

Michael Collins

LISTED BUILDING PLANNING CONSULTANT

PO Box 383 . EYE . Suffolk . IP23 9AN
07809-131768
mc@michaelcollinslistedbuildings.co.uk

Members of Planning Committee
Babergh District Council
Endeavour House
8 Russell Road
IPSWICH
IP1 2BX

16th December 2019

Dear Member,

**Submission of details under Outline Planning Permission DC/17/04052
(Reserved Matters application for appearance, landscaping, scale and layout);
Land north of Waldingfield Road, Chilton (ref. DC/19/04650)**

The above application is scheduled to be considered by the Planning Committee on 18th December 2019 and, following the publication of the officer report last Wednesday, I have been instructed by both the owner of Chilton Hall, Lady Hart of Chilton, and Chilton Parish Council to make representation to you on their behalf. Please regard this communication as a letter of **objection** to the proposed development.

This letter specifically concerns (i) the status which has been accorded by officers to the 'Development Parameters Plan' and (ii) the need to avoid harm to designated heritage assets. It should be stressed at the outset that there is no objection to the development of this site in principle, nor to the construction of 130 dwellings.

Outline planning permission was granted on 5th July 2018 for a residential development of up to 130 dwellings. This permission included the means of access into the site. All other matters (relating to appearance, landscaping, scale and layout) were reserved (ref. DC/17/04052).

Condition 2 of the permission stated that:

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority.

Part of the stated reasoning behind the imposition of this condition was 'to allow public engagement on the outstanding reserved matters'.

The application for Outline Planning Permission was presented to the Planning Committee on 13th June 2018 and Members accepted the recommendation that was contained in the officer's report.

For the current Outline application, matters relating to layout, appearance, scale, and landscaping are reserved for formal determination at a later date should permission be granted. Members are tasked with considering the acceptability of the principle of the development applied for, alongside highway access from Waldingfield Road which is included in the application for detailed approval (extract from officer report to Planning Committee, 13th June 2018).

It is stressed that the scheme is in outline form with only 'access' for detailed determination at this stage. Members are therefore tasked with considering the acceptability of those access details, alongside the principle of this development, as it relates to consequent impacts upon the environment. Matters relating to scale, appearance, layout and landscaping are reserved (extract from officer report to Planning Committee, 13th June 2018).

Chilton Hall is a grade II* listed building. The red brick mansion stands on a moated platform which is adjoined by a separately listed walled garden. Beyond lies an area of parkland which is registered as an historic park and garden. The relationship of the Hall with its park is best appreciated in views which may be obtained from the moated platform and the walled garden in a north-westerly direction across open parkland that extends to the Waldingfield Road (see fig.1 attached). The undeveloped backdrop to these views preserves a sense of remoteness and isolation that is an important characteristic befitting a high-status country mansion. The introduction into the view of a line of modern housing would irreversibly alter this important attribute of the setting of the Hall and its park.

Setting is an established concept with twin roles - it can contribute to the significance of a heritage asset and it can allow that significance to be appreciated. When considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to the significance of a designated heritage asset (including from development within its setting) requires clear and convincing justification.

The requirement to avoid harm to designated heritage assets is a fundamental aspect of national planning policy. It is expected that officers would seek to achieve the public benefits that would arise from a development of 130 dwellings in a manner which also avoided harm to identified designated heritage assets. Harm should only be tolerated when it is unavoidable and, in such circumstances, the harm should then be minimised.

It is of considerable concern that, at both Outline stage and Reserved Matters stage, neither the applicant's heritage consultant nor the heritage officer of the local planning authority has undertaken an assessment of the important visual relationship between the Hall and its park which is only available from the core of the designated heritage asset and which itself lies within the private grounds of the Hall (view A on fig.1).

The Heritage Statements that were submitted at both Outline stage (EDP, July 2017) and at Reserved Matters stage (Montagu Evans, October 2019) have failed to consider the impact of the proposed development from the grounds of Chilton Hall and, together with the officer slide presentation to Members in June 2018, confined their analysis to the impact from the closed view that is available from the public footpath (view B on figs.1 and 2).

The latest statement (Montagu Evans, October 2019) has concluded that there would be a 'neutral impact on the setting of heritage assets' and that 'the setting and significance of the Hall would be preserved'. This conclusion is therefore flawed and is even at odds with the officer report of June 2018 which advised Members that the scheme would be harmful to the setting of Chilton Hall.

The existing hedgerow on the boundary of the development site with Waldingfield Road is of poor quality and is only 4.0 metres in height. The line of housing that is

proposed to be constructed nearest to Waldingfield Road (plots 124, 125, 126, 127 and 130) is '9.0 metres' in height. There should be an appropriate mix of housing in a development of 130 dwellings and therefore the siting of any single-storey housing (ie. bungalows) should include the above five plots.

In addition, the 'landscape buffer' that is proposed to be provided along the road frontage should be of a depth and density to achieve an impermeable screen. The proposed buffer should be 'wooded' in character and should be of an appropriate specification to achieve an impermeable screen in spite of seasonal change.

The specification for the proposed 'landscape buffer' has been analysed by independent landscape consultants and has been found to be not fit for its intended purpose. The applicant has stated that the proposed buffer would result in a substantial belt of 'visually-impermeable vegetation' on the site's boundary with Waldingfield Road, thereby ensuring that the experience of Chilton Hall and its park remains 'unchanged'. This statement is wholly inaccurate and, if accepted, would have consequences for the setting of Chilton Hall and its park.

The harm to designated heritage assets that was identified by officers at Outline stage was caused by the proposed access onto Waldingfield Road. This is an acceptable conclusion to reach on the basis that the matters stated by officers to be considered at that stage were solely the principle of residential development and the means of access.

Outline Planning Permission was approved on the basis that there was conceivably at least one option for the satisfactory development of the site, ie. one that would not generate harm to the designated heritage assets over-and-above that which was caused by the new access onto Waldingfield Road. In theory, this would include a scheme for 130 single-storey dwellings with a landscape buffer of appropriate depth and density along Waldingfield Road. Conversely, a scheme which introduces housing into the view from the immediate grounds of the Hall would generate a level of harm which was not present in the determination of the Outline application and which is avoidable through attention to layout, scale and landscaping at Reserved Matters stage.

It is therefore of considerable concern that the officer report for the Reserved Matters application accords a particular status to the 'Development Parameters Plan' and advises Members to accept a level of harm to the designated heritage

assets which was not agreed at Outline stage. The additional harm is avoidable and does not hinder the ability to secure a development of 130 dwellings.

The principle of development has already been established and set very clear parameters in respect of the extent of the permission granted. That is the context against which the decision on the reserved matters application must be taken (extract from officer report to Planning Committee, 18th December 2019).

The proposed reserved matters sit squarely within the parameters set within the outline planning permission. Within the planning permission, parameters were set to ensure that the magnitude of impact identified would not be breached at the reserved matters stage (extract from officer report to Planning Committee, 18th December 2019).

The officer report advises Members that the 'scale' of the development is considered to be acceptable on the basis that the housing on the identified plots nearest to Waldingfield Road is only 9.0m high as opposed to the 'approved 9.5m'.

Building heights have been treated carefully and sit well within the requirements of the Parameter Plan; two-storey dwellings being a maximum of 9.0m high as opposed to the approved 9.5m within the southern block (extract from officer report to Planning Committee, 18th December 2019).

The approved parameter plan allows for two-storey dwellings across the site to have a ridge height of up to 9.5m (extract from officer report to Planning Committee, 18th December 2019).

Housing of this height would be visible and therefore harmful to the setting of Chilton Hall. Due process under the Reserved Matters application should now seek to avoid such harm through alterations to the scale of housing on the five plots at the front of the site. A reliance on the 'Development Parameters Plan' to justify such harm begs the question *at what stage in the application process (both at Outline and Reserved Matters stage) have the Planning Committee (and other consultees) been able to consider and/or object on grounds of 'scale'(height)?*

Similarly, the officer report advises Members that the 'landscaping' of the development is considered to be acceptable on the basis that (inter alia) the 'landscape buffer' on Waldingfield Road has been 'significantly' increased in depth

from that 'approved' under the Outline Planning Permission. The proposed landscape buffer is not fit for purpose (ie. to avoid harm to the designated heritage assets) and would not provide 'an impermeable screen'. Due process under the Reserved Matters application should now seek to avoid such harm through improvements to the depth and density of the landscaping at the front of the site. Again, *at what stage in the application process have the Planning Committee (and other consultees) been able to consider and/or object on grounds of 'landscaping'?*

Both Historic England (5th December 2019) and The Gardens Trust (9th December 2019) continue to object to the proposed scheme and recommend that the application is refused. The comments of these statutory consultees are again dismissed by officers on the basis of the 'Development Parameters Plan'.

The views of Historic England and The Gardens Trust (do) not recognise the imposition of the Parameter Plan to the Outline Planning Permission to which this application does accord (extract from officer report to Planning Committee, 18th December 2019).

The officer report states that 'an acceptable baseline has already been set through the Parameter Plan that has been imposed upon the Outline Planning Permission'. Aside from the status accorded by officers to the 'Development Parameters Plan', the acceptability of any 'baseline' is without foundation given the failure of both the applicant and officers to perform the necessary assessment from the private grounds of the Hall. The 'acceptability' of introducing two-storey housing on those plots nearest to Waldingfield Road, without first having understood the implications of doing so, does not sit comfortably with the following statement made by officers in their report:

The development of the application site needs to be treated with great care as it forms an important element of the setting of the Hall and its park (extract from officer report to Planning Committee, 18th December 2019).

For officers to advise Members in their report that the effect will be 'benign' without having assessed first-hand the impact of the proposal from the highly sensitive core of the designated heritage asset is quite frankly breath-taking. Similarly, the applicant's heritage consultant ('neutral') has declined an invitation to meet at the site which would have enabled them to provide Members with the crucial missing section of their impact assessment (Montagu Evans, October 2019).

A staged approach to decision-making is required in order to meet the sustainable development objective of conserving significance. Having identified which heritage assets may be affected by a development proposal, the first step is to understand the significance of the identified assets and the contribution to significance made by their setting.

The next step is to understand the impact of the proposal on that significance and any identified harm should be avoided through the requirement for an alternative design. In this instance, both the scale of housing at the front of the site and the specification for the landscape buffer should be addressed. Only harm that is demonstrably unavoidable should be tolerated and, even then, this harm should be minimised through design. Any remaining harm may then be said to be justifiable and the decision-maker would be placed in a position where the balancing exercise can be performed.

The inability for Members to make a sound decision in this instance is the direct result of the failure of officers to make a proper assessment of the affected heritage assets and to subsequently remove those elements of harm which are entirely avoidable. Members would have been in a position to perform the balancing exercise if officers had secured the necessary variations in design. Members would have been able to conclude that the level of harm was the same as that found at Outline stage (ie. the harm was justified by the need for a new access) and Members could have determined that the harm (from the new access) was outweighed by the public benefits of the scheme.

This approach is required by both the statutory duty imposed under section 66(1) of the 1990 Listed Buildings Act and by the heritage-specific policies of the 2019 NPPF. There is a 'strong presumption' against granting planning permission for development which would harm the significance of a 'listed building' precisely because the desirability of preserving both the building and its setting has been determined by the courts to be a consideration of 'considerable importance and weight'.

Members should question the status which has been accorded by officers to the 'Development Parameters Plan' and also the process which has led to their acceptance of a scheme which will unnecessarily harm the significance of a designated heritage asset of high importance. Members should not accept the

scheme in front of them and should instead pursue those revisions as set out in this letter as a means to avoid harm before securing a housing scheme that delivers the desired public benefits. This would also accord with the recommendation of statutory consultees and would contribute to the achievement of sustainable development which is the purpose of the planning system.

Yours sincerely,

Michael Collins
Listed Building Planning Consultant.

cc.
All Members of Planning Committee
Ward Members
Chief Planning Officer
Case Officer
Heritage Officer
Historic England
The Gardens Trust

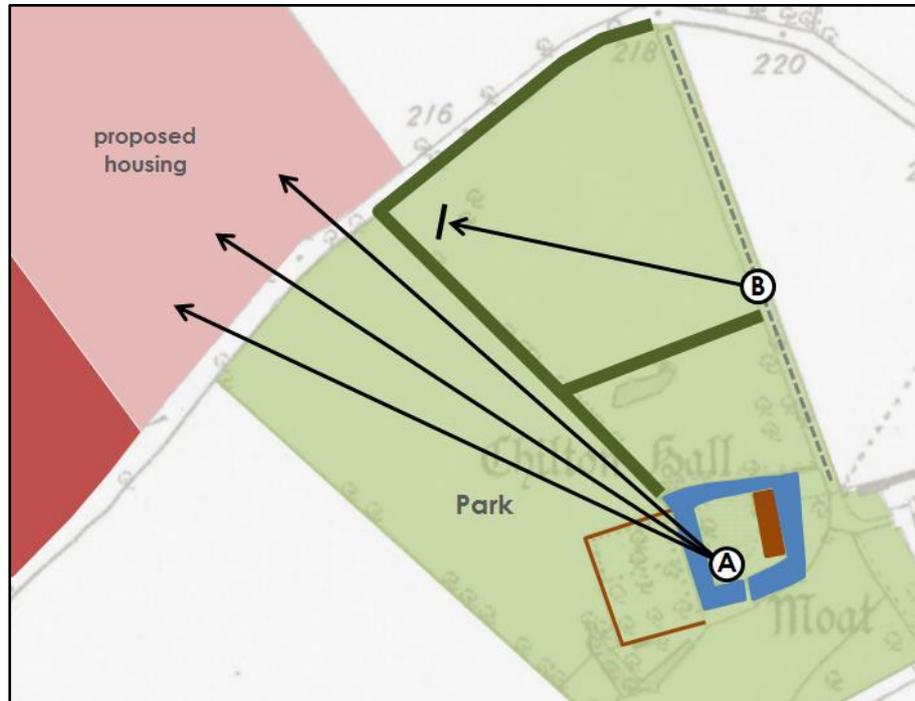


Fig.1 Views A and B of development site from within RPG



Image EDP 8: View north west towards the site, taken from within the centre of the RPG. Note how intervening vegetation prohibits intervisibility between the asset and the site. The proposed development would result in no change to this experience.

Fig.2 Photograph of view B with caption (EDP Heritage Assessment)