

Committee Report

Item 6A

Reference: DC/20/04417

Case Officer: Samantha Summers

Ward: Brett Vale.

Ward Member/s: Cllr John Ward

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Change of use of land for the erection of 6 dwellings and the siting of 5 holiday cabins including creation of car park and alterations to existing vehicular access

Location

Land adjacent The Brewers Arms, Bower House Tye, Polstead, Colchester Suffolk CO6 5BZ

Expiry Date: 23/02/2021

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr Marginson

Agent: KLH Architects

Parish: Polstead

Site Area: 0.97Ha

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member: No

Has the application been subject to Pre-Application Advice: Yes DC/19/01918. Advice was negative to the dwellings, but the holiday cabins might be acceptable depending on location. Application DC/19/04957 was submitted and then withdrawn following concerns raised about sustainability and heritage impact.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

BABERGH LOCAL PLAN 2006

CN01 - Design Standards

CN06 – Listed buildings

CR07 – Landscaping

TP15 - Parking Standards - New Development

BABERGH CORE STRATEGY 2014

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

CS02 - Settlement Pattern Policy

CS11 - Core and Hinterland Villages

CS15 - Implementing Sustainable Development

Suffolk Guidance for Parking (2019)

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

Parish Council

Polstead Parish Council

The councillors discussed the application in the context of the development being outside the BUAB, the need for 6 dwellings to be built to support the creation of 5 holiday homes and the financial viability of The Brewers Arms following the impact of COVID-19. The majority of councillors felt that the need to develop 6 dwellings outside the BUAB for the scheme to proceed was not sustainable and was contrary to the council's policy of development outside the BUAB. However, the possibility that The Brewers Arms may fold, with the loss of a community hub that offers employment to local residents was not a risk that the councillors were prepared to take. By a majority, the councillors resolved that they had no objections to the application.

Boxford Parish Council

Please note that Boxford Parish Council Objects to this application in its current form. Whilst members were in favour of the holiday cabins, they did not feel the location merited retirement homes in terms of access to services and facilities.

National Consultee **Natural England**

This development falls within the 13 km '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'). It is anticipated that new housing development in this area is

'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development. As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period, then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded. We therefore advise that you should not grant permission until such time as the implementation of this measure has been secured.

County Council Responses (Appendix 5)

Highway Authority

For a development of this size, we would recommend a footway linking the site to the bus stops and Holt Road is included to allow a safe route for the pedestrian to use public transport and link the PROW network. This development would not have a severe impact (NPPF para 109) therefore we do not object to the proposal. No objection subject to conditions.

Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). The site is close to a medieval moat (HER ref no. PLS 001), and medieval metal work has been identified to the south of the site (PLS 033). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Economic Development

The Economic Development Team fully support this application as it will help an existing rural community facility to diversify its business and invest in its long term sustainability. The tourism accommodation should be subject to normal occupancy conditions, but they would provide an attractive and complementary facility to the public house whilst also offering additional, good quality tourism accommodation for visitors seeking to visit this part of South Suffolk. The income from this holiday accommodation will help sustain the pub through provision of a consistent revenue stream, which is even more important now as we look towards a post-Covid economy and survival of businesses who have been most severely affected by the recent restrictions. This development will also help to create an additional 4 part time jobs, which is very welcome in the current climate. The owner of this business appears to be very focused on investing in the future of their business and doing everything they can to sustain its future as a vital village asset and we welcome this commitment, particularly at a time when we are losing so many of our rural pubs to residential uses.

Internal Consultee Responses (Appendix 6)

Heritage

I have considered the additional supporting information, but I remain unconvinced that the changes made to this scheme – compared to the previously withdrawn application (DC/19/04957) – would remove the harm that would be caused to the designated heritage assets. However, the detail of the additional information provided would result in this current scheme causing a lesser level of harm to that previously identified.

Whilst some separation and screening in the form of a belt of woodland has been proposed, it does not wholly address my earlier concerns about inappropriate development in close proximity to the listed buildings. The proposed vegetation to the north would provide a green buffer and maintain a sense of the

rural setting, albeit not the current or historically open rural landscape of the site's character. I also acknowledge that this element may have other environmental benefits. Nevertheless, as I referenced in my earlier response, I do not consider that screening and additional planting can justify an otherwise harmful scheme. It reduces the level of harm but does not omit it completely.

The morphology and uncharacteristic architecture of the proposal would not reflect the 'dispersed settlement pattern of loosely clustered villages, hamlets and isolated farmsteads' described in Suffolk County Council's landscape characterisation of Ancient Rolling Farmlands, which includes this area. The development's regimented and non-traditional approach to layout would not reflect the traditions of the area or reinforce local distinctiveness. It would not correspond with the historic linear development addressing the road – which includes Holmwood Cottages – or the more dispersed, semi-isolated nature of The Bower Close. These aspects of the scheme would all result in a degradation of the rural setting of the listed buildings and the historic settlement, and therefore a diminution of the positive contribution the undeveloped land makes to their significance.

The Applicant's additional statement asserts that '...the real appreciation of the heritage properties is from the front elevations and settings within they each sit, and not from the rear. And furthermore, the amount of modern changes that have occurred to the rear aspects to each of these properties already or by recent planning approvals for go ahead.' (sic)

However, and in response to the additional points made on the setting of the assets, Historic England's Settings Guidance (GPA 3) states that 'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places... The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.'

Giving consideration to Historic England's guidance, I do not consider the additional supporting information to be a comprehensive assessment of the setting of the assets nor an understanding of the contribution that setting makes to their significance.

Particularly relevant to this is the following section of Historic England's Settings Guidance. It states that 'where attributes of a development affecting setting may cause some harm to significance and cannot be adjusted, screening may have a part to play in reducing harm. As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets.'

Despite the woodland addition to this scheme, the combination of this guidance and the recent Appeal I noted in my previous response result in the conclusion that the current proposal would still cause a level of harm to the designated heritage assets.

I therefore consider that the proposals would cause a low to medium level of less than substantial harm to Holmwood Cottages and a low level of less than substantial harm to The Bower Close. As such, the scheme does not accord with National and Local Planning Policies. Local Plan Policy CN06 states that proposals should 'be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting; retain a curtilage area and/or setting which is appropriate to the listed building and the relationship with its surroundings; respect those features which contribute positively to the setting of a listed building including space, views from and to the building and historic layout...' It is for these reasons that I do not support the application.

Environmental Health Land Contamination

No objection.

Environmental Health – Noise/Odour/Light/Smoke

I understand that the Brewers Arms holds a premises licence which allows the premises to remain open until 01.00am Sunday – Thursday and 01.30am Friday and Saturday. They may also play recorded music indoors until these times. The Live Music Act has also allowed licensed premises to play live music outside until 11pm. For this reason, I have some concerns about the potential impact of activities at the Brewers Arms affecting the occupiers of the proposed dwellings, particularly as these will be outside of the control of the applicant. There could be noise disturbance from music, people in the premises (if windows are open), and people and vehicles leaving the premises particularly at unsocial hours. The dwelling on plot 6 is located so that bedrooms and living areas directly face the public house, and the gardens of plots 5 and 6 are in close proximity to the beer garden of the public house. It is unclear what the boundary treatment to the dwelling gardens is to be, and therefore whether it will afford any acoustic mitigation. This could result in activities at the public house being fettered and, as the applicant is also the owner/occupier of the public house, this would be a key area for consideration with the applicant.

In terms of the holiday lets, these are located further from the public house (although closer to its associated car park) and, as it is likely that the cabins will be run in association with the public house, and that there will only be short term occupants, they are likely to be less sensitive to noise.

I note that the development contains a 'public recreation area'. It is unclear as to whether this area will include any play equipment – depending on the nature of any such equipment, this could result in loss of amenity due to noise at nearby dwellings. I would recommend that a condition be attached to the effect that no such equipment shall be installed until such time as full details have been submitted to and approved by the LA, in the interests of amenity.

No scheme of lighting appears to be proposed as part of the development. I would recommend that, in the interest of amenity, a condition be attached to the effect that no external lighting shall be installed until such times as written scheme has been submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented prior to beneficial use of the approved development and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority. The scheme shall provide that each pole/wall mounted light must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. All pole/wall mounted lighting shall be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 2.5/%. The submitted scheme shall include a polar luminance diagram (based on the vertical plane and marked with 5, 1 and 0 lux contour lines), be submitted to and approved by the LPA. Note: The applicant's attention is drawn to the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage).

I would recommend that a condition be attached to any permission to the effect that all construction/site clearance works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.

I would therefore strongly recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority.

Strategic Housing

The policy position would be for 35% affordable housing on any site of 10 or more units or site area in excess of 0.5 hectares.

Therefore, the affordable housing requirement on this scheme would be 2.1.

This scheme would need to provide at least 2 affordable dwellings to be policy compliant. It may be possible to supplement the building of the affordable housing dwellings by way of a commuted sum.

Other Responses

Place Services – Landscape

The proposal conflicts with the assessment results for this site by the SHELAA 2019 and 2020. The site has been identified as unsuitable for development for having poor access to core services and facilities and poor connectivity to the existing settlement.

Apart from the Brewers Arms Restaurant / Pub, the settlement itself offers just a small cluster of isolated houses.

With regards settlement pattern, this landscape character type tends to consist of multiple clusters of varying sizes. As stated in the guidance notes for Ancient Rolling Farmlands, new development should reflect the local pattern. We consider that the proposed layout does not reflect or relates to the local pattern. The proposed development layout is dominated by the access road and parking areas. The layout itself is based around a geometric pattern using a standard plot and building typologies typical of a more urban form. This subsequently fails to relate to the landscape character and settlement setting.

As per our response letter dated 05/01/2021, the new woodland grove to the north of the site has been proposed as part of the mitigation strategy to reduce the landscape and visual impact of the proposal and to protect the setting of the nearby listed buildings Old Thatchers and Holmwood Cottages.

The new woodland planting will separate the proposal from the existing settlement creating an isolated development pocket outside the existing settlement cluster.

We consider that the proposed layout does not reflect (or relate to) the existing local settlement pattern.

We consider that the proposed development (as shown) appears detached from the cluster to the north which is not in keeping with the existing settlement pattern. The guidance notes clearly states as part of the landscape sensitivity and change for this landscape character type, that the historic settlement patterns can be lost to infill development and recommends that new development “should reflect the local pattern”.

For the proposed development to blend into the existing landscape character and local area, the proposed layout, architecture and choice of materials (alongside a detailed landscape mitigation strategy) should be carefully considered. Based on the submitted proposals we believe that this is not the case and the proposals fail to address or meet the guidance set out in the landscape character guidance and relevant policies CS2 and CS11). In response to viewpoints, receptors and photography, the LVIA has been produced using the appropriate guidance.

Dedham Vale AONB Team

The application site sits approximately 1km north of the boundary to the Dedham Vale AONB. For this reason the AONB team has no comment to make on this proposal.

Suffolk Wildlife Trust

We note that a section of native species-rich hedgerow to the south of the site will require altering to incorporate the required visibility splay. This requirement for a visibility splay means that there will be both hedgerow removal and also a considerable length that will be permanently cut back. However, this off-site hedgerow removal has not been considered within the Preliminary Ecological Appraisal (Robson Ecology, March 2020). In addition, there are numerous hazel dormice records within the close vicinity of the site and the hedgerow to be affected links into the wider hedgerow network. Consequently, there is a high likelihood that dormice may be present within the affected hedgerow and the impacts upon this species have therefore not been fully considered.

Hazel dormice are fully protected by legislation Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife and Countryside Act (1981) (as amended). They are also listed as a UK Priority species on Schedule 41 of the NERC Act 2016. Under the legislation protecting dormice, the Local Planning Authority, as a competent authority, must consider if the proposal would result in a breach of these regulations. If a Natural England licence is required prior to commencement of works, then the LPA needs to consider the likelihood of a NE licence being granted. In determining the application, the LPA should consider the three licensing tests under the Habitats Regulations.

Whilst we welcome the provision of a new woodland planting, we believe that the composition should include a more diverse range of species including native climbing, scrub and understorey species to offer greater enhancement for biodiversity, including dormice. These should include thorny and fruit or berry bearing species to offer more opportunities for wildlife. However, we note this new woodland planting, along with the proposed meadow, are outside of the application's red line boundary. We therefore consider that there is no certainty that this ecological enhancement can be secured as part of any planning consent and that this application should be resubmitted with an amended red line boundary to encompass the proposed habitat enhancement areas.

A Landscape and Ecological Management Plan should be produced, to detail how the recommendations made within the ecological reports, as well as the habitats and open spaces on site are to be appropriately managed for biodiversity on site.

In order to ensure that this application is determined having regard to all relevant material considerations, including the necessary assessment of impact upon dormice and proposals for mitigation, must be undertaken prior to a decision being made. We therefore have a holding objection to this application pending further information.

Place Services Ecology

I confirm that the Addendum to Preliminary Ecological Appraisal (Robson Ecology Ltd, January 2021) addresses the majority of ecological issues raised for this scheme. I have a query on how the delivery of the proposed Woodland and meadow planting will be secured by BDC, when these proposals are situated outside of the redline boundary?

B: Representations

At the time of writing this report at least 55 supporting representations have been received. The supporting submissions include a petition of 530 names and addresses expressing support for the application. The applicant has helpfully summarised the points of support and these are repeated below:

- That securing the future of The Brewers Arms is a key consideration;
- Without this development the public house will close;
- The importance of the public house to other businesses in the local area, especially the caravan site;

- The positive role that the public house plays in the community;
- The positive biodiversity benefits that this proposal delivers;
- That the proposed dwellings are much needed;
- That the location of the dwellings is sensible and well served by bus services with two new bus shelters being erected outside the site part funded by Polstead Parish Council;
- That the new holiday lets and housing will sustain the community;
- The properties are affordable and it is refreshing to see new housing that is not large executive houses; The enhanced holiday offer will benefit the local area;
- The scheme results in benefits that vastly outweigh any perceived harm.

One letter of objection has been received, based on the following grounds:

- Harmful to the setting of the listed building Thatchers House, which would have a negative effect on the significance of the heritage asset;
- Other measures to enhance pub viability other than five cabins has not been explored;
- Outside settlement boundary therefore contrary to development plan;
- Five plus year housing supply;
- Appeal at nearby site dismissed on sustainability and heritage grounds, no material change in circumstance since that determination (June 2020);
- Wildlife impacts due to proximity of proposed footpath;
- Precedent setting.

A verbal update on the representations received shall be provided as necessary.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/19/04957	Planning Application - Change of use of land for the erection of 6no. dwellings and the siting of 5no. holiday cabins including construction of car park and alterations to existing vehicular access	DECISION: WDN 13.12.2019
REF: B/1242/78/FUL	Conversion of part of storage building to annexe to provide first floor private residential accommodation and ground floor room for customers' children (as amended by plans received by the Local Planning Authority on 6th February 1979)	DECISION: GRA 09.02.1979
REF: B/0188/84/FUL	Erection of single storey rear extension to provide new toilets and children's room.	DECISION: GRA 27.04.1984
REF: B/1002/79/FUL	Improvements to Annexe.	DECISION: GRA 31.10.1979
REF: B/0695/83/FUL	Erection of bar extension, ladies toilets and cold room extension.	DECISION: GRA 21.09.1983

REF: B/0915/78/FUL	Replacement of windows	DECISION: GRA 30.10.1978
REF: B/0546/82/FUL	Erection of single storey extensions, (as amended by revised plan received on 10th August 1982 relating to Conservatory).	DECISION: GRA 28.09.1982
REF: B/0888/81/FUL	Erection of single storey side extension (as amended by revised plans received under cover of letter dated 30th October 1981).	DECISION: GRA 27.11.1981
REF: B/0902/80/FUL	Alterations and extension for new kitchen.	DECISION: GRA 09.10.1980
REF: B/0368/78/FUL	Construction of vehicular access.	DECISION: GRA 21.06.1978
REF: B//99/00282	Erection of a single-storey side extension	DECISION: GRA 14.04.1999
REF: B//85/00846	CHANGE OF USE OF PART OF GROUND FLOOR TO HEALTH AND FITNESS CENTRE	DECISION: GRA 30.10.1985

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The site is located on the western side of Hadleigh Road, adjacent to its junction with Holt Road, on the southern fringe of Bower House Tye. Bower House Tye is a small, predominantly residential settlement comprising approximately 17 dwellings and a public house. The site forms part of a large arable field, located directly adjacent to the public house, currently trading as the Brewers Arms. A generous sized beer garden wraps around the southern side and rear of the public house. In addition to car parking to the front and northern side of the public house is an overflow car park located on its southern side, fronting Hadleigh Road. Behind the carpark is the public house playground. An established hedgerow clearly demarcates the common boundary between the curtilage of the public house and the arable field to its rear, the land subject of the development proposal.
- 1.2 Beyond the arable field to the west and south is open countryside. To the north is a detached Grade II listed residence Thatchers House (formerly the Bower Close). To the north of the public house, fronting Holt Road, is a Grade II listed property Holmwood Cottages. The Grade II listed Brewery Farmhouse is located 200 metres to the south. There are no other designated heritage assets neighbouring the site.

2.0 The Proposal

- 2.1 The application seeks full planning permission for six detached bungalows (2 x 2 bed, 4 x 3 bed) to be occupied only by persons aged over 55, together with five tourist cabins (3 x 2 bed, 2 x 3 bed). A 20-space car park to serve the tourist cabins is proposed directly to the rear of the existing public

house car park (the Design and Access Statement states the cabins have allocated parking in the existing public house car park; however, the supporting plans specify otherwise). The development would utilise the existing access arrangements (via Hadleigh Road) that serve the adjacent public house and overflow car park.

- 2.2 The bungalows are clustered to the north of the site, directly to the rear of the public house. The cabins are clustered toward the southern end. External materiality for the bungalows includes slate pitched roofs and a mix of brickwork and render. External finishing of the cabins comprises shiplap boarding, uPVC windows and steel pantiled roof.
- 2.3 Existing trees and hedgerows at the site perimeter would be retained. Hedgerows and trees are proposed to the new plot frontages and within the internal road. Other than soft landscaping, no boundary treatments are specified.
- 2.4 A number of design elements shown on the proposed site plan (4238 – 0103) are outside the application site boundary (red line area). These include:
 - An extensive wildflower meadow to the west and south;
 - An extensive woodland grove ('The Dell') to the north;
 - A private meandering footpath connecting the existing public footpath west of the site to the subject development, at the common boundary between the housing cluster and cabins cluster;
 - A reconfigured and repositioned overflow car park serving the public house, and resultant removal of the public house playground;
 - A reconfiguration of the rear beer garden and private garden serving the public house.

For the record, the below assessment considers the above design elements, however these are outside the application site, so technically beyond the scope of assessment.

- 2.5 The site area is 0.9ha. The area proposed for housing is approximately 0.5ha.

3.0 Policy Context

- 3.1 Babergh has a five plus year land supply. This position does not engage paragraph 11d of the NPPF.
- 3.2 The most important policies for determining the application are Policy CS1, CS11 and CS15 of the Core Strategy (Policy CS2 does not apply as it focuses on restricting development outside defined settlements - the site is within a defined settlement)
- 3.3 Policy CS1 duplicates paragraph 14 of the NPPF 2012 and is therefore out-of-date and carries reduced (limited) weight.
- 3.4 Policy CS11 requires exceptional circumstances to justify countryside development, not wholly consistent with the NPPF which only applies to exceptional circumstances to isolated development. It carries slightly reduced weight.
- 3.5 Policy CS15 broadly accords with the NPPF, although there is some inconsistency, for example it fails to acknowledge the balancing exercises required by NPPF paragraphs 195 and 196; this policy carries reduced (moderate) weight.
- 3.6 The NPPF does not specifically determine whether the titled balance applies when 'one of' or 'any of' the most important policies are out of date. However *Wavendon Properties Ltd v SSHCLG [2019]*

EWHC 1524 (Admin) has made it clear that the most important policies should be viewed together and an overall judgement made whether the policies as a whole are out of date. Taken as a whole, the most important policies referred to above provide some flexibility for housing in rural areas that is related to defined settlements. The policies overall are not out-of-date and consequently, the tilted balance in paragraph 11(d) of the NPPF does not apply.

Policy CS11 Strategy for Development in Core and Hinterland Villages

- 3.7 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.
- 3.8 Policy CS11 states that development in hinterland villages will be approved where the following matters are addressed:
- (a) Core villages criteria:
 - i) the landscape, environmental and heritage characteristics of the village;
 - ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
 - iii) site location and sequential approach to site selection;
 - iv) locally identified need - housing and employment, and specific local needs such as affordable housing;
 - v) locally identified community needs; and
 - vi) cumulative impact of development in the area in respect of social, physical and environmental impacts.
- 3.9 And where the proposed development:
- i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;
 - ii) is adjacent or well related to the existing pattern of development for that settlement;
 - iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;
 - iv) supports local services and/or creates or expands employment opportunities; and
 - v) does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster.

The landscape, environmental and heritage characteristics of the village

- 3.10 Turning first to heritage considerations, the Heritage Officer is concerned that the development would degrade the rural setting of the two neighbouring listed buildings as well as the broader historic settlement. It is clear that the arable field that is proposed for development provides a rural context which forms an integral part of the historic setting of both listed buildings. The introduction of a concentrated cluster of domestic development would result in a substantial loss of this valued rural context, competing with, not complementing, the open rural landscape. The applicant has sought to mitigate the harm by incorporation of a northern wooded area. In time, once matured, this would lessen the level of harm. However, your Officer concurs with the Heritage specialist's view that it reduces the level of harm but does not remove it completely.

- 3.11 The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The development would harm the setting of the listed buildings, which would have a negative effect on their heritage significance as a designated heritage asset. The harm is less than substantial, considered by the Heritage Officer to be of low to medium level. In accordance with paragraph 196 of the NPPF the identified harm is to be weighed against the proposal's public benefits. The benefits of the scheme are considered later in this report.
- 3.12 Turning to landscape considerations, it is clear that eleven domestic plots in an open, undeveloped arable field would result in a significant landscape change. The development would irreversibly interrupt the field pattern. The development's location, appreciated in long distance views from many vantage points including a nearby public footpath, is such that it would appear as a significant intrusion into open countryside, extending far beyond the established and well defined settlement edge. The development would be harmful to local landscape character which weighs negatively in the planning balance.
- 3.13 The layout and form of the development closely adopts a conventional urban appearance. The street layout is formal and the siting of dwellings is uniform. The plots are uniform in width, depth and orientation. Front and side setbacks of dwellings are consistent. Street tree planting is uniform. The land use outcome is essentially representative of a suburban street. Such an outcome is foreign in this rural context, one characterised by loosely clustered villages set informally within a generally linear development pattern. The landscape result is one that would be discordant with the local settlement pattern, not reflective of local character and failing to reinforce local distinctiveness. As noted by Council's landscape consultant, the wooded area serves to isolate the development cluster from the existing settlement, contrary to local policy which seeks to ensure development is adjacent and well related to existing development. Landscape harm is at least moderate.

The locational context of the village and the proposed development

- 3.14 This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.
- 3.15 Paragraph 10 of the SPD states that: "To be considered under CS11, proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built-Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:
- Whether the proposal would constitute ribbon development on the edge of the village
 - How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
 - The scale, character and density of the proposal in relation to the existing adjoining development
 - Whether the proposal constituted a logical extension of the built up area of the village
 - Whether the proposal is self-contained and has logical natural boundaries.
- 3.16 The subject land is not self-contained, forming part of a much broader arable field. The development is well removed from the nearest built up area boundary. The proposed site boundaries are not logical or natural. If anything the boundaries appear arbitrary. As noted above, the scale, character and density of development does not reflect the nearby settlement. These observations suggest the proposal integrates poorly with local context.

- 3.17 The site is physically well removed from the nearest everyday local services. The local road network lacks street lighting and pedestrian footways. Pedestrian and cycle connections to employment locations, healthcare and everyday amenities are therefore essentially non-existent. It is unrealistic to suggest residents, particularly those aged 55 or over, will cycle or walk to local facilities. There are bus stops (including shelters) at the front of the site providing regular connections (every two hours) to Sudbury and Ipswich. Given the convenient location of these stops and the service regularity it is likely that some residents will utilise this sustainable transport option. This will lessen car dependency. Over 55s accommodation is also likely to have a lower car dependency than standard residential development because of a potentially lower need for daily commuting, as a higher proportion of residents will likely be retirees. Notwithstanding this, Officers are not convinced that these factors would significantly discourage the use of the private motor vehicle. It is noted that each plot features a single garage and a second (tandem) car space in each driveway. The development scale is not insignificant and therefore traffic generation would not be insignificant. Harm to air quality is a likely consequence of the development, albeit to a lesser level to that generated by a conventional open market housing development, and this weighs against the application.

Site location and sequential approach to site selection

- 3.18 The outcome of *R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016* before Mr Justice Mitting has clarified that, in relation to sequential assessment, there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

Locally identified need - housing and employment, and specific local needs such as affordable housing

- 3.19 The applicant proposes to restrict the housing offer to over 55s, reinforced by the single-storey scale of all the dwellings. The Council's data shows a district-wide need for homes for older people, such as bungalows/chalet bungalows, to reflect the ageing demographic profile in Babergh. A planning condition can limit occupation to the over 55s. The application responds positively to this policy consideration.
- 3.20 The Strategic Housing Officer states that the housing requirement applies. This is not the case as the area set aside for dwellings is less than 0.5ha in area. Affordable housing provisions are therefore not triggered.

Locally Identified Community Needs

- 3.21 The scheme will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that counter-balances to some extent the policy conflict brought about by the absence of a supporting needs assessment.

Cumulative impact of development in the area in respect of social, physical and environmental impacts

- 3.22 The SPD identifies, at paragraph 13, that 'cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account'. There is nothing before officers to suggest that

the existing services, facilities and infrastructure do not have the capacity to accommodate the additional domestic development.

Development scale, layout and character

- 3.23 These matters have been assessed in the sections above.

Settlement context

- 3.24 This matter is addressed in the commentary above in respect to settlement connections.

Meets local need identified in neighbourhood plan

- 3.25 A neighbourhood plan does not apply to the site or village.

Supports local services and/or creates employment opportunities

- 3.26 The applicant contends that the proposed holiday lets are imperative to the continued operation of the public house. This contention is not supported by any evidence. The application is not supported by a viability assessment. There is nothing in the application demonstrating that the holiday lets are necessary to ensure the ongoing viability of the business. There may be other ways in which the business may be sustained other than through a holiday lets type venture. Alternatives analysis in this respect is lacking. This line of justification is unconvincing and not attached any weight.

- 3.27 The holiday lets and dwellings will bring about local economy benefits, both during construction and in the longer term by way of occupants' local spend. The boost to local tourism will be tangible. In this respect the tourist element of the scheme supports Policy CS17. This policy support, and the identified economic benefits, weigh positively in the planning balance.

Delivery of permitted schemes

- 3.28 The proposal would not compromise the delivery of other nearby permitted schemes.

Policy CS15 Sustainable Development

- 3.29 As outlined in the supporting text, the principles set out at Policy CS15 are relevant to all new development whether large or small, whether it is a domestic extension or a new supermarket, urban or rural, business or residential. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. As noted above this policy is attached moderate weight because elements of it are not consistent with the NPPF. Many of the criterion in Policy CS15 are covered in the individual sections of this report and there is limited value in addressing each and every one of those criteria again.

4.0 Highway Safety

- 4.1 The application seeks to upgrade and utilise the existing Hadleigh Road vehicle access. The Highway Authority does not object to this arrangement. Parking provision is standard compliant and therefore accords with local policies.

- 4.2 The Highway Authority recommends footway links from the development to the local bus stops. The distances involved in these connections are extremely short and would not appear an unreasonable request. If the Council is minded to grant permission for the scheme, Officers

recommend that this could be addressed by planning condition, as per the suggested approach by the Highways Authority.

5.0 Residential Amenity

- 5.1 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 5.2 The proposed development is sufficiently buffered from neighbouring properties as to not result in adverse amenity outcomes for neighbouring occupants. In other words, neighbouring residential amenity levels are maintained.
- 5.3 The development sits adjacent the rear of the public house. The site plan suggests the rear amenity area serving the public house is to be reconfigured with the private garden extended to wrap around a reduced beer garden area. This provides a buffer between the beer garden and proposed plot 6. The Environmental Health Officer (EHO) notes that the public house licence allows trading up until 1am Sunday – Thursday and 1.30am Friday and Saturday. The EHO also observes that live music can be played outside up until 11pm. Given the close physical relationship between plot 6 and the large beer garden, noting there are habitable room windows directly facing the public house, there is the real potential for the operation of the public house to adversely affect the amenity levels of the future occupants of plot 6. As noted by the EHO, this could arise from noise disturbance associated with music, people in the premises (if windows are open), and people and vehicles leaving the premises particularly at unsocial hours (albeit less so in respect to the latter given the distance between the car parks and plot 6). There is further uncertainty in respect to this matter owing to the absence of details regarding the treatment of the boundaries between the site/private garden, and private garden/beer garden.
- 5.4 The application is not supported by an acoustic assessment. It is therefore not possible to determine with any authority that the amenity levels for the future occupants of plot 6 will be acceptable. Amenity harm is an adverse planning outcome that weighs negatively in the planning balance.

6.0 Ecology

- 6.1 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions."
- 6.2 Further information has been received in the form of an Addendum to Preliminary Ecological Appraisal (Robson Ecology Ltd, January 2021) addresses the majority of ecological issues raised for this scheme. The Ecologist has queried how the delivery of the proposed Woodland and meadow planting will be secured by BDC, when these proposals are situated outside of the redline boundary. This is a very tricky issue and none of the red line site land is owned by the public house (who is the applicant). The site outside of the red line does not belong to the public house. Therefore, the Council are unable to secure anything outside of the red line in this instance.

PART FOUR – CONCLUSION

7.0 Planning Balance and Conclusion

- 7.1 It is understood that the landowner and applicant have an informal agreement in place if the scheme is approved. The landowner needs the access to the public house to gain entry into the proposed site for building the six dwellings. In exchange for this access the landowner would transfer land to the public house for the areas proposed for the holiday cabins, new car park area and land to the rear of the public house. The landowner would retain the land for the six dwellings. This arrangement is not legally binding at this stage. A planning permission is attached to the land, rather than to the applicant and therefore, a risk exists that the dwellings could be built with no benefit to the public house. It is a weak argument to use, that the dwellings are required to support the holiday cabins which will then benefit the public house. The public house does have space for one or two holiday cabins within its existing site, without the need to extend into the countryside.
- 7.2 Consistent advice has been given during preapplication, the previous application and during this application, that the holiday cabins may be acceptable, but the dwellings are not supported by policies CS11 and CS15 in terms of sustainability. It is acknowledged that there is a need for smaller single-storey dwellings in Babergh. However, it is proposed that these should be for the Over 55s. In terms of location, it is questioned whether there is a need for this many bungalows in Polstead but also whether these types of dwellings would be better placed where there are more facilities and better sense of community for older people.
- 7.3 The location of the site for dwellings is not considered to be sustainable as there are no facilities within the cluster of Bower House Tye apart from the public house. An appeal (DC/18/01385) at a nearby site, Miracle Barn concluded:
- “...the location of the site beyond any recognised settlement and within the open countryside means that the proposed development fails to accord with national and local planning policies which seek to guide new open market housing to sustainable locations. The positive aspects outlined by the appellant do not outweigh the failings and policy conflict I have identified.”*
- 7.4 The applicant has tried to address heritage concerns by moving the development away from the listed buildings. In doing so, it has resulted in the cluster of new development jutting out into the countryside and separating it from the existing cluster of dwellings. This results in the development becoming more visually intrusive within the open landscape.
- 7.5 The Heritage Team has identified less than substantial harm to the setting of the two listed buildings. The public benefits are limited to employment during the construction phase and six dwellings added to the housing supply. The benefit to the public house could be challenged because it is not the landowner. These very small public benefits are not considered to outweigh the heritage harm in this case.
- 7.6 There is potential harm for future residents in terms of loss of amenity due to activities and events at the public house. The public house does not form part of this application, other than the access point and therefore no conditions to control noise can be imposed on the public house.
- 7.7 The sustainability issues, heritage harm, landscape harm and potential loss of residential amenity are all reason for refusal.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:

1. The location of the proposed development is not considered to be sustainable because Bower House Tye has no facilities or amenities for local residents, other than the public house. There are no pedestrian footways with street lighting that would easily access facilities or amenities and therefore it is likely that future residents would be heavily reliant on the motor vehicle for everyday needs.

The proposed development, remote from local services, car dependent and offering very limited long term social and economic benefits, does not constitute sustainable development, contrary to Policies CS1, CS11 and CS15 of the Babergh Core Strategy (2014) and paragraphs 8 and 127 of the National Planning Policy Framework 2019.

2. The morphology and uncharacteristic architecture of the proposal would not reflect the 'dispersed settlement pattern of loosely clustered villages, hamlets and isolated farmsteads' described in Suffolk County Council's landscape characterisation of Ancient Rolling Farmlands, which includes this area. The development's regimented and non-traditional approach to layout would not reflect the traditions of the area or reinforce local distinctiveness. It would not correspond with the historic linear development addressing the road – which includes Holmwood Cottages – or the more dispersed, semi-isolated nature of The Bower Close. These aspects of the scheme would all result in a degradation of the rural setting of the listed buildings and the historic settlement, and therefore a diminution of the positive contribution the undeveloped land makes to their significance.

The proposal would cause a level of less than substantial harm to Holmwood Cottages and to The Bower Close. As such, the scheme does not accord with National and Local Planning Policies. Local Plan Policy CN06 states that proposals should 'be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting; retain a curtilage area and/or setting which is appropriate to the listed building and the relationship with its surroundings; respect those features which contribute positively to the setting of a listed building including space, views from and to the building and historic layout...' The less than substantial harm is not outweighed by the public benefits of this scheme.

The proposal is contrary to Policy CN06 of the Babergh Local Plan 2006 and Policy CS15 of the Babergh Core Strategy 2014 which are consistent with the aims of the National Planning Policy Framework 2019, in particular paragraphs 8 and 196.

3. The new woodland planting will separate the proposal from the existing settlement creating an isolated development pocket outside the existing settlement cluster. The proposed layout does not reflect, or relate to, the existing local settlement pattern. The proposed development appears detached from the cluster to the north which is not in keeping with the existing settlement pattern. The proposal is considered to conflict with Policy CN01 of the Babergh Local Plan 2006 and Policies CS11 and CS15 of the Babergh Core Strategy 2014, which are consistent with the aims of the National Planning Policy Framework 2019, in particular paragraphs 8 and 170.

4. The proposed development raises potential issues of loss of residential amenity from activities and event at the public house, to future residents of the development. No noise assessment was received with the application and a full assessment of the potential for noise nuisance has been assessed. Restrictions of the activities of the public house could reduce the viability of the business which would conflict with Policy CS15 of the Babergh Core Strategy 2014. A good level of amenity is an aim of paragraph 127 of the National Planning Policy Framework 2019.