

Committee Report

Item No: 6A

Reference: DC/21/01802

Case Officer: Lynda Bacon

Ward: Stour.

Ward Member/s: Cllr Mary McLaren.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Hybrid application comprising: Outline planning application for the erection of 4no self-build detached dwellings (all matters reserved except access); full planning application for the erection of 4no two-bedroom dwellings; with associated landscaping, vehicular access off Hyams Lane and pedestrian access to Church Hill.

Location

Land South Of Honeysuckle Cottage, Little Orchard, Holbrook, Suffolk

Expiry Date: 24/08/2021

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Scirpus Properties Ltd

Agent: Christophe Spiers

Parish: Holbrook

Site Area: 0.39 Ha

Details of Previous Committee / Resolutions and any member site visit: A committee site visit took place on 27.10.2021.

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

Has the application been subject to Pre-Application Advice: Not this application, but a pre-application was submitted prior to the previous (refused) application DC/20/01474.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

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

CLASSIFICATION: Official

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CN01 - Design Standards
CR02 - AONB Landscape
CR07 - Landscaping Schemes
TP15 - Parking Standards - New Development

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
CS12 - Design and Construction Standards CS13 - Renewable / Low Carbon Energy
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings

Holbrook Neighbourhood Plan

HNP01 – Location of new housing development
HNP02 – Housing Mix
HNP08 – Landscape Protection

NPPF - National Planning Policy Framework

At the current time, the Joint Local Plan (JLP) carries limited weight; however this is expected to change soon and any such change will be reported to Members as relevant.

Neighbourhood Plan Status

This application site is not within an adopted Neighbourhood Plan Area.

The Holbrook Neighbourhood Plan is not an adopted document; however, it is at an advanced stage following receipt of the independent Examiner's Report dated 20 February 2023. The Examiner's Report recommends, subject to modifications to some of the policies in the plan, the Holbrook Neighbourhood Plan should proceed to Referendum.

The Neighbourhood Plan, being at post-examination stage but not yet at the stage where the local planning authority has published notice of a referendum, has increasing weight at this time.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.

For the record, the HNP does not allocate any new sites for housing; instead relying on existing permissions and windfall/infill sites within the Settlement Boundary.

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

Town/Parish Council

Holbrook Parish Council

Objection on the grounds of:

Conflicts with Neighbourhood Plan

Inappropriate building of houses outside the built-up area boundary

Impact to AONB landscape

Sets a precedent for future development in the village

Hyams Lane cannot facilitate the added traffic

Inappropriate access on Hyams Lane

Highway safety to pedestrians and cyclists

Contrary to Joint Local Plan

Concern over construction vehicles and traffic

Fire station drill tower will cause privacy issues for future occupants

Removal of hedge will cause a negative impact on adjacent properties

Insufficient visibility splays

Achieving visibility splays could cause root damage to trees on fire station boundary

Removal of hedge will create a loss of privacy, loss of wildlife and impact to AONB

Removal of Oak tree is unacceptable

Associated works will compromise the roots of hornbeam trees

Road is not wide enough and is very narrow, there is a raised road edge next to Sorrell House

Increased traffic

Road widening

Previous refusal still stands.

Officer Comment:

Regarding the conflict with the Joint Local Plan (JLP), although the site is not allocated within the JLP, the plan is not yet confirmed and is under examination and is therefore subject to change. At this time, the JLP carries limited weight; however this is expected to change soon and any such change will be reported to Members as relevant.

Other matters are dealt with in the relevant sections below.

Councillor Mary McLaren

Objection on the grounds of:

Holbrook have exceeded proposed target for housing as proposed by the emerging Joint Local Plan

Contrary to Joint Local Plan

Proximity to fire station causing light and noise nuisance to future occupants, as well as a loss of privacy

No affordable or single storey dwellings

No CIL monies

Hyams Lane is one car width, cannot cope with increased traffic
Development will cause an increase in car accidents
Highway safety
Harm to rural character and the AONB

National Consultee

Natural England

No objection, subject to appropriate mitigation being secured.

Historic England

Do not wish to offer comments and suggest the views of specialist conservation and archaeological advisers, as relevant, are sought.

Anglian Water Services

The proposed development lies beyond the range at which detectable noise and odour from the Water Recycling Centre (WRC) operation would normally be anticipated. As such it is concluded that the risk of a loss of amenity at the development due to operations at the WRC is low.

County Council Responses

SCC Highway Authority

No objection, subject to conditions and a unilateral undertaking with SCC to create the Traffic Regulation Order (TRO) to extend the 30mph Speed Limit on Hyams Lane to the west by approx. 100 metres.

Note – The Transport Planning Engineer has subsequently advised that the narrow width of the carriageway discourages vehicles to park on-street or overtake vehicles. In circumstances like this, we can accept a Y-Value drawn to the centre line as there is a lower risk of unseen oncoming vehicles. Cyclists will be travelling at lower speeds than a vehicle and therefore, less visibility is required.

SCC Fire and Rescue

No objection, subject to a condition for the installation of Fire Hydrants.

SCC Archaeological Service

No objection, subject to conditions.

Internal Consultee Responses

Environmental Health – Land Contamination

No objection, subject to a condition

Environmental Health – Air Quality

No objection.

Environmental Health – Noise/Odour/light/Smoke

No objection, subject to conditions.

The submitted Noise Impact Assessment (dated 16.12.2022) finds that the noise resulting from the operation of the Anglian Water pumping station, whilst potentially just audible at times, is unlikely to result in loss of amenity at the proposed dwellings, as the noise emanating from the station is below both existing background noise levels during both day and night time periods.

In terms of odour, it is noted that the revised site plan now positions the houses beyond the boundary as identified in Anglian Water's Risk Assessment, although defer to any comments Anglian Water wishes to make on this element.

Environmental Health – Sustainability Issues

No objection, subject to condition.

Heritage Team

No comment.

Strategic Housing

No objection – no contribution towards affordable housing required.

Place Services Ecology

No objection, subject to conditions and a proportionate contribution towards visitor management measures for the Stour and Orwell Estuaries SPA/Ramsar.

Place Services – Landscape

No objection, subject to conditions.

Comments as received 11.10.2022:

“We welcome the amendments to the site access layout including the removal of the widening proposals to Hyams and the reduction in width of the access road to 4.5m. although a minor reduction, it will help to lessen the negative effect of the two-way access entrance on the character of Hyams Lane”.

Previous comments:

“We are satisfied with the proposed landscape strategy and the suggested tree and planting palette. We have noticed an error on the drawings: existing T5 Oak Tree has been identified to be removed but the illustration on page 3 is showing T5 as been retained. We understand that the retention of this tree is not possible as it sites within the visibility splay area and is also not compatible with the widening of Hyams Lane.

No planting plan has been submitted at this stage indicating plant species, number of plants, location and stock sizes. This submission of a planting plan can be dealt with under a landscape condition”. – Received 09.03.2022.

Dedham Vale and Stour Valley Project Officer

No objection.

Comments as received 24.10.2022:

“The AONB team welcome the change removing the need to widen the eastern end of Hyams Lane. The AONB team’s preference would be for a narrower access/bell mouth if this can be achieved and acceptable in highways terms. A smaller bell mouth would be compliant with the LVIA recommendations which recommended a low key access.

If a narrower bell mouth cannot be delivered that meets Highway standards, provided the approaches into the site off the bell mouth are properly landscaped as per the Supplementary Highway and Tree Report dated 7 July 2022, we could accept the bell mouth as proposed. We note and accept the splay line requirements”.

Previous Comments as received 21.07.2022:

“The AONB Team is satisfied with the landscape management approach set out in the supplementary highway and tree information. In our response to application DC/20/01474 the AONB team raised concerns about the proposed widening of the highway, to accommodate the development, which we considered would have an urbanising effect on Hyams Lane at a gateway point into the AONB. This proposal was refused as it was considered that ‘The proposal due to its location, scale, layout and the necessary works which would be required to provide a safe access would be detrimental to the rural character of Hyams Lane contrary to Policies CS11 and CS15’.

The latest Access drawing still includes road widening as part of this proposal. Hyams Lane and the development site sits within the immediate setting to the Suffolk Coast & Heaths AONB. The AONB team maintain that the design and scale of proposed access including the road widening will negatively alter the character of Hyams Lane. Due to these changes this element of the scheme is not considered to comply with paragraph 176 of the NPPF as the design of the access does not conserve or enhance the AONB”.

Previous comments as received 14.03.2022:

“The supplementary landscaping information document dated 15.02.2022 shows the indicative landscape strategy for the site access and boundary with the Hyams Lane frontage.

Following a review of this document, I can confirm that the AONB team is broadly supportive of the proposed landscape approach including the proposed trees and mix to be planted. This addresses concerns raised by the AONB team in our previous responses about the semi-urbanising Hyams Lane. It is important that only the length of hedgerow needed to meet splay line recommendations to the east of the new access is removed. The retention of as much of the road frontage hedge growing to the east of the site is important as it provides a valuable screen to the fire station in views from the AONB to the south.

If minded to approve this scheme, the need for a detailed landscape scheme should be secured by condition. This should be submitted to the planning authority and approved, in writing, prior to the commencement of any development at this site. The landscape scheme should provide details for both hard and soft landscaping and information on boundary treatments. It should specify plant species, numbers, location and sizes of the proposed planting as well as trees to be retained or felled and the location of new site fencing.

This is being sought to protect local landscape character within the immediate setting to the Suffolk Coast & Heaths AONB”.

B: Representations

At the time of writing this report, at least 97 letters/emails/online comments have been received. It is Officer opinion that this represents 91no. letters of objection from 48no. different properties, and 6no. letters of support from 4no. different properties. A verbal update shall be provided as necessary.

Views are summarised below:-

Support:

- Services can be accessed in the village by foot without needing to cross a road.
- Bus stop outside it.
- Site has no real alternative use.
- There is an appropriate mix of housing.
- With so many amenities accessible by foot safely and quickly by young and old alike means vehicle journeys along Hyams Lane to Church Hill are fewer than would otherwise be the case.
- Design. Uniquely designed to fit the plot.
- The self-build aspect is guaranteed to bring a variety of houses designs reflecting individual character.
- Development looks sympathetic to the environment surrounding it, and would be built on an area of land that is surrounded by other dwellings.
- Only 8 homes being built so no real impact on services.
- As the build is near the end of the road, can't see how this would have any more impact on walkers.
- Once the construction is complete the traffic would settle down quite quickly.
- Housing is needed with our growing population.

Objection:-

- Re-siting of Plot 1 does not mitigate harm
- Compounds on street parking issues.
- Hyams Lane is very narrow.
- Unsustainable.
- Increased traffic.
- Harm to rural character.
- Unsafe road for pedestrians and cyclists.
- Removal of hedgerows and trees.
- Unsafe access.
- Dominating.
- Highway Safety.
- Conflict with Neighbourhood Plan
- Contrary to Joint Local Plan.
- Fire station causing light and noise nuisance and overlooking to future occupants.
- Loss of daylight and privacy.
- Impact to AONB.
- Disruption to tranquillity of area.
- Inadequate visibility; splays to the centre line is not appropriate.
- Unpleasant sewerage odour.
- Effects on wildlife and ecology.
- Building work.

- Design.
- Development too high.
- Overbearing.
- Light pollution.
- Loss of outlook.
- Noise.
- Out of character.
- Overlooking.
- Scale.
- Lack of services.
- Inappropriate in Conservation Area.
- Drainage and increased danger of flooding.
- Fear of crime.
- Inadequate parking provision.
- Inadequate public transport provision.
- Increase in anti-social behaviour.
- Increase in pollution.
- Loss of light.
- Loss of open space.
- Loss of parking.
- Smells/odour.
- Strain on existing community facilities.
- Harm to listed building.
- Potentially contaminated land.
- Landscape impact.

(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/20/01474	Hybrid Application. Outline planning application (Access to be considered) for the erection of 4no self-build/custom-build detached dwellings and Full Planning Application for the erection of 5no two-bedroom dwellings, with vehicular access off Hyams Lane and pedestrian access to Church Hill	DECISION: REFUSED 24.06.2020
REF: B//98/01365	Construction of vehicular access from Hyams Lane.	DECISION: REFUSED 27.11.1998
REF: B//98/01365	Construction of vehicular access from Hyams Lane.	DECISION: REFUSED 27.11.1998

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site is an area of former agricultural land/amenity land, abutting the built-up area boundary of Holbrook, which lies to the east. The site is located within the countryside for development management purposes. There are residential properties located to the east of the site, with a Fire Station to the south east. There are also residential properties to the south on the opposite side of Hyams Lane and one property to the west, which is set away from the site, separated by agricultural land. There is a Grade II* listed church to the east on the opposite side of Church Hill.
- 1.2. The southern site boundary abuts Hyams Lane. Currently there is no access to the site from Hyams lane, which is approximately 1.5 metres higher than the lane. Hyams Lane abuts the Suffolk Coast and Heaths AONB to the south. A Waste Recycling Centre lies to the south and west of the site.

2.0 The Proposal

- 2.1. This is a hybrid application consisting of an outline planning application for the erection of 4no. self-build detached dwellings (all matters reserved except for access) on the northern half of the site, and a full planning application for the erection of 4no. two-bedroom dwellings on the southern half; with associated landscaping, vehicular access off Hyams Lane and pedestrian access to Church Hill.

3.0 The Principle Of Development

- 3.1. The National Planning Policy Framework (NPPF) provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".
- 3.2. The principle of the development is considered acceptable in accordance with the policies of the development plan. Planning considerations and other material considerations are detailed where relevant below.
- 3.3. Policy CS2 of the Babergh Core Strategy states new development in Babergh will be directed sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages. As the site is just outside of the Built-up-Area Boundary of the Core Village of Holbrook, and is therefore classed as countryside, the proposal does not strictly accord with this policy. However, the exceptional circumstances element of CS2, which controls development in the countryside, is not NPPF-compliant and, therefore, Policy CS2 as a whole carries reduced weight.
- 3.4. Holbrook is identified as a Core Village, which acts as a focus for development within its functional cluster. The site abuts the built-up area boundary of Holbrook, and housing needs information has been submitted as part of the application documents, which explains that the proposal will provide a locally recognised need that is in keeping with the Holbrook Development Survey (2013) and the updated Holbrook Parish Need Assessment. The submission explains that the Holbrook Parish Need Assessment reaches the conclusion that a greater number of 2 - 3 bedroom houses will be required to cater for demands not only from a growing older population but also dependent children wanting to leave home. It goes on to explain that the self-build element also satisfies a national

demand for self-build plots and that custom-built housing is a key part of the Government's long term Housing Strategy (2011).

- 3.5. Policy CS11 of the Babergh Core Strategy (2014) states that proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and, where relevant, appropriate matters addressed.

Policy CS11 of the Babergh Core Strategy (2014) states:

“Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the Local Planning Authority where relevant and appropriate to the scale and location of the proposal:

- 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) Cumulative impact of development in the area in respect of social, physical and environmental impacts”.*

- 3.6 How the proposal accords with points (i) to (v) in the above Policy is discussed below:

- 3.7 i) The proposal is not considered to adversely impact the landscape, environmental or heritage characteristics of the village. Concerns have been raised regarding the impact to the adjacent AONB landscape; however, with additional landscaping and planting around the access, it is not considered to cause any adverse harm. In addition to this, the original plans to widen Hyams Lane have been amended to now show the road will not be widened, and the proposed access has been reduced in width to further reduce any potential landscape harm. During the course of determination, two landscape bodies (The Suffolk Coast and Heaths AONB Officer, and Place Services – Landscape) were consulted. Following the receipt of the additional plans showing the planting around the access, and retaining the Oak Tree, as well as removing the need to widen the road and reducing the width of the proposed access, Place Services – Landscape raise no objection. The Suffolk Coast and Heaths AONB Officer also raises no objection to the proposal. The development would not cause any adverse harm to any heritage assets either, there are no listed buildings in direct proximity, and the development would not detract from the significance or character of any heritage assets. The site creates a logical extension to the existing settlement, where additional housing would not be out of context with the built form of the village.

- 3.8 ii) The proposal is not considered to cause adverse harm to the AONB landscape to warrant refusal as discussed above, and there is not a Conservation Area in close proximity. Amendments have been made in order to ensure that the design and layout is reflective of the surrounding area, as well as appropriate in terms of the character of the AONB and the rural nature of Hyams Lane. The amendments included moving the dwellings to a more appropriate location, so that they are better screened and in a lower part of the land, to not have a dominating effect; together with a landscaping scheme to show additional planting around the access as well as a change of material to the access and driveway to reduce any urbanising effect; in addition to this the access has been reduced in width with further planting surrounding it. The landscaping scheme that has been submitted as well as the amendments proposed, is now considered to be appropriate with this application (whereas the previous scheme was not) because the dwellings have been moved to more appropriate locations, which allows for much more landscaping detail and planting. The access onto Hyams

Lane on the previous application caused an urbanising effect in this area. This application, however, has amended the materials of the access onto Hyams Lane, as well as reducing its width, which reduces the urbanising effect. More planting and landscaping are shown to further reduce any urbanising effect and landscape impact.

3.9 iii) The proposal is appropriate in terms of location in the village and (with the new path) would have good pedestrian access to the services. It is not isolated from other dwellings and follows a pattern of development of cul-de-sac developments in close proximity. Holbrook offers a variety of services that will be within a suitable walking distance, via footpaths from the site. The services include, a primary school, high school, a shop (co-op), two pubs (albeit one is currently closed), a village hall, a doctor's surgery and regular bus service.

3.10 iv) The proposal is required to demonstrate that there is a locally identified need for the development, and that this should include specific local needs such as affordable housing. Paragraph 3.8 of the Neighbourhood Plan states:

'The emerging Local Plan also identified a minimum housing requirement for the parish of 65 new dwellings over the Plan period to 2037. This housing requirement is already met as it primarily comprises sites that have the benefit of planning permission and were not implemented at 1 April 2018 (58 dwellings) and those granted permission since then and the completion of the preparation of the Neighbourhood Plan (7).

Therefore, the Parish is not compelled to make further allocations to meet this target prior to 2037, although it is recognised that there may be applications for windfall and infill development that will come forward during the Plan period.'

3.11 Note – as mentioned in paragraph 9.3 of the Neighbourhood Plan Examiner's Report, housing provision in Holbrook from April 2018 to March 2022 now stands at 69 dwellings in total.

3.12 Housing need information has been provided with the application, which identifies that there is a greater demand for 2-bedroom houses. This information is scrutinised below:

3.13 - Affordable housing is typically provided and made financially viable by district wide planning policies on developments for 10 dwellings or more. If the majority of new housing is delivered through windfall development on small sites, many of these sites (such as the application site) will not meet the requirement of providing 10 or more dwellings and so the number of affordable housing units will be low (of the 68 dwellings that Babergh District Council indicates should be provided in Holbrook over the NP adopted local policy indicates that 35% (24 dwellings) should be affordable).

3.14 - An 87-unit development in Holbrook that is close to completion is expected to deliver 15 units of affordable rented housing and 12 shared ownership units. This goes some way to meet the affordable housing need for 31 affordable rented units and 64 affordable sale units over the NP period.

3.15 - There is a need to improve affordability in Holbrook across all tenures and that new residential development should focus on smaller entry-level dwellings. Increasing the proportion of smaller homes and more affordable types should help to re-balance the housing stock in favour of options that are both suitable to the population profile as it evolves overtime and that will combat growing affordability challenges.

3.16 The overall weighted conclusion is that to satisfy the requirements of increasingly smaller and older households, but also to enable younger households to remain in the area, it is recommended that

around 50% of houses in new developments should be one-bedroom homes around 25% should be two-bedroom homes and around 25% should be 3-bed homes. Bungalows appeal to older people and this particular type of housing should also be encouraged to meet the needs of a growing elderly population.

- 3.17 It is therefore considered that whilst the proposal, which includes 4no. two-bedroom dwellings, goes part way to meets a general need for smaller dwellings, the proposal does not meet the need for improved affordability in Holbrook across all tenures and fails to target a specific identified need for one-bed homes and bungalows. Furthermore, as the Council has sufficient permissions relating to self-builds for Base Periods 1-3, with a slight under provision for Base Period 4 (2018-19) (likely due to a lag between permission and commencement), it is concluded that the proposal is not wholly compliant with criteria iv) of Policy CS11 in relation to locally identified need. This matter is also covered by Policy HNP 02.
- 3.18 v) The proposal is not considered to have an adverse cumulative impact on the area. Holbrook has a variety of services which can accommodate these additional dwellings. The proposal would not remove any public open space, and would improve the appearance of the site, which is currently overgrown. Holbrook benefits from a doctor's surgery, shops, primary school, high school, two pubs (albeit one is currently closed) as well as good public transport services, which run regularly through the village. This enables future occupants of this site to access services within surrounding villages and towns.
- 3.19 For the reasons discussed above, the proposal cannot be considered to accord with Policy CS11.
- 3.20 The Supplementary Planning Document (SPD) Adopted August 2014 'The Rural Development & Core Strategy Policy CS11' is also relevant to the proposal. The document was produced in order to provide guidance on the interpretation and application of Policy CS11 of the Babergh Core Strategy (which is detailed above). Para.2.8.5.7 of the Core Strategy states that "*the BUABS (Built-Up Area Boundaries) defined in the 2006 Local Plan Saved Policies...provide a useful starting point when considering the relationship of proposed development in relation to the existing pattern of development for that settlement and for defining the extent of its developed area and a distinction between the built-up area and the countryside*". The general purpose of the Policy is to provide more flexibility in the location of new housing development in rural areas. The SPD document states that sites outside the BUABs will need to demonstrate compliance with all the criteria set out in Policy CS11 and provide appropriate evidence as set out in the guidance. In applying the policy, the Council will treat Core and Hinterland Villages in the same way i.e., it will apply to proposals for development 'for' Core and Hinterland Villages rather than 'in'; this has been applied to this application, as detailed above.
- 3.21 To be considered under CS11, proposals must be in or adjacent to a Core or a Hinterland Village. This is adjacent to the BUAB of a Core Village. Proposals should also be well related to the existing settlement. The site will be well connected to the existing settlement, once the footway is provided onto Church Hill, offering connections to services and facilities, and sustainable transport links. The scale, character, and density of the proposal are well related to the surrounding development and existing adjoining development. It reflects the design and layout of the other cul-de-sac developments to the north. The proposal also constitutes a logical extension of the built-up area of the village, infilling a small piece of land, which is currently overgrown. It does not protrude onto the agricultural fields to the west and fits in line with the development to the north and east. The proposal also has logical natural boundaries that separate it from the open countryside and agricultural land.
- 3.22 The availability of, and access to, local services is a main consideration in determining whether a proposal is sustainable. It is the range of services and facilities available as this has a bearing on

the size and scale of the development that can be accepted i.e., a village such as this one, with a wide range of services and facilities is more sustainable and can potentially accommodate a greater amount of development. For walking distances, the Department for Transport Note 1/04 recommends:

Desirable – 400 metres

Acceptable – 800 metres

Preferred Maximum – 1200 metres

3.23 All of the services are well within this threshold and would be accessible via footpaths. The bus stops are approximately 115 metres away; the doctor's surgery is approximately 285 metres; the Co-op, is approximately 440 metres; the Primary School is approximately 645m and the high school is approximately 800 metres away. This is all considered an acceptable distance, considering the above thresholds.

3.24 When assessed against Policy CS15 of the Babergh Core Strategy, the proposal is considered to score positively.

3.25 Policy CS15 of the Babergh Core Strategy (2014) states:

“Proposals for development must respect the local context and character of the different parts of the district, and where relevant should demonstrate how the proposal addresses the key issues and contributes to meeting the objectives of the Local Plan. All new development within the district will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development – as interpreted and applied locally to the Babergh context (through the policies and proposals of this Local Plan), and in particular, and where appropriate to the scale and nature of the proposal should:

i) Respect the landscape, landscape features, street scape/townscape, heritage assets, important spaces and historic views;

ii) Make a positive contribution to the local character, shape and scale of the area;

iii) Protect or create jobs and sites to strengthen or diversify the local economy particularly through the potential for new employment in higher skilled occupations to help to reduce the level of out-commuting, and raise workforce skills and incomes;

iv) Ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development;

v) Retain, protect or enhance local services and facilities and rural communities;

vi) Consider the aspirations and level and range of support required to address deprivation, access to services, and the wider needs of an aging population and also those of smaller rural communities;

vii) Protect and enhance biodiversity, prioritise the use of brownfield land for development ensuring any risk of contamination is identified and adequately managed, and make efficient use of greenfield land and scarce resources;

viii) Address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy;

ix) Make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure or low-carbon district;

x) Create green spaces and/or extend green infrastructure to provide opportunities for exercise and access to shady outdoor space within new developments, and increase the connectivity of habitats and the enhancement of biodiversity, and mitigate some of the impacts of climate change e.g. enhancement of natural cooling and reduction in the heat island effect, provision of pollution

sequestration for the absorption of greenhouse gases, and though the design and incorporation of flood water storage areas, sustainable drainage systems (SuDs);

xi) Minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk;

xii) Minimise surface water run-off and incorporate sustainable drainage systems where appropriate;

xiii) Minimise the demand for potable water in line with, or improving on government targets and ensure there is no deterioration of the status of the water environment in terms of water quality, water quantity and physical characteristics;

xiv) Minimise waste during construction, and promote and provide for the reduction, re-use and recycling of all types of waste from the completed development;

xv) Minimise the energy demand of the site through appropriate layout and orientation and the use of building methods, materials and construction techniques that optimise energy efficiency and are resilient to climate change;

xvi) Promote healthy living and be accessible to people of all abilities including those with mobility impairments;

xvii) Protect air quality;

xviii) Seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars thus improving air quality; and

xix) Where appropriate to the scale of the proposal, provide a transport assessment/Travel Plan showing how car based travel to and from the site can be minimised, and proposals for the provision of infrastructure and opportunities for electric, plug in hybrid vehicles and car sharing schemes”.

3.26 How the proposal accords with each of the points in the above Policy is discussed in turn below:

- i) The proposal is considered to respect the landscape as it adjoins existing development and follows the pattern of development of cul-de-sac built form to the north. Additional landscaping and planting proposals to the access and throughout the development in order to reduce the urbanising effect on Hyams Lane, also assist in retaining the landscape character. The widening of Hyams Lane is now no longer proposed, which further assists in reducing in any potential landscape impact. There are no listed buildings or heritage assets in close proximity that would be impacted by this proposal.
- ii) The proposal makes a logical extension to the village, as it abuts the BUAB and fills in an area between developments to the north and east. The design reflects the character of the village and would not be out of keeping. As part of the proposal the 30mph speed limit would be extended along Hyams Lane, which is considered to be a positive contribution to the area, make a safer country road for pedestrians and cyclists.
- iii) The proposal would provide employment through the construction phase. Although this would be for a temporary period of time, the self-build units, offer an extended opportunity for employment through both the design and construction phases of each plot.
- iv) Holbrook has an appropriate level of services to accommodate the additional dwellings, Holbrook benefits from a doctor's surgery, which many villages in Babergh do not, as well as shops, a primary school, high school, pubs and good public transport services.
- v) The additional 8no. dwellings would provide additional support to the village, particularly through the use of the pubs and shops, as well as making use of the public transport services, which intensifies the demand for public transport in rural areas.
- vi) As discussed above, the development site will have good access to services, by offering a footpath through to Church Hill. The proposal offers smaller dwellings, which can be laid out to provide accommodation on the ground floor, to support an ageing population. The self-build properties also allow for individuals to have input into the design of their

- properties, which could result in all ground floor accommodation, thus supporting an ageing population. However, this element cannot be guaranteed.
- vii) The proposal offers sufficient biodiversity mitigation measures, which can be conditioned, and there is not considered to be an adverse risk of land contamination on the site. During the course of determination Environmental Health – Land Contamination were consulted and raise no objection, subject to a condition which has been imposed.
 - viii) The proposal seeks to address climate change by avoiding the use of gas boilers and incorporating solar panels instead.
 - ix) Each of dwellings would have good rear garden provision, and although the size of the development does not require it to provide open space, there is some provision for green space on the site.
 - x) As above, this consideration is not entirely relevant to a development of this size.
 - xi) As above.
 - xii) The site does not lead to any adverse demand for potable water and does not affect water quality.
 - xiii) The site does not lead to any adverse demand for potable water and does not affect water quality.
 - xiv) A construction management plan has been conditioned to ensure that details are provided showing that there are appropriate methods for the disposal of waste during the construction phase.
 - xv) The proposal offers solar panels, which help to reduce the energy demand by using renewable energy.
 - xvi) The proposal offers access to all abilities by providing a pedestrian link to Church Hill. The link would be wide enough for mobility chairs and wheelchairs to allow future occupants to access the services in the village.
 - xvii) The proposal is relatively small and should have little effect on air quality.
 - xviii) The proposal minimises the need to travel by car. There will be good pedestrian access to the services in the village, as well as cycle routes.
 - xix) Car travel to and from the site is minimised by the provision of a foot link to the existing footpath on Church Hill, encouraging future occupants to walk to the nearby services in the village and make of the bus services. Electric vehicle charging points have also been conditioned.

3.27 For the reasons discussed above, the proposal is considered to score positively against Policy CS15.

3.28 The application was scheduled to be presented to the meeting of Planning Committee on 22 February 2023 however, the report was withdrawn from the agenda prior to the meeting due to the publishing of the Holbrook Neighbourhood Plan Examiner's Report on the 20 February 2023. The Examiner's Report altered the weight that may be attached to the emerging Holbrook Neighbourhood Plan as (at the time of writing) the Plan is advancing towards local referendum stage and the weight that the decision maker may attribute to the emerging plan is increased accordingly.

3.29 NPPF paragraph 48 advises:

'Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

- 3.30 The Examiner's Report recommends modifications to some of the policies in the plan, including policies that are relevant to the determination of this application. Policy HNP 01 (as modified) is the main relevant policy, this states:

HNP 01: Location of new housing development

The Neighbourhood Plan area will accommodate development commensurate with the designation of Holbrook and Lower Holbrook in the relevant adopted settlement hierarchy and taking into account the specific environmental characteristics of the Plan area.

The focus for new development will be within the defined Settlement Boundaries, as defined on the Policies Map.

Within these defined boundaries, proposals for small windfall sites and infill plots of one or two dwellings (which are not specifically identified in this Plan) will be supported where they are in accordance with other policies in this Plan.

Outside the defined settlement boundaries, proposals for new housing development including the conversion of existing buildings, such as barns and farm buildings, self-build properties, and replacement dwellings will only be permitted where they are in accordance with national and district level policies.

All infill proposals will also need to satisfy the policy objectives in Policy HNP03.

Developers are encouraged to consult with Holbrook Parish Council prior to the submission of any application.

- 3.31 The NP is at an advanced stage. The Examiner's report finds that, subject to modifications, Policy HNP01 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy and that Modified Policy HNP 01 meets the Basic Conditions for adoption. Policy HNP 01 is therefore afforded great weight.

- 3.32 The examiner's report (paragraph 52) states 'BDC is yet to publish a revised Part 2 to the emerging JLP, or to publish any revised supporting documentation. I recognise that the figure of a minimum of 65 dwellings does not address the affordable housing need identified in the Holbrook Parish Housing Needs Assessment (January 2020). However, 65 is a minimum figure. Policy HNP 01 does not set a minimum housing figure and is not required to do so. Neither is it required to allocate sites for new housing development. Seeking to focus new housing development within the settlement boundaries is the correct approach to achieving a sustainable pattern of development in order to contribute towards the environmental objective of sustainable development. In addition, allowing some development outside the settlement boundaries where it accords with national and development plan policies, ensures that Policy HNP 01 is a housing strategy for the Parish that contributes towards the achievement of sustainable development.'

In addition, the examiner's report (paragraph 59) explains that Paragraph 9.5 of the NP is written as policy but the requirements in this paragraph are not the same as those in Policy HNP 01. In the interest of precision, paragraph 9.5 should be deleted.

Paragraph 9.5. of the NP states:

All new housing development proposals must be located within the settlement boundary. Proposals for development located outside the settlement boundary will only be permitted where it can be satisfactorily demonstrated that there is an identified local need for the proposal and that it cannot be satisfactorily located within the settlement boundary. All new proposals are subject to meeting the conditions set out in the policies of the Holbrook Neighbourhood Plan below.

- 3.33. When assessed against modified Policy HNP 01, and with the Neighbourhood Plan Examiner's Report published and the consequent weight that should be attributed to the policies identified, together with the conflict with development plan Policies CS11 (iv), regarding locally identified need, it is the view of Officers that the scheme as proposed is contrary to Policy HNP 01 (as modified), and that unless there are other material considerations which would outweigh this conflict with the NP, there is no clear basis to approve the application.
- 3.34. In the context of the application, Policy HNP 01 only supports self-build housing outside the defined settlement boundaries if it is in conformity with other national and local policies. As proposed, 50% of the eight dwellings are not self-build and therefore, notwithstanding the current housing land supply and housing delivery positions, and whether or not there is considered to be any conformity with other policies, the proposal is contrary to Policy HNP 01 and cannot be supported.
- 3.35. A previous planning application (DC/20/01474) was refused for the following reasons:

"The proposal due to its location, scale, layout and the necessary works which would be required to provide a safe access would be detrimental to the rural character of Hyams Lane contrary to Policies CS11 and CS15".

"The proposed development by virtue of its location, form and scale will have a detrimental impact on the setting of the Suffolk Coast and Heaths AONB, contrary to Policy CR02 of the Babergh Local Plan".

"In the absence of a signed unilateral agreement to fund a Traffic Regulation Order to move the 30mph speed limit to the west, the development will result in an unacceptable impact on the users of the highway, contrary to the NPPF".

- 3.36. The reasons for refusal of the previous application detailed above are considered to be sufficiently addressed in this application. However, the progression of the NP, which was held not to be a determinative issue previously, now attracts significant weight and is an important material planning consideration in the determination of this application such that a recommendation of refusal is warranted.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1. The site is within a safe walking distance of the services within the village of Holbrook. Although Hyams Lane is narrow and unlit with no footpaths, the proposal offers a pedestrian access into and out of the site onto Church Hill that allows a pedestrian to walk along a footpath to attend local services and to use a regular bus service, which travels to Manningtree, Chantry, Ipswich, Shotley Gate and East Bergholt. All of these services are within a suitable walking or cycling distance of the site, accessed via a footway.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1. The NPPF identifies at Paragraph 108 that, in assessing specific applications for development, it should be ensured that, *inter alia*, significant impacts on the transport network and highway safety can be cost effectively mitigated to an acceptable degree.
- 5.2. Concern has been raised by the Parish Council and local residents regarding the proposal having an inadequate access, which has no visibility; highway safety, increased traffic, construction traffic, a loss of parking, inadequate parking provision, whilst also noting that Hyams Lane is very narrow. During the course of determination, the SCC Highway Authority were consulted, and have raised no concern for highway safety, and raise no objection to the access, visibility splays or parking provision. There would not be a loss of parking, as the site is former agricultural land that is not used for parking purposes, and there would not be parking along the roadside.

The SCC Highway Officer states

"We have reviewed the data supplied with this application, the summary of our findings are as follows:

- *The proposed visibility splays for the development are sufficient for this application.*
- *The proposal for 8 dwellings would create approximately 6 vehicle movements within the peak hour (1 vehicle every 10 minutes) therefore, the development will not have an impact on the capacity of the highway network in the area.*
- *The closest bus stops are approximately 4 minutes walk from the centre of the site which is within walking distance to catch public transport, there are good frequent bus services.*
- *Hyams Lane is a narrow rural road with good visibility at its junction with Church Hill.*
- *The plans show a pedestrian link to the footway on Church Hill creating a safe route for the vulnerable user.*
- *The applicant is proposing highway improvements such as minimal widening and moving the speed limit.*

We consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking. This development can provide safe and suitable access to the site for all users (NPPF Para 108) and would not have a severe impact on the road network (NPPF Para 109) therefore we do not object to the proposal.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. There is also an intention for the developer to enter into an agreement with Suffolk County Council to create the Traffic Regulation Order (TRO) to extend the 30mph speed limit on Hyams Lane to the west by approx. 100m".

A new access plan has been submitted to show more accurate measurements of Hyams Lane, and where the existing hedgerow and trees on the northern edge of Hyams Lane would need to be cut back to facilitate this. It has also been confirmed that the Oak Tree will remain in place. In addition to this, the widening of Hyams Lane is no longer proposed, and the access width has been reduced. Following the submission of the amended access plan (received on 28.09.2022) the SCC Highways Officer states:

“We are satisfied with the revised drawings regarding visibility splays and are happy for the revised drawings to be referenced in the previously recommended highway related planning conditions dated 15.04.2022, 16.03.2022 and 29.07.2022”.

The proposal also offers the relocation of the 30MPH speed limit sign further to the east, to slow the oncoming traffic on Hyams Lane, thus reducing highways safety risks.

- 5.3. The recommended conditions by the SCC Highway Authority have been imposed.
- 5.4. Great weight is given to the advice from statutory consultees, such as SCC Highway Authority, and the highways officer has provided reasonable and rational reasons as to why the proposal is acceptable, and why the SCC Highway Authority depart from the concerns raised by the Parish Council, Ward Member and local residents. On this basis, the proposal is considered acceptable and does not cause any adverse harm to highway safety, parking, increased traffic or use of the highway to warrant refusal.
- 5.5. The developer has agreed to a Traffic regulation Order to move the 30mph speed sign and this can be secured by legal agreement or condition, as appropriate. On this basis, the proposal is considered acceptable and does not cause any adverse harm to highway safety, parking, increased traffic or use of the highway to warrant refusal.

6.0 Design And Layout [Impact On Street Scene]

- 6.1. Section 12 of the NPPF refers to design, it provides that good design is a key aspect of sustainable development it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. In addition, Policy CN01 of the Babergh Local Plan provides that *“All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location”* and echo's the provision of the NPPF.
- 6.2. The site would comprise four detached dwellings on the northern half of the site, which would be self-build and are subject of the outline planning application element of this application. Therefore, no details of their overall scale, size and appearance have been submitted. These will come forward as part of a subsequent reserved matters application should permission be granted.
- 6.3. Towards the southern half of the site, would be four terraced dwellings. They would be two-storey in height with two bedrooms each. Plot 1 would be closest to the access and would have two first floor windows, one high-level small window beneath the gable, two ground floor windows facing the front (east); one roof light, two first floor windows, one high-level ground floor window and a glazed porch with an access door facing the side (south); and one first floor window, one Juliet balcony, one ground floor window and one glazed double door facing the rear (west). Plots 2-4 would have one access door, two ground floor windows, two first floor windows and one high-level small window beneath the gable facing the front (east); no windows facing the side (north); and one first floor window, one Juliet balcony, one ground floor window and one glazed double door facing the rear (west). The walls would be finished in a mix of vertical timber boarding and fair face red brick; and the roof would be finished in clay plain tiles.

- 6.4. The vehicular access to the site would be on the south off of Hyams Lane, and there would be a pedestrian access through to Church Hill. There would be a retention pond on the south side of the site, and new planting around. The western boundary would have the existing hedgerow retained and enhanced, and the northern boundary would also have a hedgerow. The eastern boundary would be a 1.8-metre fence. However, a condition has been imposed to ensure that planting is incorporated to all boundaries to soften the appearance of the site. An additional drawing has been submitted in order to show additional planting around the access to soften the appearance onto Hyams Lane, and not cause an urbanising effect. This planting is supported by the landscape officers.
- 6.5. The proposed design, materials, form and scale are considered to respect the character of the host site, not constitute overdevelopment and not harm local distinctiveness.
- 6.6. Concern has also been raised regarding scale; the development being out of character, being overbearing and dominating, as well as the development being too high. The scale of the four terraced dwellings is considered reasonable and to reflect the two-storey dwellings surrounding the site. The scale of the self-build properties is not confirmed, as that would come through a reserved matters application and would be assessed for acceptability at that stage.
- 6.7. The development is not considered to be out of character with the area. The pattern of the layout follows a similar pattern of cul-de-sac development which the site backs onto. The design is also both modern and respectful of the existing development of Holbrook. There is not considered to be a significant character of built form in the direct context of the site. The proposed dwellings are also not considered to be too high, as they are set away from the boundaries, and would not block any views, outlook or light. The two-storey design reflects what is surrounding. The self-build properties would be limited to 1.5 storeys on the eastern side of the site, near to the existing residential properties and fire station.

7.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 7.1. Whilst noting the comments made by the Parish, Members are advised that the site is NOT within the AONB. The AONB is located to the south and there has been some concern raised regarding the impact on the landscape. During the course of determination, the Suffolk Coast and Heaths AONB Officer was consulted, and largely supports the measures the proposal has in place to reduce the harm. The AONB Officer recommends conditions - which have been imposed. The AONB Officer had previously raised some concern regarding the widening of the road, and the urbanising effect that it may have. The proposed widening, however, has now been removed from the application, and the road width is to remain as it is currently; there would, however, be some trimming back and maintenance of the existing roadside bushes. The harm to the AONB landscape is considered to be neutral and is not of a significance to warrant refusal.
- 7.2. In the original comments, the AONB Officer states *"The number of terrace houses has been reduced from 5 to 4 which has allowed the smaller dwellings in the scheme and the proposed parking to be pushed deeper into the site and away from the Hyams Lane frontage. The site falls within the Rolling Estates Farmlands Landscape Character Type (LCT) (Suffolk Landscape Character Assessment) which is characterised by gently sloping valley sides and an organic pattern of fields modified by later realignment. The Guidance Note for LCT highlights the important of maintaining the existing pattern of settlement clusters on the valley sides and minimising visual intrusion on the highly sensitive landscapes on the valley floor, which is the AONB.*

As well as falling within the setting to the AONB, it is also located within the Additional Project Area to the AONB. The Valued Landscape Assessment for the Suffolk Coast & Heaths Additional Project

Area (Page 37) for Holbrook concludes that the land to the south is visually sensitive and forms a setting to the AONB and reinforces the connection of the village with the river valley; it therefore has a particular value in terms of local distinctiveness. The reduction in the number of terrace houses, their resisting back into the site and the changes to the parking layout are positive changes which has created additional space for landscaping and the provision of a sustainable drainage pond (SUDs) along the Hyams Lane frontage. The proposed frontage landscaping and SUDs will help provide a softer, greener and less abrupt edge to the proposed development which will go some way towards maintaining the perception of a green buffer between the village edge and the AONB boundary to the south. The AONB team was consulted prior to the submission of the revised planning application, in our response we recommended planting holly along the Hyams Lane frontage as it grows locally in hedgerows and will provide year-round screening, which is important given the sensitivity of the location and elevated nature of the site. We welcome that holly has been included in the indicative landscape plans.

Enhancing the existing hedge line to create a 2m landscaped boundary between the development site and the farmland to the west is essential in any scheme at this location. It is necessary to create a logical boundary to the southwest of Holbrook village and to provide a clearly demarked separation between the village edge and the farmland to the west. The agricultural fields to the west, as evidenced in the AECOM's Site Assessment Report for the Holbrook Neighbourhood Plan and in the Valued Landscape Assessment Report for the Additional Project Area, make a valuable contribution to the rural setting of Holbrook village and provide an important buffer between the southern village edge and the AONB. Strengthening the western landscaped boundary will be important to ensure that the function of this green buffer is maintained, to help screen views of the development from the west and to provide a vegetated backdrop to frame the development in views from the south and south east".

Following the submission of an additional drawing showing more planting around the access, the officer has updated the comments copied in above, and now states *"The supplementary landscaping information document dated 15.02.2022 shows the indicative landscape strategy for the site access and boundary with the Hyams Lane frontage. Following a review of this document, I can confirm that the AONB team is broadly supportive of the proposed landscape approach including the proposed trees and mix to be planted. This addresses concerns raised by the AONB team in our previous responses about the semi-urbanising Hyams Lane. It is important that only the length of hedgerow needed to meet splay line recommendations to the east of the new access is removed. The retention of as much of the road frontage hedge growing to the east of the site is important as it provides a valuable screen to the fire station in views from the AONB to the south. The need for a detailed landscape scheme should be secured by condition. This should be submitted to the planning authority and approved, in writing, prior to the commencement of any development at this site. The landscape scheme should provide details for both hard and soft landscaping and information on boundary treatments. It should specify plant species, numbers, location and sizes of the proposed planting as well as trees to be retained or felled and the location of new site fencing.*

This is being sought to protect local landscape character within the immediate setting to the Suffolk Coast & Heaths AONB".

Following the submission of an amended access plan, received on 28.09.2022, the AONB Officer now raises no objection. The officer states:

"The AONB team welcome the change removing the need to widen the eastern end of Hyams Lane. The AONB team's preference would be for a narrower access/ bell mouth if this can be achieved

and acceptable in Highways Terms. A smaller bell mouth would be compliant with the LVIA recommendations which recommended a low key access.

If a narrower bell mouth cannot be delivered that meets Highway Standards, provided the approaches into the site off the bell mouth are properly landscaped as per the Supplementary Highway and Tree Report dated 7 July 2022, we could accept the bell mouth as proposed. We note and accept the play line requirements”.

The additional planting, change of surface material, reduction in width of the access, omission of the road widening, as well as the retention of the Oak Tree are considered to reduce the urbanising effect significantly.

During the course of determination, Place Services – Landscaping were also consulted regarding the potential impact to the landscape, and any urbanising effect to Hyams Lane. The officer raises no objection to this proposal, following the submission of a drawing showing additional planting and landscaping around the access.

Following the submission of the amended access plan, received 28.09.2022, the officer states:

“We welcome the amendments to the site access layout including the removal of the widening proposals to Hyams and the reduction in width of the access road to 4.5m. although a minor reduction, it will help to lessen the negative effect on the two-way access entrance on the character of Hyams Lane”.

Prior to the submission of the amended access plan, the officer still raised no objection and stated:

“We are satisfied with the proposed landscape strategy and the suggested tree and planting palette. We have noticed an error on the drawings: existing T5 Oak Tree has been identified to be removed but the illustration on page 3 is showing T5 as been retained. We understand that the retention of this tree is not possible as it sites within the visibility splay area and is also not compatible with the widening of Hyams Lane.

No planting plan has been submitted at this stage indicating plant species, number of plants, location and stock sizes. This submission of a planting plan can be dealt with under a landscape condition”.

- 7.3 The landscaping scheme is now considered to be appropriate with this application (whereas the previous scheme was not) because the dwellings have been moved to more appropriate locations, which allows for much more landscaping detail and planting. The access onto Hyams Lane on the previous application caused an urbanising effect as the materials were seen as inappropriate and there was limited landscaping and planting in this area. This application, however, has amended the materials of the access onto Hyams Lane, which reduces the urbanising effect, as well as incorporating a lot more planting and landscaping details to further reduce any urbanising effect and landscape impact.
- 7.4 During the course of determination, Place Services Ecology were consulted, and have raised no objection to the proposal subject to securing a proportionate financial contribution towards visitor management measures for the Stour and Orwell Estuaries SPA/Ramsar, as well as ecological mitigation and enhancement measures. These have been secured via condition.

- 7.5 The officer states “*We are satisfied that there is sufficient information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable*”.
- 7.6 Policies HNP06 (Protection of Important Views) and HNP08 (Landscape Protection) of the NP revisit and in places replicate the above landscape considerations. Similarly, the application is not held to offend either of these policies.
- 7.7 There has also been a concern raised by the Parish Council for the loss of trees on the site. It is acknowledged that some trees are due for removal as part of the scheme. However, these trees do not offer any arboricultural value and additional planting is proposed. A condition has also been imposed to ensure that there is sufficient planting along all boundaries of the site to soften its appearance.

8.0 Land Contamination, Flood Risk, Drainage and Waste

- 8.1. The NPPF at Para.183 identifies *inter alia* that planning decisions should ensure that a site is suitable for its proposed use. In addition, Paragraph 183 makes it clear that, where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.
- 8.2 During the course of determination, Environmental Health – Land Contamination were consulted and raised no objection to the proposal, subject to a condition should permission be granted.
- 8.3. In relation to flood risk and drainage, the NPPF identifies at Paragraph 155 that “*...Inappropriate development in areas at risk from flooding should be avoided by directing development away from the areas at highest risk....*”. In regard to this, it is noted that the entire site for the proposed development is located within flood zone 1. Therefore, the site is not considered liable to unusual flooding events and, in that regard, accords with the identified requirements of the NPPF and development plan policy in this regard.

9.0. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 9.1. Concern has been raised regarding the potential impact on listed buildings in the vicinity and the development being inappropriate in a Conservation Area. Firstly, the site is not located within or near to a Conservation Area, so there is no harm arising. Secondly, the nearest listed building is the Grade II* listed church which is located to the east, on the opposite side of Church Hill. The listed building is separated from the development site by existing residential properties and an acceptable distance. The development site is not considered to read directly within the context of the listed building. The heritage team was consulted and offered no comments on the proposal.
- 9.2 The proposal is not considered to cause any adverse harm to any heritage assets to warrant refusal.

10.0 Impact On Residential Amenity

- 10.1 Policies within the adopted development plan require, *inter alia*, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. Concerns for overlooking, loss of privacy and loss of outlook are acknowledged; however, the proposal is not considered to cause any adverse harm to residential amenity in terms of a loss of privacy or a loss of outlook.

- 10.2 Concern has been raised regarding smells/odour, loss of open space, loss of light, increase in pollution, increase in anti-social behaviour/fear of crime, overlooking, noise, loss of outlook, light pollution, loss of privacy, as well as the fire station causing light, noise and overlooking issues towards the potential future occupants of the site.
- 10.3 Regarding smells/odour, light pollution and noise, the Environmental Protection Team were consulted during the course of determination. The officer raises no objection to the proposal and states *"The NIA finds that the noise resulting from the operation of the Anglian Water pumping station, whilst potentially just audible at times, is unlikely to result in loss of amenity at the proposed dwellings, as is the noise emanating from the station is below both existing background noise levels during both day and night time periods. In terms of odour, I note that the revised site plan now positions the houses beyond the boundary as identified in Anglian Water's Risk Assessment, although I would defer to any comments they wish to make on this element."*

Environmental Protection have also stated *"With regard to the fire station and drill tower training, I note this takes place on a weekly basis from 19.00 - 21.00hrs. I note that the layout of plot 8, which is at outline stage, has been oriented so that gable end, which will have no windows, faces the drill tower. As per my previous comments, there may inevitably be a degree of loss of amenity at properties due to noise from training (although this is unlikely to be at times where sleep would be disturbed) as well as noise from fire engine call-outs, but given that there are already properties in a similar proximity to the fire station, this would be a planning decision and I am unable to give you any quantitative guidance on this. The comments regarding the use of blue lights/sirens in the document are noted."*

Section 2.3 gives further details of the Air Source Heat pumps for plots 1-4. The model detailed would result in a noise level of 35dB at 5metres, or 39.8dB accounting for cumulative effect of the 3 units operating in relatively close proximity. It is likely that the noise from the pumps will be audible in plots 1 -4, particularly in plots 2 -4 where the ASHPs will be located below the main bedroom window. I note that triple glazing is proposed and with a partially-open window the internal noise level is likely to be between 25 - 30dB which is within BS8223 guidance levels to avoid sleep disturbance. I would therefore recommend that a condition be attached to any permission to the effect that the Air Source Heat pumps for plots 1 -4 should be the WP17 Stiebel Eltron Classic and should be installed and thereafter maintained in accordance with manufacturer's instructions

In terms of plots 5-8, which are closer to existing dwellings, I would recommend that a condition be attached to any permission to the effect that "The applicant shall provide full details of all Air Source Heat Pump plant associated with the proposed development. A full acoustic assessment relating to the air source heat pump noise from the site shall be undertaken in accordance with "MCS 020 - MCS Planning Standards for permitted development installations of wind turbines and air source heat pumps on domestic premises and "BS8223 - Guidance on sound insulation and noise reduction for buildings". This assessment shall be carried out by a competent person and confirmation of the findings of the assessment and any recommendations shall have been submitted to the Local Planning Authority and agreed prior to the commencement of the development".

- 10.4 As the fire station is already location directly adjacent to existing residential properties, it is not considered to cause any adverse harm to residential amenity of the future occupants. The recommended conditions have been imposed. The fire station currently has drill nights on Thursdays, as per the Suffolk County Council website states ([Holbrook fire station | Suffolk County Council](#)). In addition to this, the Station Watch Manager advises that the Holbrook Fire Station is primarily used on a Thursday evening between 18:00 -21:00 hrs and this is their main training night.

Holbrook fire station does conduct other training days also, however, these take place during the day and are not considered to cause disturbance in terms of adverse noise or overlooking as the dwellings are set away and angled so as to not be directly overlooked by the drill tower, which is not used every day. In addition to this, the fire station is used for four vehicles that return from calls, these are cleaned and re-stowed ready for use, this happens approximately 100 times per year, and varies on times of the day/night. The cleaning and re-stowing of the four vehicles are not considered to cause any adverse disturbance to the proposed dwellings to warrant refusal.

- 10.5 Regarding a loss of open space, the land the site is located on is former agricultural land and is not public open space. Regarding a loss of light and outlook, the dwellings would be set away from the boundaries, and would not adversely restrict light into any neighbouring properties gardens or integral rooms of houses.
- 10.6 Regarding overlooking and a loss of privacy, the four terraced properties would not share a boundary with any residential property. Although they have first floor windows and Juliet balconies looking towards the west, the existing residential property on the western side is a significant distance away so as to not be overlooked. The existing residential properties to the east would share a boundary with the self-build plots, which are to be a maximum of 1.5 storeys on this side. The dwellings would also be set away from the boundary. As the matters are reserved on these dwellings at this time, we are unable to comment on any windows that may or may not overlook these existing properties. This would come as part of the reserved matters application.
- 10.7 Regarding a concern for an increase in anti-social behaviour and a fear of crime, this is a residential development, that would fit in within an existing cluster of built form. There are no activities proposed in this development that give concern for a rise in crime. The dwellings are orientated to overlook the parking areas, so there is not any significant concern of crime.
- 10.8 The proposal is not considered to cause any adverse harm to residential amenity to warrant refusal.
- 10.9 A potential issue that may give cause for concern for future occupiers of the proposed dwellings is the use of high pressure fire hoses during training exercises as water spray aimed at the drill tower may encroach onto the application site. However, this potential scenario would be subject to the 'agent of change' principle. Para 187 of the NPPF advises that *'where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'* To this end a condition is suggested to assess and secure mitigation for this concern.

11.0 Planning Obligations / CIL

- 11.1. Agreement of relocation of the 30mph speed limit further to the west.

12.0 Parish Council Comments

- 12.1 The matters raised by Holbrook Parish Council have been addressed in the above report. Holbrook Parish Council raised a number of concerns relating to this development. Regarding the conflict the Joint Local Plan; although the site is not allocated within the Joint Local Plan, the plan is not yet confirmed and is under examination, and is therefore subject to change. At this time, the Joint Local Plan carries limited weight.

- 12.2 Concern was also raised regarding impact to the AONB. The site itself is not located within the AONB, however it does abut the protected landscape to the south. The Dedham Vale and Stour Valley Project AONB Officer largely supports the mitigation measures that the proposal includes, and has recommended conditions to reduce the impact further, which have been imposed. Further details on impact to the AONB can be found below in the relevant section.
- 12.3 The Parish have also stated that this proposal sets a precedent for future development in the Parish. Each proposal is considered on its own merits, and applications cannot be determined based on possible future applications that may or may not come forward. At this moment in time, this location is considered sustainable and appropriate for this development.
- 12.4 Many of the concerns raised by the Parish are in relation to highway safety along Hyams Lane, as well as inadequate access and increased traffic. The SCC Highway Authority has not identified any harm to highway safety from this proposal, and raise no objection, subject to conditions which have been imposed. Although Hyams Lane is a narrow road, the access is wide enough to allow for the cars to exit and enter safely.
- 12.5 There has also been a concern for the loss of trees on the site. It is acknowledged that some trees are due for removal as part of the scheme. However, these trees do not offer any arboricultural value and additional planting is proposed. A condition has also been imposed to ensure that there is sufficient planting along all boundaries of the site to soften its appearance.
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PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1. In order to achieve sustainable development, the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously.
- 13.2 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development, which, for decision making, means approving development proposals that accord with an up-to-date development plan without delay.
- 13.3 Paragraph 12 states that ‘where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.’
- 13.4 The Framework goes on to advise (Paragraphs 29 and 30), that neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions; that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies and that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
- 13.5. The Framework seeks to significantly boost the supply of housing. Babergh District Council considers it can demonstrate a 7.13-year supply (Draft Five-Year Housing Land Supply Position
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Statement 2022 – dated Dec 2022). Furthermore, the NP states that the emerging Local Plan identifies a minimum housing requirement for the parish of 65 new dwellings over the Plan period to 2037 and that this housing requirement is already met. Whilst the development would contribute to housing supply in general terms thorough provision of 4 No. two-bed dwellings and 4 No. self-build plots, this proposal does not target the specific housing need of the village, identified through the emerging NP and the Holbrook Parish Housing Needs Assessment (January 2020).

- 13.6. The proposal fails to address a locally identified need to improve affordability in Holbrook across all tenures and a locally identified need for increasingly smaller and older households. AECOM recommends that around 50% of houses in new developments should be 1-bedroom homes, around 25% should be 2-bedroom homes and around 25% should be 3 bed homes and this need is not met by the proposal. Furthermore, the AECOM recommendation to encourage bungalows to meet the needs of a growing elderly population is not explicitly addressed by the proposal either.
- 13.7. Failure to address the specific local housing need for the village, identified through the NP and AECOM housing needs assessment, results in non-compliance with Policy CS11(iv). The Framework is clear that where a proposal conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted, unless material considerations indicate that the plan should not be followed. There are no such material considerations to indicate otherwise in this case.
- 13.8. In terms of the overarching objectives for sustainable development (economic, social and environmental objectives), whilst the site is outside the defined built-up area boundary, it abuts the boundary and is not considered to be out of character or isolated.
- 13.9. The proposed development would provide economic benefits. Those benefits being the contribution to housing supply in the district and relating to employment during the construction phase and local spending by future occupiers, although some of these would be limited and temporary and as such are afforded limited weight.
- 13.10 The proposal would offer social benefits in respect of providing general needs housing within a sustainable location, that would not result in the heavy reliance on private motor vehicles to access basic services, such as schooling and health care. However, the proposal does meet the specific identified housing needs of the village and as such the proposal cannot be attributed positive weight in terms of the social dimension of sustainable development.
- 13.11 In terms of the environmental objective of sustainable development, the impact on character and appearance of the area, biodiversity and flood risk is considered to be neutral. Whilst the proposal would not result in environmental benefit, proposed mitigation measures are proposed. The proposal is, therefore, considered to have a neutral impact in terms of the environmental dimension of sustainable development.
- 13.12 To conclude, there are elements of this proposal that accord with an up-to-date development plan and others that are not. On balance, the application proposal cannot be considered to represent sustainable development and cannot therefore be supported because of the conflict identified between the proposal and Policy CS11 (iv) and emerging Policy HNP 01.

RECOMMENDATION

That the application is REFUSED planning permission, based on the following reasons:-

The site is located outside of the defined built up area boundary for Holbrook village and is therefore located within the countryside for development management purpose, wherein Core Strategy Policy CS11(iv) and emerging Neighbourhood Plan Policy HNP 01 apply. Policy CS11(iv) states proposals will be approved where, inter alia, a locally identified need for the development is demonstrated and Emerging Policy HNP 01 states that, outside the defined settlement boundaries, proposals for new housing development will only be permitted where they are in accordance with national and district level policies. In addition, HNP 02 states “All future housing development must contribute to meeting the existing and future needs of the Parish in order to facilitate a cohesive community”. This hybrid proposal, comprising 4 No. two-bed dwellings and 4 No. self-build plots, fails to address a locally identified need to improve affordability in Holbrook across all tenures and a locally identified need for increasingly smaller and older households, as identified through the emerging Holbrook Neighbourhood Plan Submission draft and the Holbrook Parish Housing Needs Assessment (January 2020), resulting in social harm that outweighs the economic benefit and environmental neutrality arising from the proposal.

The proposal therefore does not deliver sustainable development, contrary to Policies CS11(iv) of the Babergh Core Strategy (2014), Policies HNP 01 and HNP 02 of the emerging Holbrook Neighbourhood Plan Submission draft and the National Planning Policy Framework.