setting of the listed buildings in the vicinity; Current proposal would accord with the policies within the Local Plan.

## **Historic England – 15.04.2019**

While we acknowledge the reduction in harmful impact that comes with the removal of plot 8 we remain of the view that the proposed buildings would be significantly larger than the existing and cover a larger area, bringing currently undeveloped space into domestic curtilage. The deletion of unit 7 from the scheme would bring the extent of the development site closer to that previously occupied and do much to assuage our concerns, but as the application stands we would reiterate our objection to the proposed additional building on the site as set out in our letters of 5th October 2018 and 11th January 2019 and recommend the Council refuse permission.

## **Historic England – 11.01.2019**

We remain concerned that the assessment has understated the importance of the parkland setting of the Hall as a whole rather than certain aspects of it and how it is experienced in a dynamic manner when exploring the landscape and we would also not accept that the development of modern housing adjacent to the new buildings now proposed stands as precedent for more development. We remain of the view that the proposed development would result in harm to the historic significance of the listed building in terms of the NPPF paragraph 196 and would remind the council that ‘any’ harm requires ‘clear and convincing justification’ (paragraph 194), a justification that should be especially convincing given the high grade of listing of the Hall. While the Council should consider any public benefit that would be delivered by the six additional houses we are unconvinced this would outweigh the harm, see no argument for ‘enabling development’ as having been made and therefore maintain our objection to the application.

## **Historic England – 05.10.2018**

*Summary:* This application proposes the development of eight new dwellings in the setting of the grade II\* listed Old Buckenham School. We consider this would result in harm to the historic significance of the listed building in terms of the National Planning Policy Framework through inappropriate development in its setting. The Council should consider any public benefit that might result from the proposals but as the application stands we would object and recommend it is refused.

*Historic England Advice:* The grade II\* listed Old Buckenham Hall dates from the 16th century, but much of the building and its impressive north and south principal elevations are the result of extensive rebuilding and addition in the early 19th century, with subsequent programmes of work in the later 19th and early 20th centuries. The Hall is set within a park which is a designed landscape resulting from multiple phases of development.

The Heritage Impact Assessment submitted with the application features a series of historic maps showing the development of the park. As early as 1783 the park was bounded by the Bury Road to the west with a formal approach along an avenue of trees from the road to the mansion house. By 1844 a belt of trees along the east side of the road screened the park from the wider landscape but also continued westwards to a small area of woodland (Mill Grove) situated north of the Hall. This effectively defined an inner part of the park around the Hall which survives essentially intact today.

This core historic landscape was planted and managed for the benefit of Old Buckenham Hall as its immediate setting in which the house was to be experienced. Its use of water features and belts and strategically placed clumps of trees indicates a designed setting in the English landscaped garden tradition of the 18th and early 19th centuries. Such landscapes were not simply agricultural areas but were designed and managed to achieve particular aesthetic effects and display the wealth, authority and taste of the landowners. As such the use of the land and placement of buildings within it were carefully controlled and considered by the owners of the Hall. New development within the park has the potential to detract from the character of the landscape and the contribution it makes to the historic significance of the listed Hall.

The use of Old Buckenham Hall as a school as resulted in a number of new buildings but these are mainly set close to the hall. Parts of the park have also been developed as sports' pitches but these are relatively 'low impact' in visual terms. The tree belt along Bury Road has screened the historic park from building outside it, as it was intended to do. Modern development along the road has therefore had little visual impact on the park. In the north western part of the park the three modern houses in and beside the application site were built inside the tree belt. They are the only substantial modern development to intrude into the park at its edges and take domestic curtilage from the parkland. In doing this they have detracted from the fundamental quality of the historic landscape and caused harm to its historic significance. The proposed new dwellings would extend a line of modern building further along the park boundary taking more parkland into private domestic curtilage. This would result in harm to the setting and significance of the Hall.

The comments appended to the Heritage Impact Assessment state that 'Brettenham is a very linear settlement, strung out along a road known at its northern end as The Street and towards the school at the southern end as Bury Road...'. The comments conclude 'the number of properties proposed here [the application site] and their density, is not uncharacteristic of the area.' This may be a correct assessment of development within the village of Brettenham, but the proposed development site is in the historic park of Old Buckenham Hall, a designed landscape which, as described above, was deliberately screened from Brettenham. The form of development in the village is therefore not the one that should guide development in the park. The Heritage Impact Assessment gives little consideration to the designed landscape in which Old Buckenham Hall sits and mainly considers the presence of the proposed dwellings in views from the immediate vicinity of the hall. Regardless of their likely visibility from the Hall itself (once the proposed screen planting is in place) the new houses would occupy open land in the core of the historic park and would be visible in its landscape. We consider this would be harmful to the historic significance of the listed Hall.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that in considering applications for planning permission for development which affect a listed building or its setting local planning authorities shall have special regard to the desirability of preserving the building or its setting (paragraph 66.1). Special attention shall also be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in the exercise of any powers under the planning Acts (paragraph 72). The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of listed buildings and conservation areas irrespective of the level of harm caused (paragraphs 193 and 194). This weight and the justification for harm should be especially convincing where harm to buildings of a high grade of listing is concerned. Paragraph 200 also states that the Council should favour those proposals for development which preserve those elements of setting that make a positive contribution to the heritage asset or better reveal its significance.

We have considered this application in terms of this policy and are concerned that the proposed development of part of the core historic landscape to Old Buckenham Hall would result in harm to significance of the listed building and not preserve those elements of setting that make a positive contribution to the heritage asset and better reveal its significance in terms of the NPPF, paragraphs 193 and 200. As such it would not achieve the NPPF's overarching aim of promoting sustainable development. Paragraph 194 requires a 'clear and convincing' justification to be made for 'any' harm to the listed building. In this case we would stress that the building is listed at grade II\* and so falls within the top 5.5% of listed buildings nationally making the need for such a justification all the more pressing.

Paragraph 196 requires the Council to consider any public benefit which might be delivered by the proposals and weigh this against the harmful impact. The houses proposed might be considered to be such a benefit. However, as only eight are proposed and it might be possible to construct them elsewhere in the area where harm to the grade II\* listed building could be avoided we are unconvinced this clearly justifies the harm.

Beyond the creation of new residential accommodation in the district the Planning Statement accompanying the application (paragraph 3) refers to the proposed houses as 'enabling development', perhaps to suggest this might be justification for them. Enabling development is development which would be unacceptable in planning terms but for the fact it would bring public benefits sufficient to justify it which might otherwise not be achieved. In this case that benefit would be the repair of the listed building. Paragraph 202 of the NPPF states that 'local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.'

Historic England has produced detailed guidance on enabling development which is available via our website. This provides tests against which any application should be assessed. The case for enabling development normally rests on there being a conservation deficit. The conservation deficit is when the existing value of a site plus the development costs exceeds the value of the place after development. A development appraisal in such cases produces a negative residual value. If this is the case, enabling development may be justified to cover the conservation deficit and bring the value up to zero. Enabling development is normally a last resort as it is an inefficient means of providing funding and, as it is akin to a type of public funding, proposals should be subject to similar levels of scrutiny. The current application does not set out a detailed case for enabling development. A number of the school's ambitions are listed in the Planning Statement, paragraph 4, which also states that 'the School requires additional funds to generate greater financial reserves to safeguard the fabric of its Listed buildings....' However, it is not clearly stated how the proceeds from the proposed new houses would be used on the listed Hall and the applicant has not provided your authority with a costed condition survey or assessment of the market value of the property. It is therefore not possible to establish a conservation deficit or evaluate the necessity and urgency of any proposed repairs.

Without a considerable extra detail a case to consider the proposed dwelling as 'enabling development' in terms of our guidance has not been made. While the Council should consider any public benefit delivered by the provision of the eight houses we are unconvinced this would outweigh the harm to the significance of the grade II\* listed Hall and would object to the granting of permission.

*Recommendation:* Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 193 and 194. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and/or section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

#### **Arboricultural Officer**

No objection - subject to undertaking in accordance with the measures outlined in the accompanying arboricultural report - Although a number of trees are proposed for removal they are generally of limited amenity value and/or poor condition and their loss will have negligible impact upon the appearance and character of the local area. The TPO in close proximity should remain unaffected.

#### **The Environment Agency**

No Objection - Subject to suggested land contamination condition being appended to any planning permission granted. No objection raised with regards site drainage or Flood Risk issues.

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

No objection to the proposed development from the perspective of land contamination - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification - Also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

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

No Objection - Subject to condition relating to working hours during construction.

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

As this is a minor application the LLFA have no comment to make - the LPA and applicant are directed to flood risk standing advice.

## **Strategic Housing**

This application proposes 7 dwellings - two existing units are to be demolished. The net gain is 5 dwellings; It is noted in this re-consultation that the planning statement (incorporating the design and access statement version two - March 19) states the site size is now 0.48 reduced from 0.88 on the original proposal; With a site size of 0.48 and under 10 units this scheme would not be required to provide an affordable housing contribution.

## **Suffolk Preservation Society**

Question whether the proposals should be considered enabling development; Urge that if the application is approved it must have clear justification that enabling works are required to sustain the long term viability of the school use, including the upkeep of the fabric of the listed building; The removal of 1 no. dwelling plot and the reduction in site area are positive and welcome; Consider the tightly packed layout remains fundamentally out of character with the conservation area; Consider a more compact site will ameliorate the harmful impacts of the development on the parkland setting of the Hall.

## **Infrastructure Team**

This development lies within the high value CIL Zone for Babergh District Council and therefore the development would be liable for CIL at a rate of £115sqm, subject to indexation, which will be calculated on grant of planning permission. Provided we receive a CIL Form 1: Assumption of Liability and CIL Form 6: Commencement Notice at least 24 hours in advance of commencement, the landowner will be able to benefit from paying the CIL in instalments.

## **SCC - Fire & Rescue**

Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 270m from the proposed build site - Recommend that consideration be given to the provision of an automatic fire sprinkler system.

## **B: Representations**

15 no. third parties have written in support of the development proposal. Comments received are summarised below:

- The proposal's commercial foundations are important to the growth and long-term prosperity of what is regarded as one of the finest preparatory schools in the country, offering opportunities to as wide a group of young people as is possible;
- The commercial foundations of the development will contribute to employment levels and prosperity of the surrounding towns and villages in Suffolk;
- Consider the development would in no way be detrimental to the character of the village;
- This is a quite remarkable school and the benefits of it being in Brettenham are considerable;
- Encourage careful consideration of benefits of the proposal when reaching a decision on the application as it is intrinsic to the future health of the school and surrounding area;
- The proposal is extremely important to enable funding to be provided to improve sports and staff facilities at the school. This will not only benefit the school but also the local community;
- Having a thriving school is a real positive for the local area and Babergh and the school is also a significant local employer (employs nearly 100 people);
- The school is very active in the local community (Children attend the Church and area actively involved in village projects) and allows local people significant access to their facilities. This can only increase as a result of the improved facilities that will flow from this planning application;
- The proposal would seek to secure the future of the school, which is a significant local employer and contributes significantly towards several local businesses;

- Consider the increase in people living in the area may serve to improve local services and facilities (provide an improved bus service or local shop etc.);
- Consider the proposal would provide terraced and semi-detached properties for which there is a local need within the village;
- The proposed dwellings will provide opportunities for people to downsize and still live in the community;
- Consider the proposal would be an improvement when compared to the 2 no. existing unsightly Bungalows on the site;
- Monies secured by the development will benefit the important listed school buildings;
- The proposed improvements to the Sports Hall and Swimming Pool will be available to and will benefit the public;
- The proposal will help secure to future of the school which reduces pressure on other local schools with stretched budgets

17 no. third parties have written raising concern or objection to the development proposal. Comments received are summarised below:

- Consider the reasons behind the proposed development are short term economic solutions for the school, will not ensure economic security in the long term, and is not, therefore, sustainable;
- The main reason for the proposed development seems to be monetary gain for a select institution;
- Old Buckenham School has never made any effort to integrate into the local community;
- Question the staffing numbers put forward by the applicant in their supporting statement;
- Consider 100 staff members (Old Buckenham School) represents a small employment site;
- Do not consider the proposed development should be treated as a special case.
- Concern with regards the loss of historic parkland;
- Concern that the proposal will result in a precedent for further housing developments and erosion of parkland in the future;
- The proposal would result in the loss of greenfield land;
- The proposal would impact the setting of listed buildings and the village conservation area;
- The proposal is not within the village built up area boundary ('settlement boundary' or 'settlement area') and, therefore, contrary to established policy (CS11, CS18 and CS20 mentioned);
- The proposed mini estate is not in keeping, and will be out of character with the village;
- Concern with regards the precedent the proposed development would set for further development along Bury Road, if approved;
- Concern with regard the proposed two-storey height of the proposed dwellings - will be obtrusive to view from Bury Road;
- Although trees along Bury Road are proposed to be retained these will not adequately screen the development as they are deciduous and in winter the estate will be clearly visible
- Concern with regards the impact on neighbouring properties during construction;
- The proposed dwellings will be expensive and no provision for affordable housing is offered;
- Existing village infrastructure will be put under enormous strain;
- The existing road is unsuitable for use by pedestrians;
- Do not consider that increased traffic flows during and after construction have adequately been addressed - consider the proposal would detriment existing highway safety;
- The village offers very few facilities (Village Hall, Church and Recreation Ground) and services and there is no public transport available at peak times. The proposal is not, therefore, sustainable;
- Babergh can demonstrate over 6 years of housing land supply - there are, therefore, no exceptional circumstances why this proposed development should be allowed;
- Concern with the potential loss of trees to the roadside frontage in order to achieve highways' visibility splays;
- The street frontage is prone to flooding and the proposed development would only make the situation worse;
- The proposal would impact ecology and local wildlife;
- Consider the applicant is relying on incorrect information in order to circumvent strict criteria of rural protection policies claiming consideration as a special case.

## **PLANNING HISTORY**

The wider site has an extensive planning and listed building consent application history. Those applications which are considered most relevant to the current application are set out below:

B/15/00916	Erection of 1 no. detached two-storey dwelling and detached single-storey garage (following demolition of existing dwelling), and associated works. <b>(Adjacent Dwelling at Dux Hill)</b>	<b>DECISION:</b> GRA
S/62/591/C	Erection of 2 no. dwellings.	<b>DECISION:</b> GRA

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

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

- 1.1. The application site extends to approximately 0.48 hectares and is located in the far north-west corner of Brettenham Park, within the existing grounds of Old Buckenham Hall School.
- 1.2. The site comprises 2 no. existing single-storey detached dwellings (Bungalows), dating from the mid 1960's, and their associated garden curtilages. The existing dwellings benefit from an existing shared access to the fronting Bury Road Highway, and access they share with the adjacent neighbouring dwelling at Dux Hill, a replacement dwelling which sits on the site of a former dwelling, formerly also in the ownership of the School, now privately owned.
- 1.3. The application site lies outside of the village Built Up Area Boundary (BUAB), located approximately 620 metres further along Bury Road, to the north-east but is considered to lie within the settlement pattern of the village, amongst and adjacent to existing dwellings fronting Bury Road, in this location.
- 1.4. The site lies within the village conservation area and affects the settings of 4 no. listed buildings: Old Buckenham Hall (Grade II\*), Old Buckenham Hall North Gate Lodge (Grade II), Old Buckenham Hall South Gate Lodge (Grade II), and Pound Farm (Grade II – opposite the site on the other side of Bury Road.)
- 1.5. Old Buckenham Hall School was founded in 1862 and moved to Brettenham Park in 1956. It is an independent day and boarding school for boys and girls aged 3-13 and is set within the extensive landscaped grounds just to the south of Brettenham village. The main school buildings are centrally positioned within the park and are approached via an oak-lined private driveway. There is a recently restored pair of Grade II Listed lodge houses adjacent to the park entrance on Bury Road whilst the main school Building (Old Buckenham Hall) is Listed Grade II\*.

### **2. The Proposal**

- 2.1. The application seeks full planning permission to redevelop the area currently occupied by the existing single-storey dwellings as 'enabling development' in order to secure funds for essential maintenance and repair works to the fabric of the Grade II\* Listed Old Buckenham Hall building and to underpin a future programme of other future improvements to the facilities on the School campus and in order to safeguard the future of the institution and benefit the community.

- 2.2. The application proposes the erection of 7 no. new dwellings on the site, following demolition of the 2 no. existing bungalows. The proposal would, therefore, result in a net increase in 5 no. new dwellings.
- 2.3. The proposed dwellings would be constructed predominantly within and between the existing garden curtilages of the 2 no. Bungalows (proposed to be removed) and with only the proposed dwelling at Plot 7 extending beyond this, into the existing parkland, approximately 20 metres to the south of the existing curtilages.
- 2.4. The 7 no. proposed dwellings would be provided in the form of 4 no. two-storey buildings.
- 2.5. The proposed new dwelling at Plot 1 would be provided in the form of a two-storey detached building, in facing red brick, with a red plain tile roof. Rear projecting elements would be finished in contrasting facing render. Plot 1 would have an eaves height of 4.3 metres and a maximum ridge height of 7.75 metres. Plot 1 is proposed to be a 4 bedroom dwelling.
- 2.6. The proposed new dwellings at Plots 2 and 3 would be provided within the form of 1 no. two-storey building, as semi detached properties. The proposed building would be externally finished in facing red brick, with a red plain tile roof. The proposed building would have a maximum eaves height of 5.4 metres and a maximum ridge height of 8.1 metres. Both Plots 2 and 3 are proposed to be a 3 bedroom dwellings.
- 2.7. The proposed new dwellings at Plots 4, 5 and 6 would be provided within the form of 1 no. two-storey building, as a terrace of three properties. The proposed building would be externally finished in facing painted render (with the gable element of a differ colour to the remainder), above a red brick plinth, with a red plain tile roof. The proposed building would have a maximum eaves height of 5.3 metres and a maximum ridge height of 8.6 metres. Plots 4, 5 and 6 are all proposed to be 3 bedroom dwellings.
- 2.8. The proposed new dwelling at Plot 7 would be provided in the form of a two-storey detached building, in facing painted render, above a red brick plinth, with a red plain tile roof. Plot 7 would have an eaves height of 5.4 metres and a maximum ridge height of 7.69 metres. Plot 1 is proposed to be a 5 bedroom dwelling.
- 2.9. The proposed dwellings (and existing neighbouring dwelling at Dux Hill) would all be served by way of the existing shared access to Bury Road, which is proposed to be upgraded to current local highways specifications. The proposed dwellings would be accessed via an internal private access road and private driveways. On site turning and parking, as well as covered parking garages and car ports are proposed for all dwellings, in accordance with current adopted parking standards provided by the local highway authority.
- 2.10. A scheme of structural landscape planting is also proposed to the proposed south and east site boundaries, integral to the existing parkland. Existing tree planting to the Bury Road Highway frontage is also proposed to be retained as part of the proposal.
- 2.11. The proposed development is intended to secure additional funds for the upkeep and development of Old Buckenham Hall School, including the following maintenance and repair works to the Listed Buildings, to be secured by legal agreement, should planning permission be granted (such works may require the benefit of Listed Building Consent):
  - Pointing, capping off and water protecting of unused Chimney Stacks;
  - Stitch repair to cracked brickwork;
  - Re-lead valley gutters to each side of flat roof lantern on main building;
  - Roof repairs to West Building - Repairs to slate roof, insertion of replacement tiles where necessary and renewal of roof timbers where necessary;
  - Renovate and extend covered walkway (as commented on by English Heritage);
  - Removal of asbestos from covered walkway;
  - Removal and re-finishing of capped stones to walled garden;

- Rake out and re-point brickwork to external face of wall in walled garden;
- Replace capping brickwork/stones to new detail (subject to English Heritage approval).

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

- 3.1 The application would involve the erection of 2 no. replacement dwellings, following the demolition and removal of the 2 no. existing dwellings on the site. The principle of the erection of 2 no. replacement dwelling on the site is, therefore, considered acceptable and in accordance with development plan policy HS05, subject to consideration of all other material planning considerations (as set out later in this report).
- 3.2. With regards the principle of the erection of the remaining 5 no. new dwellings, Babergh benefits from a five plus year land supply position as required by paragraph 73 of the NPPF. The tilted balance at paragraph 11(d) of the NPPF is not engaged. There is no requirement for Council to determine what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant policies of the Core Strategy generally conform with the aims of the NPPF. Where they do not, they will carry less statutory weight.
- 3.3 Policy CS2 (Settlement Pattern Policy) designates Brettenham as a Hinterland Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. The site is outside the settlement boundary and therefore Policy CS2 applies.
- 3.4 The Core Strategy adopted in 2014 expressly anticipated, and stated within the document, that the District settlement boundaries would be reviewed and sites allocated for development following the adoption of the Core Strategy. The Local Development Scheme (LDS) produced in 2012 advised that a new combined LDS would commence in autumn 2012 and stated it was not possible to provide an up to date programme for site specific allocations. It is noted that in the original LDS in 2007 it was anticipated that the Site Allocations document would be adopted within 6 months of the Core Strategy having been adopted. This has not to date happened. The current LDS, published in July 2018, now indicates that the Joint Local Plan, including site allocations, will be adopted in February 2020.
- 3.5 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.
- 3.6 Having regard to the material delay in the review of settlement boundaries and in the allocation of sites, and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to Policy CS2 is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 3.7 The momentum towards delivering sustainable development and the need for a balanced approach to decision making are key threads to Policy CS1 and CS15 of the Core Strategy. Unlike Policy CS2, these policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework as it applies to the subject application.
- 3.8 Policy CS1 takes a positive approach to new development that seeks to secure development that improves the economic, social and environmental conditions in the Babergh district. As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for

Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages.

- 3.9 Policy CS11 states that development in Hinterland Villages must be able to demonstrate a close functional relationship to the existing settlement. The site is located to the south east of Brettenham 620 metres from the BUAB as such the proposal does not demonstrate a close function relationship to the existing settlement and Policy CS11 is not engaged.
- 3.10 Paragraph 79 of the NPPF, is considered relevant to the development proposal, as a material consideration. NPPF paragraph 79 states that planning policies and decisions should avoid isolated homes in the countryside unless one or more of the following circumstances apply: There is an essential need for a rural worker to live permanently at or near their place of work; The development would represent the optimum viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; The development would re-use redundant or disused buildings and enhance its immediate setting; The development would involve the subdivision of an existing residential dwelling; or the design is exceptional, of the highest architectural standard, truly innovative, which enhances its immediate setting and raises the design standard more generally in rural areas. The site is located within an area of sporadic development it is not considered that the proposal site can be described as being isolated, as per the meaning in paragraph 79 of the NPPF.
- 3.11 In addition to the above assessment, in relation to the relevant planning policy criteria the proposed development is considered to support the existing local services and facilities in the village and would, through enabling development, help sustain and expand employment opportunities both at Old Buckenham School and other businesses within the District which provide food and services for the School. Through an accompanying legal agreement, the proposed development would also ensure appropriate enabling development to secure the future of heritage assets.
- 3.12 Subject to assessment against all other material planning considerations, in particular design and layout, and the landscape, environmental and heritage characteristics of the area, the principle of the proposed development is, therefore, considered acceptable, in accordance with the above planning policy criteria.

#### **4. Design and Layout [Impact on Street Scene, Landscape and Heritage Assets]**

- 4.1. The proposed dwellings would be provided predominantly within and between the existing residential garden curtilages for the existing 2 no. bungalows proposed to be removed, with only the proposed dwelling at Plot 7 extending beyond this, approximately 20 meters further to the south-west, along the Bury road frontage. The proposed intrusion into the parkland and landscape setting would, therefore, be minimal.
- 4.2. The proposed dwellings have been positioned in an informal line, fronting the shared private access driveway and have avoided a linear, regimented arrangement. This follows the layout approach, as suggested by your heritage officers, who consider that a less measured, more organic arrangement of properties with varied spacing between buildings would appropriately amplify the rural nature of the site without significantly impacting the setting of the affected listed buildings or the character of the conservation area.
- 4.3. The dwelling types are designed to be varied and the layout contains two detached dwellings, a pair of semi-detached dwellings, and a terrace of three dwellings. A much smaller detached dwelling at Plot 7 is situated on the southernmost plot – reflecting advice received from your Heritage Officers.
- 4.4. The dwellings are variously provided with detached or attached pairs of single or double car ports set back behind the front elevations of open frontage car lodge character.

- 4.5. The proposed layout has been designed to reflect a green open frontage to the dwellings layout with landscaped greensward areas - giving the character of housing on the edge of a village green. The dwellings enjoy the benefit of enclosed rear gardens of various sizes with proposed structural landscaped edges to the eastern and southern interfaces with the existing Parkland.
- 4.6. The proposed buildings have been designed to reflect a traditional character with narrow gauged roofscapes and steeply pitched roofs with wide frontages, externally finished with natural external facing materials and Suffolk palate colour. Chimneys and functional dormer details have also been included to provide interest and focal points. Proposed dormers are appropriately small in scale to be subservient within roof-slopes. The elevations have been broken up with an assortment of bays, door surrounds and window types to promote variety and interest.
- 4.7. The proposed external materials are proposed to be locally sourced and a natural selection such as soft red brickwork, clay tiles and natural slates has been specified to construct the dwellings. Windows will be painted timber and all glazing bars will be carefully detailed to present slender beading in a traditional manner. Painted timber pilasters and door surrounds have also been illustrated to help reinforce the traditional appearance of the buildings. Good quality orange/red or Gault brickwork will be used within the scheme. Light coloured mortars with white cement will be incorporated to reinforce local identity. Rendered walls will be smooth cast and colour-washed. Surface materials to the private drives will be informal with the use of irregular shaped block paving.
- 4.8. The proposed streetscene elevation and proposed site levels drawing provided with the application demonstrates that the proposed dwelling ridge heights would sit no higher than that of the existing adjacent dwelling at Dux Hill within the existing landscape. The existing treeline fronting Bury Road would be retained and would appropriately screen and soften the proposed development in the streetscene, as it presently achieves for the existing three dwellings in the site location. In addition proposed structural landscaping, and existing site levels and landscaping will appropriately screen and soften the proposed dwellings within the existing parkland.
- 4.9. In conclusion, the proposed development is considered to represent good quality design and layout appropriate to the historic context of the site and area and would have benefits in terms of the removal of the existing 1960's Bungalows which are less appropriate in terms of character.

#### *Impact on Heritage Assets*

- 4.10 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the listed buildings Act") states: "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" i.e. having special regard to the desirability of keeping designated assets from harm.
- 4.11 Recent case law on the application of that statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the local planning authority is required to accord any identified harm to the significance of a designated heritage asset considerable importance and weight. This also applies to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (see below).
- 4.12 The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. It also identifies protection and enhancement and establishes a presumption in favour of sustainable development in the planning system. Good design is a key part of sustainable development, and the Government attaches great importance to it. The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting and that the conservation of heritage assets is a core principle of the planning system.

- 4.13 Saved Policy CN06 requires that development affecting the setting of a listed building is justified in terms of causing the minimum possible impact to the heritage asset. Policy CN08 requires development to preserve or enhance Conservation Areas.
- 4.14 The applicant's heritage impact assessment acknowledges that the inclusion of houses within the historic park boundary will have a low adverse impact but considers that this is off set by the existing modern houses (proposed to be demolished as part of this application.) It is considered that whilst there is a negative impact from the erosion of the parkland, visually the impact of the new houses on the rest of the park and the Grade II\* listed building will be very limited, because of the topography of the landscape, which slopes down away from the Hall and because of the distances between the site and the Hall. Existing and proposed tree planting will also screen the houses, both in views immediately adjacent to the Hall and from elsewhere within the parkland, with the new planting bank seen as a continuation of the existing perimeter band of trees, helping to maintain the existing visual appearance of the area of the Park from the rest of the school grounds.
- 4.15 The current scheme is supported by your Heritage Officers, but does not have the support of Historic England. The two differing views as to the impact on the parkland associated with Old Buckenham Hall is noted and has been carefully considered by officers and consideration has been given to the harm identified and officers have applied the planning balance as set out within the conclusions of your report.

#### *Policy CS15 Sustainable Development*

- 4.16 Policy CS15 sets out how the Council will seek to implement sustainable development. A number of criterion set out at CS15 have already been considered in this report, those that have not are considered further below.
- 4.17 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected in highway connectivity terms. As acknowledged above, pedestrian connectivity in the village is not high and the proposal will generate vehicle trips. This said, as noted above, the village has many of the day to day services expected in a hinterland village of this size. Employment opportunities are available in nearby centres.
- 4.18 Policy CS15 sets out criteria relating to economic benefits, supporting local services, sustainable design, and creation of green spaces, minimising waste and surface water run-off and promotion of healthy living. The proposal responds favourably to these matters as relevant.
- 4.19 A Phase 1 Desktop Contamination Report supports the application. Environmental Health raise no objection to the proposed development from the perspective of land contamination. The proposal complies with criterion vii of Policy CS15 insofar as it relates to land contamination.

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

- 5.1. The proposed dwellings (and the existing neighbouring dwelling at Dux Hill) would all be served via a single point of access from Bury Road, the preferred approach of the Local Highway Authority in terms of highway safety.
- 5.2. The existing access to the site would be upgraded to current highway standards in order to serve the proposed dwellings, with an access width of 4.5 metres and visibility splays of 90 metres in both directions.
- 5.3. The proposed development would also provide more than adequate on-site turning and parking space, clear of the public highway, to serve all proposed dwellings, and with additional covered garage/carport parking also available.

- 5.4. SCC Local Highway Authority has assessed the proposed development and has raised no objection, subject to compliance with suggested conditions.
- 5.5. The proposed development is, therefore, considered to be acceptable in terms of highway safety considerations.

## **6. Impact On Residential Amenity**

- 6.1. The proposed dwellings have been designed to ensure proposed windows would not result in adverse overlooking of any existing or proposed neighbouring properties and the siting and scale of buildings is not considered to result in demonstrable harm with regards being dominating or result in significant loss of natural daylight to neighbouring properties.
- 6.2. The proposed development is, therefore, considered to ensure a good standard of amenity for all existing and future users, as required by the NPPF.

## **7. Ecology, Biodiversity And Protected Species**

- 7.1. The proposed development would be built within the location and close proximity of existing dwellings and residential garden curtilages. The proposal would also not result in the loss of a significant amount of trees and vegetation.
- 7.2. The proposal would result in a significant amount of additional tree and landscape planting which would likely result in increased habitat opportunities for ecological species.
- 7.3. The proposed development is, therefore, considered to result in minimal initial ecological harm and with eventual benefits in terms of potential habitat creation.

## **8. Land Contamination**

- 8.1. The applicant has provided a detailed land contamination assessment with the application which indicates that future occupants would not be at significant risk from potential sources of land contamination. Your Environmental Health specialists have assessed the application and report and have raised no objection in this regard, subject to the developer being reminded to report any unexpected ground conditions encountered during construction and that responsibility for safe operation of the site ultimately lies with them.

## **9. Flood Risk and Drainage**

- 9.1. The site is not of a scale that would ordinarily require a comprehensive flood risk assessment and surface water drainage management plan from the applicant.
- 9.2. The site and its immediate surrounds do not lie within an area which is at significant risk of flooding, as indicated by the Environment Agency (EA Flood Zones 2 or 3). Modern soakaways are also proposed as part of the proposed development and are considered to represent improved surface water runoff management, when compared to the existing provision for the dwellings proposed to be removed.
- 9.3. The proposal site would also not result in the creation of a significant amount of hard surfaces and a significant amount of undeveloped green space lies between the proposed dwellings and the fronting highway which would enable much surface water time to drain to ground naturally.
- 9.4. The proposed development is not, therefore, considered to be at significant risk from existing potential sources of flooding and would not result in significant increased likelihood of increased flooding on the site or elsewhere.

## **10. Affordable Housing**

- 10.1. The application proposes a net increase of 5 no. new dwellings (less than 10 dwellings), within a site area of less than 0.5 hectares. In accordance with the provisions of the NPPF as a material consideration, therefore, there is no requirement for the applicant to provide a contribution towards affordable housing with regards this development proposal.

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## **PART FOUR – CONCLUSION**

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### **11. Planning Balance and Conclusion**

- 11.1. 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, considered on its own merits, this development is considered to pose only limited harm, which is therefore 'less than substantial' within the policy wording of the NPPF.
- 11.2 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.
- 11.3 Paragraph 196 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, and economic and infrastructure benefits, and in particular the funding being secured for the repairs and long term maintenance of the Grade II\* Listed building and to ensure that it remains in a viable use for the future, it is considered that these material considerations would none the less outweigh the less than substantial harm to the heritage asset, even where a considerable importance and great weight is applied to the desire to keep the affected asset from harm.
- 11.4 Officers have therefore applied the balance required by paragraph 196 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.
- 11.5 The starting point for decision-taking purposes remains the development plan with the National Planning Policy Framework a material consideration in this decision. The policies of the Core Strategy generally conform with the aims of the Framework to promote sustainable transport through walking, cycling and public transport by actively managing patterns of growth in support of this, whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 11.6 The Framework objectives for sustainable development include delivering a sufficient supply of homes. The Council's July 2018 Annual Monitoring Report indicates that Babergh can

demonstrate at least the five-year housing land supply required by paragraph 73 of the Framework. Therefore, there are not the grounds on which to find policies as out of date in respect of housing supply and so it is not necessary to apply the 'tilted balance' of Framework paragraph 11 in that respect. This would have been to consider whether any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the Framework policies taken as a whole.

- 11.7 Nevertheless, meeting the requirements of paragraph 73 is not intended as a ceiling on further housing, where the Framework continues to support Government's objective to significantly boost the supply of homes. The location would not comprise the development of isolated homes in the countryside which paragraph 79 of the Framework seeks that decisions avoid. On the contrary, the proposal would gain support through Framework paragraph 78. This states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and where this will support local services, recognising that where there are groups of smaller settlements, development in one village may support services in a village nearby. Although future occupiers would be mainly dependent on private car journeys to nearby Lavenham, Hadleigh or Bury St Edmunds these would be relatively short drives. In any case, the Framework requires that decisions take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- 11.8 There would be some degree of harm through this proposal running contrary to the adopted settlement strategy of the Core Strategy, and the conflicts with policy CS15, however this would be off-set by the national policy considerations set out above. The Framework recognises in paragraph 68 that small and medium-sized sites can make an important contribution to meeting the requirement of an area, and are often built-out relatively quickly. The proposed development is considered to result in social benefit in terms of the provision of an appropriate mix of dwelling types, within an appropriate village location. The proposed scale of development is considered to help support and grow the village at an appropriate proportional rate, helping to support and grow existing village services and facilities, to support others within the functional cluster, and to help avoid social isolation.
- 11.9. The proposed development is considered to result in economic benefits in terms of enabling development supporting the School, a significant employer in the area, as well as local businesses which are in turn supported by the School. There would also be some short-term economic benefit during the construction phase of development, however, this is attributed minimal weight.
- 11.10. The proposed development is considered to result in minimal environmental impact on the existing character of the village streetscene and the character and significance of affected heritage assets, due to the siting, scale and design of proposed buildings, screening afforded by existing and proposed landscaping and the benefits associated with removal of the less sympathetic existing dwellings. The proposal is considered to result in significant environmental benefits in terms of the enabling development with regards the repair and maintenance works to be secured with respect of the Grade II\* Listed Building at Old Buckenham Hall.
- 11.11 In terms of planning balance, therefore, the proposal is considered to represent sustainable development when assessed against the provisions of the NPPF and development plan, when taken as a whole.
- 11.12 Therefore, it is considered the above merits of the scheme and broad compliance with policy CS15, including the accessible location of the housing and its contribution to boost housing supply, when balanced against the limited harm to the landscape and heritage would represent sustainable development and when considered as a whole would meet the requirements of policy CS15 and all other relevant local plan policies outlined above. The conflict with policy CS2 on the location of this development is noted, but is given less weight for the reasons outlined above. The proposal represents an appropriate site for new residential development and would deliver sustainable development, furthering the overarching thrust of policies CS1 and CS15 of the Core

Strategy and providing for net gains to the three objectives of sustainability in accordance with the NPPF (which notwithstanding the development is plan is a compelling material consideration). The application is therefore recommended for approval.

## **RECOMMENDATION**

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

- Repair, Maintenance and Improvement works to the Listed Buildings

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

- Standard Time limit
- Approved Plans and Documents
- Detailed Landscaping Scheme and Aftercare
- Details, Samples and Colours of external facing and roofing materials
- Those required by the Local Highway Authority (Access, Visibility Splays, Surfacing, Drainage, Turning and Parking, Refuse and Recycle Bins)
- Deliveries Management Plan – to be implemented during construction phase
- Working hours during construction phase
- Land Contamination Condition – As advised by the EA
- Tree protection measures
- Removal of Permitted Development Rights

**(3) That in the event of the legal agreement referred to in Resolution (1) above not being secured that the Acting Chief Planning Officer – Planning for Growth be authorised to refuse the application on appropriate grounds.**