



2002-2003  
Neighbourhood Renewal  
2004-2005  
Supporting People

**E126**

**BABERGH DISTRICT COUNCIL**

**DEVELOPMENT COMMITTEE**

**14<sup>TH</sup> SEPTEMBER 2005**

**SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE  
COMMITTEE**

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R J Watson  
Head of Planning (Control)  
02 September 2005

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**PUBLIC SPEAKING ON PLANNING APPLICATIONS AT MEETINGS OF THE DEVELOPMENT COMMITTEE**

1. The Council has a policy of allowing members of the public to speak on planning applications when they are discussed at meetings of the Development Committee.
2. Prior to the consideration of each application on the planning schedule the Chairman will ask whether anyone in the public gallery who is eligible to speak wishes to address the Committee.
3. If there are, the Chairman will ask the public concerned to indicate whether they are a representative from the Town or Parish Council, an objector or either the applicant or his/her representative. If there is more than one objector present, the Chairman will ask whether they have nominated a spokesperson to speak on their behalf. If they haven't they will be asked to leave the meeting to determine a spokesperson and the Chairman will move to the next item in the meantime. The objectors will be reminded that if they are unable to agree a spokesperson then they will not be able to make any representations.
4. The following procedure and order of business applies in respect of each item:-
  - Introduction of item by Planning Officer
  - Representations by Town or Parish Council representative (or Parish Meeting where there is no Parish Council)
  - Representations by objector
  - Representations by applicant or representative
  - Clarification of any points by the Planning Officer and consideration of application by Members
  - Decision by Members
5. Prior to making any representations, speakers will come forward, one at a time at the invitation of the Chairman, and sit on one of the raised seats facing the main chamber and state their name and who they represent. Speeches cannot exceed 3 minutes and speakers will be asked to stop immediately if they exceed this period of time. Speakers will then return to the public gallery.
6. Speakers can only make statements of opinion or fact. They are not allowed to ask questions of Members or Officers and equally Members or Officers are not allowed to ask questions of them. Furthermore, speakers cannot ask questions to other speakers. Speakers can only rely on verbal statements and no presentational material can be displayed either on the notice boards or on the overhead projector. No information or materials can be handed around the Committee by the speakers whilst the meeting is in progress.
7. Babergh Councillors are not entitled to speak with regard to an application or other matter under this policy. However, a representative of the Councillor may speak on their behalf provided they are not a Councillor.

BABERGH DISTRICT COUNCILDEVELOPMENT COMMITTEESCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE DEVELOPMENT COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Head of Planning (Control), do not come within the scope of the Scheme of Delegation to Officers (Planning Control) adopted by the Council or which, although coming within the scope of that scheme, he wishes the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE HEAD OF PLANNING (CONTROL)

The delegation to the Head of Planning (Control) includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Development Committee..

(Minute No 63(d) of the Council dated 27 April 1999).

**PLANNING POLICY**

**In the interests of economy the reports in this paper do not contain extracts from planning policy - simply the references. The County Structure Plan can be accessed online at:**

**[http://www.suffolkcc.gov.uk/e-and-t/structure\\_changes/adopted\\_structure\\_plan/index.html](http://www.suffolkcc.gov.uk/e-and-t/structure_changes/adopted_structure_plan/index.html) and the draft Alteration no 2 to the Babergh Local Plan at:**

**[http://www.suffolkcc.gov.uk/e-and-t/structure\\_changes/adopted\\_structure\\_plan/index.html](http://www.suffolkcc.gov.uk/e-and-t/structure_changes/adopted_structure_plan/index.html)  
The currently adopted Local Plan - Alteration No 1- is not available online, but all three documents can be inspected at the council offices during normal working hours.**

**LIST OF ABBREVIATIONS USED IN THIS SCHEDULE**

<b>AWS</b>	<b>Anglian Water Services</b>
<b>CFO</b>	<b>County Fire Officer</b>
<b>CHA</b>	<b>County Highway Authority</b>
<b>EA</b>	<b>Environment Agency</b>
<b>EH</b>	<b>English Heritage</b>
<b>EN</b>	<b>English Nature</b>
<b>HoES</b>	<b>Head of Environmental Services</b>
<b>HSE</b>	<b>Health and Safety Executive</b>
<b>HOLCS</b>	<b>Head of Leisure and Community Services</b>
<b>MoD</b>	<b>Ministry of Defence</b>
<b>PC</b>	<b>Parish Council</b>
<b>PM</b>	<b>Parish Meeting</b>
<b>SPS</b>	<b>Suffolk Preservation Society</b>
<b>SWT</b>	<b>Suffolk Wildlife Trust</b>
<b>TC</b>	<b>Town Council</b>

**DEVELOPMENT COMMITTEE**  
**14<sup>TH</sup> SEPTEMBER 2005**

ITEM 1

B/05/01330/FUL  
FULL

LONG MELFORD – TESCO STORES LTD, WOODHALL BUSINESS PARK,  
SPRINGLANDS WAY

Extension and improvement of existing Class A1 foodstore to form an additional 2,397m<sup>2</sup> gross floor area, with extension and alteration to cage marshalling and delivery/service yard area, reconfigured and enlarged shoppers car park, new surface treatments and ancillary plant and equipment.

Applicant: Tesco Stores Limited

Case Officer: Gareth Durrant

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SITE

1. The application site includes the entire curtilage of the existing Tesco store and just under 1 hectare of existing agricultural land to the west of the store site. The existing Tesco site is situated within the built up area boundary of the town, but the agricultural land is countryside (the Tesco site is deemed to fall within the built up area of Sudbury, although its postal address is Long Melford). The application site forms part of the major land development allocation known as ‘Chilton Mixed-Use Development’ that forms part of the emerging Second Alteration to the Babergh Local Plan.

PROPOSAL

2. See report heading. The principal part of the application is the erection of an extension to the existing store. The extension would provide an additional 1,925 square metres of retail floorspace (net) and 472 square metres of storage (net). This would enlarge the existing store to 4,581 square metres of retail floorspace and 2,398 square metres of floorspace for bulk storage.
3. The application also proposes an extension to the existing car park and an additional 136 car parking spaces are proposed. There are also changes proposed to the cage marshalling and delivery/service yard area. Details submitted with the application indicate that 60 full time employment positions will be created.
4. The extension is designed to complement the form, character and materials of the existing store. A 3-metre belt has been left between the boundary and the extension to enable a landscaping buffer to be provided.
5. The application is accompanied by a planning statement, a retail assessment, a landscape statement and a transport statement. These can be viewed in full by prior arrangement with the case officer and the conclusion of these various statements and assessments are summarised as follows:-

### ***Planning statement***

- *The existing [Tesco] store is over trading which is creating uncomfortable trading conditions within the store and also within the store car park.*
- *Customers are seeking improved service standards including a more extensive product range and a more attractive shopping environment.*
- *The opportunity is also going to be taken to rearrange the layout of the car park to improve internal flows.*
- *Local Plan alterations have been ratified by the Full Council on 12<sup>th</sup> July 2004 that the site is suitable for the potential future expansion of the Tesco store, as part of a larger development area known as the Chilton Mixed-Use Development package.*
- *The Plan seeks to protect the vitality and viability of the market town of Sudbury and form a new retail investment within defined town centres to enhance the role of the main shopping areas. Sudbury is identified as being the highest order centre within Babergh District.*
- *The proposal takes into account extant agricultural land that is designated to form part of the Chilton Mixed-Use Development area for retail use within the emerging development plan. In addition, it is considered that Sudbury is one of the preferred locations for new developments in the emerging plan operating at the top of the hierarchy.*
- *We conclude that this proposal meets the requirement of national and local planning policy and is in accordance with the development plan and that consequently planning permission should be granted.*

### ***Retail Assessment***

- *The retail capacity assessment has demonstrated that convenience stores in the catchment area are overtrading by some £19.73 million.*
- *The study reveals that the store subject of this application is trading in excess of 111% of company average levels.*
- *We conclude there is capacity within the catchment sufficient to support the application proposals and which will support additional shopping floorspace over and above that proposed.*
- *This is supported by the findings of the Colliers CRE Retail Study that was undertaken for the District Council in June 2002, which highlights the Council may need to consider allowing further major food store developments over the medium to long term over and above any extension to the existing Tesco store at Springlands Way.*

- *The proposal is supported by Colliers CRE in their recent letter which confirms there is a substantial level of unmet shopping floorspace need in Sudbury, even after taking into account new retail commitments and the likely size and turnover of the proposed extension to Tesco.*
- *Colliers CRE also agree that the retail function of an enlarged Tesco will complement the planning Chilton neighbourhood centre and that both retail developments should co-exist with each other.*
- *Once it had been determined that there was capacity, retail impact was considered. The study concluded that the proposal would not have a significantly detrimental impact upon any identified stores or centres.*
- *In terms of planning policy the proposal has been considered against relevant national, strategic and local policies. The site has now been re-instated as a suitable location for the potential expansion and extension to the existing Tesco store.*
- *The retail assessment identified a need for additional retail floorspace and concluded that the majority of trade diversion would fall on specific stores that would be in direct competition with the enlarged store. Consequently, it is not anticipated that there would be a significant impact upon identified centres, thus sustaining the vitality and viability of the town centre.*
- *It is demonstrated that the proposal is in accordance with policies in the development plan as well as national planning policy guidance*

### ***Landscape Assessment***

- *The proposals have been designed to respect the existing landscape situation and as a result are fully supportable on landscape and visual grounds. The design of the store extension and associated car parking and the proposed planting will ensure that the development sits comfortably within the local and wider urban fringe landscape setting.*

### ***Transport Assessment***

- *The application site benefits from good public transport services providing genuine opportunities for people to travel to the proposed development by non-car modes of transport.*
- *The existing local pedestrian, proposed cycle facilities and the implementation of a staff travel plan are expected to encourage staff and customers to the extended store to use modes of travel that are considered to have less environmental impact than the use of the private car.*
- *The forecast attracted traffic arising from the proposed store extension and the junction capacity analysis has been accepted by Suffolk County Council.*

- *For the previous application on this site [ref. B/04/01351/FUL] the Council expressed concerns regarding car parking provision and occupancy of the proposed store and therefore a forecast car parking demand analysis has been undertaken that reveals there is adequate car parking in the vicinity of the store to satisfy demand.*
- *The proposed level of car parking is consistent with the national maximum parking standards (PPG13, Annex D) and the Government's objective of managing travel demand.*
- *It is concluded that the proposed extended store does not present a material impact on the off-site highway network and the development of the site is consistent with current sustainable development policy.*

### RELEVANT HISTORY

6. 1992 – Outline planning permission granted for the erection of foodstore, petrol filling station and residential development with construction of new roundabout and access to bypass and associated car parking. Construction of footbridge over by-pass. Application number B/92/00909/OUT refers.
7. 1993 – Reserved matters submitted under outline planning permission B/92/00909/OUT approved. Application number B/93/00176/RES refers.
8. 1999 – Planning permission granted to vary condition 10 attached to planning permission B/92/0902 to permit no less than 84% of the retail sales area of the store to be used for the sale of convenience goods.
9. 2004 – Planning application submitted for the erection of extension to existing store, alterations to existing delivery/service yard area and enlargement of existing car park. Application number B/04/01351/FUL refers. An appeal against the non-determination of the application within the statutory period has been made to the Secretary of State. A public Inquiry is due to take place later this year. The determination of the planning application was delayed whilst negotiations continued with regard to key issues of retail impact, landscaping and car parking. It is understood that the appeal was submitted as a contractual obligation as part of the applicant's option on the parcel of agricultural land to the west of the existing site. This application has been submitted with a view to the appeal against non-determination being withdrawn in the event that a planning permission is granted for the proposed development.

### POLICY

#### **PPS1 – Delivering Sustainable Development**

10. The Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should (inter alia):
  - Recognise that economic development can deliver environmental and social benefits;

- Recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse local impacts;
- Ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper;
- Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth;
- Actively promote and facilitate good quality development, which is sustainable and consistent with their plans;

### **PPS6 – Planning for Town Centres**

11. Sustainable development is the core principle underpinning planning. The planning system has a key role in facilitating and promoting sustainable and inclusive patterns of development, including the creation of vital and viable town centres.
12. In the context of development control and subject to the policies set out below, local planning authorities should require applicants to demonstrate:-
  - the need for development;
  - that the development is of an appropriate scale;
  - that there are no more central sites for the development;
  - that there are no unacceptable impacts on existing centres; and
  - that locations are accessible.
13. Need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan document strategy.
14. The sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. The relevant centres in which to search for sites will depend on the overall strategy set out in the development plan, the nature and scale of the development and the catchment that the development seeks to serve. In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered.
15. Impact assessments should be undertaken for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy. Where a significant development in a centre, not in accordance with the development plan strategy, would substantially increase the attraction of the centre and could have an impact on other centres, the impact on other centres will also need to be assessed.

16. In considering proposed new developments, local planning authorities should consider the need for accessibility by a choice of means of transport and the impact on car use, traffic and congestion
17. Applications for the extension of existing development in edge-of-centre and out-of-centre locations may raise specific issues. The impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods or services for sale are proposed. In addition, where establishing need is concerned, local planning authorities should establish that the evidence presented on the need for further floorspace relates specifically to the class of goods proposed to be sold. The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres. This policy relates to development which creates additional floorspace, including proposals for internal alterations where planning permission is required, and applies to individual units or stores which may or may not be part of a retail park, mixed use development or shopping centre.
18. The following adopted and emerging Development Plan policies are considered relevant to this application:-

**Suffolk Structure Plan 2001**

- CS1 – Distribution of new development
- CS2 – Economy and employment
- CS5 – The urban fringe
- ENV3 – Design standards
- ENV4 – Protection of the countryside.
- ENV16 – Agricultural land.
- ENV17 – Retention of trees and hedgerows
- ECON1 – expansion of an existing employment site.
- ECON8 – ECON 10 – Town centre policies
- T9 – Development related private car parking.
- T14 – Transport impact assessments

**Babergh Local Plan, Alteration No.1**

- LP37 – Retailing
- LP93 – Protection of the countryside
- LP146 - Development related private car parking.

**Babergh Local Plan, Alteration No.2 (Second Deposit draft)**

- EM12a – Expansion of existing employment uses
- SP01 – The retail strategy
- SP02 – Retail and other major trip generating development; the sequential approach.

- SP03 – Retail and other substantial trip generating development outside town centres.
- CR01 – Protection of the countryside
- CR10 – Landscaping of development in the countryside
- CR11 – Retention of hedgerows
- CR23 – Agricultural land
- CN01 – Maintaining local distinctiveness
- TP18 - Development related private car parking.
- TP19 – Green travel plans
- TP20 – Transport assessments
- CP01 (d-a) – The Chilton mixed use development package (see paragraph 19 below).

*\* please note that details or extracts of policies are no longer included in reports - see page 4 of these papers.*

19. Policy CP01 d) a) of the emerging Local Plan was altered prior to the public inquiry and, as amended, is as follows:-

1.3 hectares of land to the west of the existing Tesco superstore, as shown on the Proposals Map, are allocated for retail use to allow for the potential relocation expansion of the existing superstore, together with the provision of community facilities. Proposals for development are expected to provide:-

- evidence that there is a need for such development and there will be no material adverse impact on the vitality and viability of Sudbury town centre or on the establishment of the proposed Chilton Neighbourhood Centre and its subsequent vitality and viability. Given the inevitable uncertainty in such assessments contributions will be sought for strengthening the town centre and the Chilton development;
- structural landscaping along the edge of the new distributor road;
- a new vehicular access to the superstore delivery facility is required

#### OBSERVATIONS

20. PC – (Long Melford) – recommend approval.
21. TC – (Sudbury) – comments awaited.

22. PC – (Chilton) – comments awaited.
23. CHA – comments awaited.
24. Representations have been received from one of the Long Melford Members requesting that the contribution secured from this development is allocated to Long Melford.
25. The public consultation period for this planning application had not expired at the time this report was prepared. Any further representations received in the intervening period will be reported verbally to the Meeting.

### ASSESSMENT

26. The application site is part of the major Chilton Mixed Use Development which is allocated within the emerging Second Alteration to the Babergh Local Plan. Policy CP1 (d-a) is relevant. This states (in the published document) that 2.9 hectares of land is allocated for the potential relocation of the existing Tesco store, whilst the existing Tesco site is allocated for ‘bulky goods’ retail provision. However, following adverse reactions to the proposed relocation of the superstore during the public consultation period, the allocation was changed prior to the public inquiry and this part of the policy has now reverted back to version published in the First Deposit Draft version and the parcel of existing agricultural land is now allocated for an extension to the Tesco store as part of the ‘Chilton Mixed Use Development’.
27. The amended version of Policy CP1 d) a) is not published in the Second Deposit Draft version of the Second Alteration to the Babergh Local Plan, so it is reproduced in full at paragraph 19 above.
28. There is an extant undetermined planning application for a similar development at this site (please refer to paragraph 9 above). An appeal has been submitted against the non-determination of the application within the statutory period. The Council will be requesting that the Inspector refuse planning permission for the proposed development on three grounds:-
  - i) potential impact of the development on the viability and vitality of Sudbury town centre;
  - ii) landscape impact of the proposed extension;
  - iii) over-provision of car parking spaces (contrary to the adopted parking standards).
29. An independent assessment of the retail assessment which was submitted with that planning application was commissioned following the submission of the appeal and whilst the report (prepared independently by Colliers CRE) criticised the vigour of the applicants own assessment of impact, it concluded that the Tesco proposal is unlikely to cause material harm to what is a relatively robust town centre, nor to the planned Chilton neighbourhood centre.

30. The applicants have carried out further assessment of the potential retail impact following receipt of the Colliers report and submitted this with the application. The assessment demonstrates a clear need for the shopping floorspace at the scale proposed in the application. It has also demonstrated that an adequate search for available alternative sites for the development within the town centre has been undertaken with no suitable and available sites identified. Furthermore, it has demonstrated that the level of trade which has been estimated will divert to the extended store from town centre retailers will not have a significant impact on the vitality and viability of the town centre.
31. Nonetheless there is likely to be a significant trade diversion from the town centre to the extended superstore and a proportion of that lost revenue would probably have been used to enhance existing facilities in the town centre, i.e. shop front improvements, store refurbishment, extensions and so on. As such, the applicant has agreed to provide a one off commuted sum payment to be used by the Council for environmental enhancements in Sudbury town centre. In the event that planning permission is granted for this proposed development, the payment will need to be secured via a S.106 Agreement.
32. In light of the above it is considered that the application complies with national planning guidance (PPS6) and the provisions of relevant retail policies in the Development Plan.
33. The application is accompanied by a landscape assessment and detailed landscaping scheme. This demonstrates that a (minimum) 4-metre wide structural landscaping belt is to be provided along the entire north-west boundary to compensate for the loss of existing structural landscaping at the site. This is the crucial boundary to the countryside. It is considered that the proposed landscaping belt, which proposes native species tree and hedge planting will help to soften the visual impact of the proposed extension on the countryside. The management of this important landscaping belt can be secured via an appropriately worded condition. Further landscaping is proposed around the site.
34. The formal views of the County Highway Authority on the application, including the submitted Transport Assessment are awaited. However, it is important to note that the Authority did not object to the previous application which proposed an extension of a similar size with the same access and anticipated traffic generation. In light of this, it is not anticipated that the County Highway Authority will object to this application. The Authority did, however, express concerns regarding the level of car parking proposed to serve the proposed development which was significantly above car parking levels advised in the Standards. The level of car parking proposed within this application has been reduced to a level in accordance with the standards.

## **Conclusion**

35. This application has been submitted in an attempt to overcome the Councils concerns regarding an extant planning application for a similar scheme which is currently awaiting an appeal inquiry. The concerns are listed at paragraph 27 above. It is considered that this application demonstrates that there is a need for the development in the town and that the retail impact on Sudbury Town Centre will not affect its viability or vitality, given the impact mitigation measures proposed. Furthermore, the proposal is acceptable with regard to its impact on the countryside and all highway matters, including the level of car parking proposed. In light of these factors, it is considered that the application can be supported in its amended form and the recommendation is approval.

## **REASONS FOR APPROVAL**

36. The proposal for an extension to the existing superstore, extension to its car park and other alterations and improvements is considered to comply with the provisions of PPS6 and Development Plan policies CS1, CS2, ENV3, ENV4, ECON1, ECON9, ECON10, T9, T14, LP37, LP93, LP146, EM12a, SP01, SP02, SP03, CR01, CR10, TP18, TP19, TP20 and CP01 d) a) (as amended). In particular, the Local Planning Authority is content that there is sufficient need for the proposed development which cannot be provided within a town centre location. Furthermore, it is considered that the application includes appropriate measures to mitigate any potential impact upon the vitality and viability of the Sudbury Town Centre. The proposal is also considered acceptable with regard to its impact on the character and appearance of the countryside and is acceptable in terms of highway safety and traffic convenience, car parking provision and other sustainable transport objectives.

## **RECOMMENDATION**

Subject to no objections relating to new material issues being received during the outstanding period of public consultation, the Solicitor to the Council be authorised to secure an obligation under Section 106 of the Town and Country Planning Act, 1990 in respect of commuted payments towards environmental enhancements within Sudbury Town Centre. Upon completion of the obligation the Head of Planning (Control) be authorised to grant planning permission, subject to the following conditions –

- As may be recommended by CHA
- Landscaping
- Materials
- Range of goods (% split for convenience and comparison goods)

## **DECISION**

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ITEM 2B/05/01049/FUL  
FULL

## SUDBURY – FORMER SNELLS GARAGE, BALLINGDON HILL

Erection of 12 (no.) dwellings (existing garage and dwelling to be demolished).  
Construction of new vehicular access.

Applicant: The Gipping Valley Property Company

Case Officer: Gareth Durrant

SITE

1. The former garage and petrol filling station is 0.37 hectares in size and is located close to the Ballingdon Street crossroads, opposite the Ballingdon Hill Industrial Estate. It is within the built up area boundary and special landscape area and adjacent to (but outside) the Conservation Area. The application site is also part of a larger archaeological site. To the north-east of the site is a pair of listed buildings including the Kings Head public house, to the south-west is open countryside. The application site backs onto the rear gardens of a number of dwellings along its north-east and north-west boundaries. The north-east boundary of the application site is marked by a steep section of banking; the application site being at the higher level.
2. The site supports a single-storey dwelling and other buildings and petrol pumps used with the previous garage use of the site. All existing buildings at the site are to be demolished and the petrol pumps removed.

PROPOSAL

3. See report heading. The application proposes 12 units. There are two terraced blocks (one containing four units, the other five) and three detached units. The application has been amended since its first submission. There were originally 13 dwellings proposed. One of these has been omitted to enable a satisfactory belt of landscaping to be provided on the south-west boundary. Furthermore, the height of plots 3-7 has been reduced and the design of plot 13 improved.
4. Plot 1 is a 4-bed, detached unit fronting Ballingdon Hill. It is approximately 8.2 metres to ridge. The walls of the building are to be finished in painted render above a soft red brick plinth. Pantiles are to be used on the roof. Plot 2 has been omitted from the application (see above paragraph).
5. Plots 3-7 are a terrace of 3 (no) 2-bed dwellings and 2 (no) 4 bed properties. The walls of the terrace are to be finished in a mix of brick and render with pantiles proposed to the roof. The terrace is an 'I' shape with a 2½-storey unit proposed at either end. The four two-storey units are sited centrally, in-between the two (no.) 2½-storey units. The ridge height of the 2½-storey units is 9.2 metres. The 4 two-storey units are 8.5 metres to ridge. The walls of the 2½-storey element of the terrace are to be finished in render, the two-storey element is to be finished in a soft red brick. Pantiles are to be used on the roof.

6. Plot 8 is a part 2-storey, part 1½-storey 4-bed unit and is to be sited in the location of the existing bungalow. The two-storey element is 8.5 metres to ridge and the 1½-storey off shoot is 6.8 metres. The external walls are to be finished in a soft red brick with pantiles to the roof.
7. Plot 9 is situated in the north-east corner of the site and is the closest plot to existing dwellings in Bulmer Road and Sandy Lane. As such, the dwelling is single-storey with 3 bedrooms. It has a maximum ridge height of 6.5 metres and is to be constructed in brick with pantiles to the roof.
8. Plots 10-13 are a terrace of 4 (no.) dwellings (2 no. 4-bed and 2 no. 3 bed). These are sited at right angles to Ballingdon Hill with the side elevation of plot 13 facing the highway. The terrace fronts onto the access road into the site. The tallest elements of this terrace are 8.8 metres to ridge. The walls of the terrace are to be partly finished in brick and part rendered. The roof is to be finished with pantiles.
9. As there is a section of steep banking running along the north-east boundary of the site, the applicant has been asked to submit a soil stability report. This has recently been received and made the subject of consultation with the Council's Chief Building Control Officer and Head of Technical Services. The report can be viewed in full by prior arrangement with the case officer. The report recommends that various works are carried out in the vicinity of the slope in order to secure it both during and after construction.

## HISTORY

10. 1964 – Planning permission granted for garage and workshop. Application number S/64/479/S refers.
11. 1972 – Outline planning permission refused for 'residential development'. Application number S/72/1384/OUT refers.
12. 1977 – Planning permission granted for an extension to dwelling. Application number B/77/00761 refers.
13. 1979 – Planning permission granted for the use of land for parking vehicles and display of second-hand vehicles for sale. Application number B/79/00127 refers.
14. 1983 – Planning permission granted for the erection of a car showroom with offices over. Application number B/83/00336 refers.
15. 1985 – Outline planning permission granted for 'residential development'. Application number B/85/00993/OUT refers.
16. 1989 – Planning permission granted for erection of canopy to petrol filling station. Application number B/89/01516/FUL refers.
17. 1990 – Planning permission granted for installation of new petrol tank, pumps and disabled toilets. Application number B/90/00620/FUL refers.

18. 2002 – Outline planning permission refused for ‘residential development’ and construction of new vehicular access. Application number B/02/01885/OUT refers.
19. 2003 – Outline planning permission granted for ‘residential development’ Application number B/03/02022/OUT refers.

## POLICY

### **PPG3 – Housing**

20. Good design and layout of new development can help to achieve the Government's objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives, local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment.
21. Local planning authorities should:-
  - avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net);
  - encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
  - seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

### **PPG 14: Development on Unstable Land**

22. The responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer. In particular, the responsibility and subsequent liability for safe development and secure occupancy of a site rests with the developer and/or landowner.
23. It is *not* the responsibility of the local authority to investigate the ground conditions of any particular development site unless they propose to develop it. The stability of the ground in so far as it affects land use is a material consideration that should be taken into account when deciding a planning application.
24. The principal aims of considering land instability at the planning stage are:-
  - to minimise the risk and effects of land instability on property, infrastructure and the public;
  - to help to ensure that various types of development should not be placed in unstable locations without appropriate precautions;

- to bring unstable land, wherever possible, back into productive use; and
  - to assist in safeguarding public and private investment by a proper appreciation of site conditions and necessary precautionary measures.
25. A planning authority does not owe a duty or care to individual landowners when granting applications for planning permission and accordingly is not liable for loss caused to an adjoining landowner by permitting development. Nevertheless, where development is proposed on land which the planning authority knows is unstable or potentially unstable, it should ensure that the following issues are properly addressed by the development proposed:-
- the physical capability of the land to be developed;
  - possible adverse effects of instability on the development;
  - possible adverse effects of the development on the stability of adjoining land; and
  - possible effects on local amenities and conservation interests of the development and of any remedial or precautionary measures proposed.
26. It is the function of the planning system to determine, taking account of all material considerations of which instability is only one, whether a proposed development should proceed. Having made that decision, for certain types of development, it is the function of the Building Regulations to determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely.
27. The handling of individual applications for development on land that is known or suspected to be unstable or potentially unstable will need to take account of the potential hazard that such instability could create both to the development itself and to the neighbouring area. Whilst there is scope for flexibility and each application must be treated on its merits, it is important that a local planning authority should be satisfied by the developer that any instability has been taken into account.
28. If the developers specialist investigations and assessment and any consultations by the local planning authority show that instability can be satisfactorily overcome, planning permission may be granted, subject to conditions specifying the measures to be carried out in order to overcome instability.

### **PPG17 – Planning for Open Space, Sport and Recreation**

29. In planning for new open spaces and in assessing planning applications for development, local authorities should seek opportunities to improve the local open space network, to create public open space from vacant land, and to incorporate open space within new development on previously used land.

30. Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs.
31. The following adopted and emerging Development Plan policies are considered relevant to this application;

**Suffolk Structure Plan 2001**

- CS3 (Location of housing development)
- ENV3 (Design Standards)
- ENV8 (Special Landscape Areas)
- ECON3 (Re-use of employment sites for non-employment purposes).
- T9 (Development related private car parking)

**Babergh Local Plan, Alteration No. 1**

- LP1 (Planning obligations)
- LP3 (Housing development in towns)
- LP16 (Housing densities)
- LP17 (Criteria for new housing development)
- LP18 (Design criteria)
- LP47 (Retention of employment sites)
- LP64 (Contaminated land)
- LP97 (Special Landscape Areas)
- LP146 (Parking in new developments)

**Babergh Local Plan, Alteration No.2 (Second Deposit Draft version).**

- LP1 (Planning obligations)
- EN17 (Contaminated land)
- EN21 (Re-use or re-cycling of materials arising from demolition)
- HS01 (New housing development in towns)
- HS11 (Densities)
- HS12 (Criteria for new housing development)
- HS14 (Design criteria)
- HS16 (Public open space and play areas on new development)
- HS18 (Smaller dwellings – achieving a housing mix)
- HS27 (Structural landscaping)
- EM15 (Retention of employment sites)
- CR05 (Special Landscape Areas)
- CN01 (Maintaining local distinctiveness)
- TP18 (Parking in new developments)

*\* please note that details or extracts of policies are no longer included in reports - see page 4 of these papers.*

OBSERVATIONS**Original application**

32. TC – Recommend refusal and offer the following comments;
- Overdevelopment of the site
  - Potential highways issues due to the number of movements on to/off Ballingdon Hill.
  - Two-storey houses would be preferable to the 2½-storey ones proposed.
  - Absence of affordable units.
  - Plans should show the elevation with respect to nearby properties in Sandy Lane so that the impact on residential amenity can be assessed.
33. CHA – recommend the imposition of controlling conditions relating to the provision and retention of the access and associated visibility splays, carriageways within the site, and parking and manoeuvring areas.
34. HoES – Request that the standard contaminated land condition is attached to any grant of planning permission.
35. Archaeology – offer the following comments:-
- The proposal lies within the possible area of the medieval chapel of Ballingdon. Although an archaeological evaluation was undertaken in February 2005 failed to find any evidence of the chapel, the trenches were limited to the western and southern edges of the site and chapel remains could still be found under the main garage buildings during development.
  - There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important archaeological deposits. Any permission granted should be the subject of the standard condition to ensure that an adequate record is made of any archaeological features or finds which would otherwise be destroyed by development.
36. SPS – offers the following comments:-
- “The Society welcomes the development density and the use of terraces. However, it is concerned there is no mention of any affordable housing nor any sustainable features. The dwellings are not even orientated for the use of passive solar energy.”

## 37. Sudbury Society- offer the following comments:-

“This is an extremely important site at the western gateway to the town and adjoining the Sudbury Conservation Area. We are generally supportive of this application – there seems to be a real effort on the part of the architect to produce plans which reflect the character of the area and local building styles. Thought has also been given to the landscaping.

However, the finished result will depend on the choice of the actual materials, colours etc to be used and on the care taken with the detailing of the buildings whilst under construction. In this context we hope that you will argue for the architects to have a hands on involvement during the building process. We assume that the windows and doors will be wood and not plastic?”

## 38. Five letters of objection have been received from local residents. The issues and objections raised are summarised as follows:-

- The beech hedge at the bottom of our garden (Hillcroft, Sandy Lane) should be retained, as should the mature trees.
- We consider houses of 2½-storeys to be far too dominant. The previous dwelling and garage were only a storey high.
- We are concerned that the development will lead to an increase in noise from vehicles, not only for ourselves, but also everyone along the length of the proposed road way.
- We oppose the taller dwelling which is to replace the existing bungalow.
- Although we have no objection to the site being used for some dwellings, we do feel 13 dwellings, especially as the great majority of them are 2½-storeys is cramming the site too full and too tall. It is also putting more vehicles onto and already over-busy Ballingdon Street.
- Loss of privacy to our rear garden in Sandy Lane (Hillside House)
- Plots 3-7 are too high.
- Exact boundaries should be established before development takes place.
- The retaining wall was not built to withstand the pressures of heavy equipment, footings etc. all of which are an inevitable part of housing construction. Water ingress from buildings, paths, drainage could also increase the risk of hydraulic pressures which could undermine the integrity of the wall.
- I am concerned that the embankment which runs along the boundaries of all adjoining properties has been filled with earth behind my rear garden wall (1 Bulmer Road) which dates back to the Victorian period. This has already knocked over a portion of the wall and continues to put pressure on the rest.

- It is important to have a screen fence and planting at the top of the embankment to prevent overlooking of the gardens and properties below.
- Loss of light to gardens at the bottom of the embankment.

### **Amended Plans**

39. Any comments received in relation to the amended plans will be reported verbally to Members at the Meeting.

### **ASSESSMENT**

40. The application site is situated within the built up area of the Town and its comprehensive re-development is, therefore, acceptable in principle. Indeed, outline planning permission was granted for 'residential development' of the site in 2003. The issues considered central to the outcome of the development are:-
- i) Density and impact upon the character of the area and Special Landscape Area (including the adjacent countryside).
  - ii) Loss of employment land.
  - iii) Impact upon residential amenity.
  - iv) Design issues.
  - v) Highway safety.
  - vi) Slope stability.
  - vii) Existing landscaping
  - viii) Affordable housing.
  - ix) Public open space provision.

### **Density and Impact upon the Character of the Area and Special Landscape Area.**

41. The proposed development achieves a density of approximately 32 dwellings per hectare. This is towards the lower end of the range required by policy HS11 and promoted by PPG3. The density range required is between 30 and 50 dwellings per hectare. The development of the site with 12 units would not be detrimental to the character of the area. With the exception of the existing garage and bungalow on the site, there is no existing development fronting this side of Ballingdon Hill. As such, there is no strong pattern of development for the proposed development to follow. The application site is developed in-depth at present; the existing bungalow is sited behind the garage workshop and petrol pumps forecourt. Furthermore, a 5 metre wide space has been left free of buildings along the entire south-west boundary to enable a belt of structural landscaping to be provided. The provision of this landscaping will help to soften any impact the proposed development may have on the countryside to the south and on this important entrance into the town. In light of this, the proposal is not considered to have a detrimental impact upon the character of the area, including the countryside and Special Landscape Area.

### **Loss of Employment Land**

42. As the application site was last used as a garage, it is regarded as an employment site. Policies LP47 and EM15 seek to retain employment sites in employment uses and before granting planning permission for an alternative use and require evidence that the site is no longer required for employment related uses before planning permission is granted for an alternative use or development. Outline planning permission was refused in 2002 for the 'residential development' of the site on the grounds that alternative employment uses had not been thoroughly explored. The owners then set about marketing the site for continued or alternative employment uses, but no user came forward. Evidence of the marketing campaign was submitted with a revised planning application in 2003 in accordance with these policies and outline planning permission was granted. That consent remains extant and the marketing undertaken in connection with that application is considered to satisfactorily address the provisions of policies LP47 and EM15. There are no objections to this application on employment land policy grounds.

### **Impact upon Residential Amenity**

43. Some of the objectors to this proposal have expressed concern that the development will be harmful to their amenities. Existing development which backs onto the north east boundary of the application site is situated at a significantly lower level than the application site. In light of this the proposed dwellings have been sited a distance away from that boundary to minimise potential impact. Proposed plot 9 is closest to this boundary, and this is a single-storey unit. No landscaping or other boundary treatment details have been submitted with the planning application and it is considered that the north-east boundary of the site will need to be treated with landscaping (new and retained) and/or some element of screening (i.e. fencing or walls). These can be satisfactorily controlled through the use of conditions.

44. Concerns have also been expressed regarding the height of some of the buildings at the site and the consequential potential impact of the development upon the amenities of occupiers of dwellings to the north in Sandy Lane. The height of part of the terrace of dwellings which backs onto this boundary (plots 3-7) has been reduced, and three of the five units are now 2-storey as opposed to 2½-storey as originally proposed. The remaining 2½-storey units at either end of this terrace do not have any openings above first floor level facing towards the rear gardens of dwellings fronting Sandy Lane. As such, it is not considered that the proposed development will lead to unacceptable levels of overlooking towards these properties and their private garden areas.
45. Some concerns have also been expressed that the proposed development will increase noise and disturbance from the site through vehicle movements in different areas of the site and the eventual occupants of the units. The development of the site with 12 units is likely to generate some noise from its use, but its previous use attracted high numbers of vehicle movements and there would have been noise emanating from the garage workshops when these were in use. It is not considered that any potential noise generated from the use of the site for residential purposes would be sufficient to warrant a refusal of planning permission in this case.

### **Design Issues**

46. The revised scheme has addressed design and layout concerns expressed to the applicant by officers. The layout has been amended (and 1 dwelling removed from the scheme) to enable adequate space to be provided for structural landscaping to the south west boundary, the scale of the terraced block to the rear of the site (plots 3-7) have been satisfactorily reduced and the design of the other terraced block (plots 10-13) has been amended to improve its presentation to Ballingdon Hill.
47. In light of these alterations, which have been made the subject of a further period of public consultation, the proposed development is considered acceptable in design and layout terms.

### **Highway Safety**

48. Outline planning permission was granted in 2003 subject to a condition to limit the number of dwellings to a maximum of 10. This condition was imposed for highway safety reasons, and the application included no details of the access or site layout for consideration. The applicant has since been in discussion with the highway authority and has provided evidence that the site can accommodate more units than the maximum of 10 specified by the condition. Furthermore, details of the proposed access and layout of the site are included for consideration with this application (which is for full planning permission).

49. Comments have been received from the County Highway Authority regarding the 13 dwellings that were initially proposed as part of the development and no objections were raised (subject to the imposition of conditions – see paragraph 41 above). At the time this report was prepared, CHA comments regarding the amended scheme for 12 units had not been received, but it is considered their view of the amended application is likely to remain unchanged because, i) the proposal is for 1 unit less than previously considered, and ii) the siting and design of the access and internal roads remains unchanged from the original proposal. Any further comments received from the CHA will be reported verbally to the meeting.

### **Slope Stability**

50. The planning application was originally submitted without a soil stability report to address the impact of the proposal upon the stability of the section of steep banking which runs along the north-east boundary of the site (and vice versa). A stability report was received only a short time before this report was prepared and the views of the Chief Building Control Officer and Head of Technical Services could not therefore be included within this report. Members will be verbally updated of their comments and the officer assessment of the slope stability issue at the meeting.

### **Existing Landscaping**

51. Concerns have been expressed regarding the potential loss of boundary planting in connection with the planning application. Plans submitted with the application indicate that the majority of existing planting on the site is to be retained, although some ‘gaps’ have been left of the plans. Precise details of the landscaping of the site and other boundary treatments (i.e. walls, fences etc) have not been submitted with the planning application. It is considered that the use of conditions requiring submission of such details for the approval of the Local Planning Authority will be appropriate in this case and will secure the retention of existing landscaping or the provision of suitable new and replacement planting and other boundary treatments.

### **Public Open Space Provision**

52. Emerging policy HS16 of the Second Alteration to the Local Plan requires the developer to either provide 10% of the application site as public open space or provide financial contributions to the provision or upgrade of existing areas of public open space. The applicant has agreed to provide a contribution.

### **Affordable Housing**

53. Both Sudbury Town Council and the Suffolk Preservation Society have expressed concern that no element of affordable housing (as defined in the Local Plan) is proposed within the application. The site is situated within a town and Policy HS08 is, therefore, relevant to affordable housing issues. In accordance with the provisions of that policy affordable housing cannot be secured from developments of 14 or less units (or on sites smaller than 0.5 hectares if in outline). This application proposes 12 units.

### REASONS FOR APPROVAL

54. The proposed development is considered to be in accordance with the provisions of adopted and emerging Development Plan policies ENV3, ENV8, ECON3 LP3, LP16, LP17, LP18, LP47, LP97, HS01, HS11, HS12, HS14, HS16, HS18, HS27, EM15, CR05 and CN01 by reason of the scheme constituting acceptable group development in terms of its, layout, design, form, mix, scale, materials, relationship to adjoining development, ground conditions and public open space provision. There is no highway objection to the proposal and there are insufficient grounds on which to justify refusal in terms of its impact upon residential amenity, or the character and appearance of the town. Furthermore, the Local Planning Authority is satisfied that the provisions of policies ECON3, LP47 and EM15 relating to the retention of employment sites have been satisfactorily addressed.

### RECOMMENDATION A

Subject to no objections being received from the Chief Building Officer and/or the Head of Technical Services, the Solicitor to the Council be authorised to secure an obligation under Section 106 of the Town and Country Planning Act, 1990 in respect of public open space contributions. Upon completion of the obligation the Head of Planning (Control) be authorised to grant planning permission, subject to the following conditions –

- Samples of materials;
- Landscaping (including management of the structural landscaping);
- Proposed boundary treatments;
- Finished ground floor levels relative to existing and proposed finished ground levels;
- As recommended by CHA;
- Removal of GPDO rights for new openings or extensions within the roof spaces of the dwellings;
- Services details, including routes of service pipes and cables, location and depths etc of soakaways etc.);
- Slope stability (as may be recommended by the Chief Building Control Officer and/or the Head of Technical Services).

**Otherwise,**

**RECOMMENDATION B**

Refuse planning permission. Reasons (as may be appropriate):-

- As may be advised by the Chief Building Control Officer and/or the Head of Technical Services.
- Inadequate provision of public open space and play equipment (off site).

**DECISION**

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**ITEM 3**

B/05/01233/FUL  
FULL

GREAT CORNARD – 48 CATS LANE

Erection of 4 (no.) two-storey terraced dwellings and 7 (no.) single-storey dwellings in two terraces (existing dwelling and outbuildings to be demolished).

Applicant: Flintfield Homes Ltd

Case Officer: Gareth Durrant

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**BACKGROUND**

**A panel of Members visited the site on 24<sup>th</sup> August 2005. The site visit was called to enable Members to assess the impact of the proposed development on the surrounding neighbourhood and the local traffic.**

**SITE**

1. The application site is formed by the curtilage of 48 Cats Lane and is approximately 0.34 hectares in size. The site contains one single-storey dwelling, a block of garages and various other outbuildings serving the dwelling. The site and surroundings once formed part of a chalk pit. As such, ground levels in the area fall away significantly from Cats Lane to the south-east. The application site is relatively level and, as a consequence, the rear of the site is much higher than neighbouring land to the north, south and east.

## PROPOSAL

2. See report heading. There are 11 dwellings proposed in the application in three terraced blocks. A block of four two-storey dwellings are proposed on the frontage of the site, and two blocks of 7 (no.) single storey dwellings to the rear. The two-storey dwellings are approximately 6.8 metres tall (to ridge) and each contain three bedrooms. The bungalows are approximately 5.2 metres tall to ridge and each have two bedrooms. External materials are to be agreed. The 11 dwellings proposed represents a density of just over 32 dwellings per hectare.
3. The application is accompanied by a short planning statement, a soil stability report and structural report on foundation proposals. These reports can be viewed in full by prior arrangement with the case officer, and are summarised as follows:-

### **Planning Statement**

- *The scale and appearance of the proposed properties reflects other properties in the vicinity, being low rise brick built houses with simple window patterns*
- *Two-storey properties are provided on the site frontage as the adjoining property (No.50) and other properties to the north-east, are two-storey design.*
- *Properties within the site are all small single-storey, to reduce any impact or fears of overlooking from adjoining properties. The rear plots are closely related around a common parking and turning area, which will be landscaped to provide a sense of space and community.*
- *The site area extends to approximately 0.34 hectares and developed with 11 properties provides a density of 32 dwellings per hectare. This is at the lower end of acceptable site densities proposed in PPG3 and the Council's own planning policies, being between 30 and 50 dwellings per hectare.*
- *There are 17 car parking spaces provided equating to a provision of 150%.*
- *The site boundaries to both sides and rear are extremely well planted with mature trees and hedges. These offer substantial screening to surrounding properties and of the site from the outside. The majority of this landscaping is present to the slopes to the perimeter of the site and is to be retained, both for natural screening and as an aid to slope stability.*

### **Slope Stability Report – A.F. Howland Associates (conclusions only)**

- *The land is capable of supporting the load imposed, subject to an appropriate piled foundation design.*
- *The development will not be threatened by unstable slopes on or adjacent to the site, although deterioration of the plot boundaries will develop where these are coincident or close to the crest of the slopes.*
- *Normal construction procedures may initiate instability that may threaten the neighbouring plots and due consideration should be given to the methods used and an appropriate risk assessment made. Also, services will need to be designed and constructed to ensure that future leaks do not develop that may impact on the slopes.*

### **Structural Report on Foundation Proposals – Richard Jackson plc.**

- *There are relatively steep slopes to three side of the plot and the nature of the soil discovered beneath the current ground level appears to be “made ground” at shallow depths, underlain by naturally occurring chalk.*
- *The “made ground” cannot be relied upon to afford a stable bearing strata for foundations and therefore any proposed footings must penetrate this strata*
- *The trial hole logs provided refer to the soil strata immediately below the “made ground” of being of a variable nature, which includes the descriptions “weak structureless chalk” intermixed with areas of sandy silt. This type of material is again generally found to be unsuitable for stable foundations and it is envisaged therefore, that foundations will have to penetrate the weak chalk/silt and extend down to a firmer chalk strata at a lower level.*
- *A pile and ground beam type footing will almost certainly be required.*
- *The bearing capacities of a chalk subsoil can vary quite substantially and it is therefore essential to ascertain as much information as possible as to its “make-up” before proceeding with a foundation design. It is noted that the bore hole logs to hand extend to a maximum of 7m below existing ground level, which, when taking into account the soft chalk encountered at that level, would appear to indicate that piles between 10 and 15m deep will be required.*
- *On our experience, driving piling into soft chalk is generally more cost effective than using bored piles, although care must be taken not to disturb adjacent existing buildings with the associated vibration. In this case, the soft chalk and silt layers at shallow depth will actually be beneficial in this respect.*

- *Finally, we would comment that due regard should be given to the steep slopes bounding the site. In order to utilise the maximum site area, the use of retaining walls to support the soil of neighbouring sites may well turn out to be comparatively expensive to construct due to the poor nature of the soil present.*
4. Revised-plans have been received illustrating some minor changes to the design of the dwellings. The siting and scale of the dwellings and the vehicular access remain as originally proposed. The amended plans have been the subject of a further period of public consultation.

## HISTORY

5. 1960 – Planning permission granted for the erection of a bungalow and construction of additional vehicular access. Application number S/2268/M refers.
6. 1962 – Planning permission granted for the erection of eight garages with construction of vehicular access. Application number S/62/00045/M refers.
7. 2004 – Application for outline planning permission for 4 (no.) two-storey dwellings and 7 (no.) single-storey dwellings withdrawn. The application was originally for ‘residential development’ and Members approved the application, subject to the completion of a legal agreement and conditions when they considered the application in this form. The application was amended prior to the completion of the legal agreement and withdrawn prior to it being referred back to development committee for further consideration. Application number B/04/00499/OUT refers.

## POLICY

### **PPG3 – Housing**

8. Good design and layout of new development can help to achieve the Government's objectives of making the best use of previously-developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives, local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment.
9. Local planning authorities should:
  - avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net);
  - encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
  - seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

### **PPG 14: Development on Unstable Land**

10. The responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer. In particular, the responsibility and subsequent liability for safe development and secure occupancy of a site rests with the developer and/or landowner.
11. It is *not* the responsibility of the local authority to investigate the ground conditions of any particular development site unless they propose to develop it. The stability of the ground in so far as it affects land use is a material consideration that should be taken into account when deciding a planning application.
12. The principal aims of considering land instability at the planning stage are:-
  - to minimise the risk and effects of land instability on property, infrastructure and the public;
  - to help to ensure that various types of development should not be placed in unstable locations without appropriate precautions;
  - to bring unstable land, wherever possible, back into productive use; and
  - to assist in safeguarding public and private investment by a proper appreciation of site conditions and necessary precautionary measures.
13. A planning authority does not owe a duty or care to individual landowners when granting applications for planning permission and accordingly is not liable for loss caused to an adjoining landowner by permitting development. Nevertheless, where development is proposed on land which the planning authority knows is unstable or potentially unstable, it should ensure that the following issues are properly addressed by the development proposed:-
  - the physical capability of the land to be developed;
  - possible adverse effects of instability on the development;
  - possible adverse effects of the development on the stability of adjoining land; and
  - possible effects on local amenities and conservation interests of the development and of any remedial or precautionary measures proposed.
14. It is the function of the planning system to determine, taking account of all material considerations of which instability is only one, whether a proposed development should proceed. Having made that decision, for certain types of development, it is the function of the Building Regulations to determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely.

15. The handling of individual applications for development on land that is known or suspected to be unstable or potentially unstable will need to take account of the potential hazard that such instability could create both to the development itself and to the neighbouring area. Whilst there is scope for flexibility and each application must be treated on its merits, it is important that a local planning authority should be satisfied by the developer that any instability has been taken into account.
16. If the developers specialist investigations and assessment and any consultations by the local planning authority show that instability can be satisfactorily overcome, planning permission may be granted, subject to conditions specifying the measures to be carried out in order to overcome instability.

### **PPG17 – Planning for Open Space, Sport and Recreation**

17. In planning for new open spaces and in assessing planning applications for development, local authorities should seek opportunities to improve the local open space network, to create public open space from vacant land, and to incorporate open space within new development on previously-used land.
18. Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs.
19. The following adopted and emerging Development Plan policies are considered relevant to this application;

#### **Suffolk Structure Plan 2001**

- CS3 (Location of housing development)
- ENV3 (Design Standards)
- T9 (Development related private car parking)

#### **Babergh Local Plan, Alteration No. 1**

- LP1 (Planning obligations)
- LP3 (Housing development in towns)
- LP16 (Housing densities)
- LP17 (Criteria for new housing development)
- LP18 (Design criteria)
- LP146 (Parking in new developments)

#### **Babergh Local Plan, Alteration No.2 (Second Deposit Draft version)**

- LP1 (Planning obligations)
- EN21 (Re-use or re-cycling of materials arising from demolition)
- HS01 (New housing development in towns)
- HS11 (Densities)
- HS12 (Criteria for new housing development)

- HS14 (Design criteria)
- HS16 (Public open space and play areas on new development)
- HS18 (Smaller dwellings – achieving a housing mix)
- CN01 (Maintaining local distinctiveness)
- TP18 (Parking in new developments)

*\* please note that details or extracts of policies are no longer included in reports - see page 4 of these papers.*

## OBSERVATIONS

### **Plans received with the Original Application**

20. PC (Great Cornard) – recommend refusal and offer the following comments:-
  - The site is bounded by a very steep embankment which has to be seen to appreciate its size and gradient and the overbearing aspect it would give to any properties built on top.
  - The site contains a number of mature trees, some of which we believe have been suggested for TPO's.
  - The 4 (no.) 3-bed houses should be kept within the footprint of the old bungalow.
  - Bungalows 5, 6 and 7 will impose heavily on the privacy of 1-5 Cornish Court, this bank has a very steep drop down to their gardens.
  - We have major concerns about additional traffic entering Cats Lane, virtually opposite the entrance to Elm Road. Cats Lane is now a very busy and congested local 'shortcut' road.
21. TC (Sudbury) – recommend refusal and offer the following comments;
  - There is a lack of affordable housing within this development. If the development goes ahead there would be a clear need for a traffic management scheme in Cats Lane.
22. CHA – request that any planning permission granted is subject to controlling conditions regarding, improvements to the access, provision of visibility splays and the provision of parking/manoeuvring areas.
23. SWT – comments awaited.
24. Head of Technical Services – offers the following comments:-
  - I have examined the reports and consider the new dwellings will not pose any problems to neighbouring properties because of their deep foundations. However, the construction methods used could endanger the stability of the steep existing slopes.

- The existing slopes should not be disturbed but if they are, retaining walls may need to be provided.
  - All trenches and drainage will need to be kept a safe distance from the slopes to prevent instability. Heavy plant will need to be kept well away from the tops of the slopes during construction.
  - The site could be developed with careful management.
25. Chief Building Control Officer – I have no further comments to add to those already raised by the Head of Technical Services.
26. EA – submits advisory comments to the applicant/developer.
27. SPS – offers the following comments;
- “The Society is concerned to note that this proposal does not include a percentage of affordable housing. It has no sustainability features. While we welcome the terraces, the scheme is rather drab and the bungalows are dreary. The proposal therefore represents a missed opportunity and is indicative of modern house building that by its nature leads to the erosion of the identity and character of the county. The Society would ask for the application to be refused on design grounds.”
28. Six letters raising concerns and/or objections to the proposed development have been received from local residents. The issues and objections raised are summarised as follows:-
- As many trees as possible should be retained to maintain an important wildlife corridor.
  - A survey of reptiles should be carried out knowing there is a population of slow worms and common lizard in the area. There are bats living in buildings on the site.
  - Vehicular access is important with another 20 plus vehicles in Cats Lane.
  - The volume of traffic using Cats Lane has increased due to prior developments and will continue to increase further to both this and future developments. Due to parked vehicles along the length of Cats Lane it is effectively a single track road combined with the fact that vehicles regularly exceed the speed limit this would make for a dangerous junction existing from the proposed site.
  - This junction [to the application site] would be staggered with another no more than 10 metres away.
  - Parking is already reaching saturation point.

- Due to the lie of the land (approx 3 metres difference in levels) any development upon the plot would compromise the privacy of the adjacent properties. The access road is too close to the banking. The 1.5 metre high fencing proposed to the boundary is insufficient.
- There are 18 car parking spaces. This implies far too much noise to the rear of our properties where all of the domestic rooms are situated.
- We are concerned that houses will be replacing a bungalow as this will have a detrimental impact on the light we receive in our garden (No. 50 Cats Lane).
- The report submitted with the application draws attention to the fragility of the boundary, especially between my garden (1 Cornish Court) and the application site. The report suggests this will be subject to erosion. Plot 5 is close to this boundary; there is also a tree close to the proposed property. Movement of this tree or piling of the foundations will endanger my property and the groyne in place to protect the boundary between my property and 50 Cats Lane.
- The number of properties put forward in the plan are far too numerous when considering the size of the plot. This is clearly an overdevelopment of the site.
- There is a magnificent fir tree close to the embankment edge which would have to be felled. The tree should be protected.
- Excavations required for services could weaken the banking causing slippage.
- After the development of the Dell our rear garden and those of my neighbours became very water logged. The proposed development would only exacerbate this further. Given that the site has adjacent properties on all sides at lower levels, where do they intend to put the soakaways? Concerns have also been expressed that soakaways could lead to the erosion of the banks.
- There have been a number of developments in this immediate area over the last few years. There is also pending development of a plot no more than 100 metres from this site.
- The embankment to the side of 48 Cats Lane is very steep and any vehicle losing control would fall directly into the gardens at the rear of the adjacent property.
- Our main concern is the building of the two-storey terrace very close to the boundary wall of our home [No. 50 Cats Lane]. We understand the footings will be pile driven and having already experienced the damage caused by pile driving, we are very unhappy about the situation.

- There is an area of land between 46 and 48 Cats Lane that was previously declared 'no mans land' by the courts in a dispute between Mr F Lambert (46 Cats Lane and Mrs Cocker (48 Cats Lane). This land has been blatantly encroached upon by this application.
- One letter refers to physical damage cause to No.50 and its garden during works to construct Cornish Court (on the opposite side of No.50 Cats Lane to the application site).

### **Amended Plans**

29. One letter has been received from a local resident expressing concern with regard to the potential method which could be used to provide foundations for the dwelling (pile driving) and the impact this could have on existing properties.
30. Any further comments received in relation to the amended plans will be reported verbally to Members at the Meeting.

### **ASSESSMENT**

31. The application site is situated within the built up area of the Town and its comprehensive re-development is, therefore, acceptable in principle. The issues considered central to the outcome of the development are:-
  - x) Density and impact upon the character of the area.
  - xi) Impact upon residential amenity.
  - xii) Design issues.
  - xiii) Highway safety.
  - xiv) Slope stability.
  - xv) Trees.
  - xvi) Protected species.
  - xvii) Affordable housing.
  - xviii) Public open space provision.

### **Density and Impact upon the Character of the Area**

32. The proposed development achieves a density of approximately 32 dwellings per hectare. This is towards the lower end of the range required by policy HS11 and promoted by PPG3. The density range required is between 30 and 50 dwellings per hectare. The development of the site with 11 units would not be detrimental to the character of the area. Whilst there is a frontage pattern to the layout of housing in Cats Lane, significant 'backland' development has also occurred, including development of land behind this site which is accessed from Cats Lane. The proposed layout of the site is considered to reflect the pattern of existing development in the vicinity and, if approved, would not have a detrimental impact upon the character of the area.

### **Design Issues**

33. The Suffolk Preservation Society has criticised the proposal on design grounds and has requested that planning permission be refused (please refer to paragraph 27 above). The applicant has undertaken some minor design improvements to the scheme. It is considered that the design solutions proposed are appropriate given the location of the site and the form, scale and character of existing adjacent development in the vicinity of the site and it is not considered that a refusal of planning permission based on design grounds can be justified in this instance.

### **Impact upon Residential Amenity**

34. The rear of the application site is on raised ground in comparison to its neighbours. As such, no two-storey development is proposed to the rear of the site. If finished floor levels and means of enclosures for garden areas are secured via appropriately worded planning conditions, it is not considered that the proposed development would be harmful to the amenities of occupiers of neighbouring properties by virtue of overlooking. Furthermore, it is not considered that the level of noise to be generated by traffic movements serving the proposed development would have such a significant impact that a refusal of planning permission could be justified.
35. Concern has also been expressed that the position of the access road will lead of overlooking of gardens to the south-west. With the exception of Plot 11 in the southern most corner of the site, none of the proposed dwelling plots abut the south-western boundary of the site. This is where the access road is proposed to be sited. A 1.5 metre high fence is proposed along this boundary and this is considered sufficient to protect the amenities of the occupiers of dwellings behind it, whilst at the same time minimising the impact of the structure upon the character of the area. There are no indications of boundary treatments proposed to the gardens of the plots, and control over these can be exercised via the use of an appropriately worded condition.
36. Finally, concerns have been expressed that the siting of the four (no.) two-storey dwellings to the front of the site would reduce light to the rear garden area of No.50 Cats Lane. The two-storey dwellings proposed will replace an existing bungalow at the frontage of the site and are sited as close as possible to the carriageway in front of the existing bungalow. Whilst the siting of these dwellings may lead to some reduction of light to the rear garden area of No.50 Cats Lane, these are located directly west of that property and will only affect the sunlight during evenings when the sun is at its lowest point. Shadow is likely to be caused by the existing bungalow and its garage, given its relationship to the garden area and the changes in level between the application site (higher) and garden area of No.50 Cats Lane (lower). It is not considered that a refusal of planning permission can be justified on this ground.

### **Highway Safety**

37. It is not considered that the position of the proposed access to serve the development, the number of units proposed (and their associated traffic generation) and the number of car parking spaces proposed would have a detrimental impact upon highway safety issues. Adequate visibility to serve the development can be achieved and parking levels proposed are in accordance with the adopted standards (i.e. at the maximum end of the scale). The County Highway Authority has not objected to the application and their comments are reported at paragraph 22 above.

### **Slope Stability**

38. Evidence in the form of the engineers reports submitted with the planning application confirms that it is possible to develop the site in the form proposed without threatening the stability of the adjacent banks and, with the use of an appropriate foundation design and careful management of the construction phase, the site will not pose a threat to the future stability of the new dwellings. These reports also state that natural erosion of the banks is likely to continue if unattended, or if the development of the site is not carefully managed. It is considered that sufficient information on ground stability issues has been submitted with the planning application to satisfy the requirements of PPG14 (please refer to paragraphs 11-19 above) and conditions can be imposed to ensure the development is carried out safely and any mitigation measures required are provided. Representations received from the Chief Building Control Officer and Head of Technical Services are reported at paragraphs 24 and 25 above

### **Trees**

39. There are a number of mature trees on the site, five of which are proposed to be felled to make way for the new development. These trees were assessed for their suitability for protection via a Tree Preservation Order in 2004 during the consideration of the last application for development at this site. None of the trees were considered worthy of protection at that time.

### **Protected Species**

40. Some local residents have reported seeing protected species at the site. The views of the Suffolk Wildlife Trust have been sought and Members will be verbally updated of their comments at the meeting. It may be appropriate (according to the advice given by the Trust) to impose a condition to ensure a protected species survey is carried out.
41. The applicant has indicated that an ecological survey of the site has already been undertaken and the associated report is being prepared at present. This may be ready and submitted in time for the date of the Committee meeting.

### **Public Open Space Provision**

42. Emerging policy HS16 of the Second Alteration to the Local Plan requires the developer to either provide 10% of the application site as public open space or provide financial contributions to the provision or upgrade of existing areas of public open space. The applicant has agreed to provide a contribution.

### **Affordable Housing**

43. Both Sudbury Town Council and the Suffolk Preservation Society have expressed concern that no element of affordable housing (as defined in the Local Plan) is proposed. The site is situated within a town (Great Cornard, combined with Sudbury) and Policy HS08 is, therefore relevant to affordable housing issues. As such, affordable housing cannot be secured from developments of 14 or less units (or on sites larger than ½ hectare if in outline). This application proposes 11 units.

### **REASONS FOR APPROVAL**

(subject to the resolution of the outstanding issues discussed above)

44. The proposed development is considered to be in accordance with the provisions of adopted and emerging Development Plan policies ENV3, T9, LP3, LP16, LP17, LP18, HS01, HS11, HS12, HS14, HS16, HS18 and CN01 by reason of the scheme constituting acceptable group development in terms of its, layout, design, form, mix, scale, materials, relationship to adjoining development, ground conditions and public open space provision. There is no highway objection to the proposal and there are insufficient grounds on which to justify refusal in terms of its impact upon residential amenity, or the character and appearance of the town.

### **RECOMMENDATION A**

Subject to no objections being received the SWT, the Solicitor to the Council be authorised to secure an obligation under Section 106 of the Town and Country Planning Act, 1990 in respect of public open space contributions. Upon completion of the obligation the Head of Planning (Control) be authorised to grant planning permission, subject to the following conditions –

- Materials (including re-use/re-cycling of materials arising from the demolition works).
- Landscaping
- Proposed boundary treatments.
- Finished ground floor levels relative to existing and proposed finished ground levels.
- As recommended by CHA

- As may be recommended by SWT
- GPDO rights removed for new openings or extensions within the roof spaces of the dwellings.
- Slope stability
- Services details, including, routes of service pipes and cables, location and depths of soakaways etc)

**Otherwise,**

**RECOMMENDATION B**

Refuse planning permission. Reasons (as may be appropriate);

- As may be recommended by SWT
- Inadequate provision of public open space and play equipment (off site).

**DECISION**

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ITEM 4B/05/00964/FHA  
FULL

## STANSTEAD – STANSTEAD HALL, THE HILL

Retention of new vehicular access and change of use of agricultural land to domestic garden.

Applicant: Mr. F. Al-Rashidi

Case Officer: Gemma Pannell

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**This application was deferred from the committee on 20<sup>th</sup> July at the request of the local member for a site inspection. A panel of members inspected the site on 27<sup>th</sup> July 2005 in order to familiarise themselves with the site given that there had been discrepancies on the original application plan. The application was deferred by Committee on 17<sup>th</sup> August 2005 in order that a suitable surface dressing could be investigated and that an appropriate landscaping scheme could be submitted.**

SITE

1. The site forms part of Stanstead Hall, a Grade II listed building located within a Special Landscape Area. It is situated outside the built up area boundary of Stanstead, and a number of public footpaths run both along side and through the site. The existing vehicular access to Stanstead Hall has a junction onto the Classified road (C road) which joins Lower Street to Upper Street in Stanstead; it was constructed pursuant to the grant of planning permission referred to in paragraph 3 below.

PROPOSAL

2. This proposal seeks planning permission to retain a length of road, which has been constructed without planning permission across former agricultural land, which has now been incorporated into garden land to Stanstead Hall, and forms the second part of this application. It links into the access referred to in paragraphs 1 and 3 of this report. As such this application seeks to regularise a breach of planning control.
3. The plans have been amended and now accurately reflect the position of the access as built on site and its location in relation to the public right of way, and not its intended diversion.

4. At the Committee meeting on the 17<sup>th</sup> August 2005 members requested that the application be deferred in order that the applicant could provide details of an alternative means of treating the surface of the road. The applicant's agent has submitted a letter, which indicates that they are investigating surface treatments and will provide a sample of the proposed coating. They are however concerned that the surface coating should not be applied to the track until the works to the extension of Stanstead Hall are completed. This is purely due to the increased traffic related with the construction works are complete the traffic will return to a substantially reduced flow being four-six light vehicular movements during the working hours of 8.30am to 6.30pm. The applicant will be willing to accept a condition that states the works to the track will be completed within 8 weeks of completion to the extension. A further update on the progress of this matter will be given at the meeting.
5. With regard to the landscaping the applicant has asked for recommendations of suitable species of vegetation for the planting adjacent to the track. Advice is being offered and it is hoped a landscaping scheme will be submitted by the date of the Committee meeting.

#### RELEVANT HISTORY

6. 2001 – Planning permission granted for the construction of a vehicular access to serve new farm track. (B/01/00283/FUL).
7. 2003 – Planning permission granted for the erection of boundary wall and extension to existing boundary fence. Alteration to existing vehicular access. (B/03/01486/FUL)

#### POLICY

**\* please note that details or extracts of policies are no longer included in reports - see page 4 of these papers**

8. The following policies provide the framework against which this application should be judged.

##### **Suffolk Structure Plan 2001**

- ENV4 (Countryside)

##### **Babergh Local Plan (Alteration No. 1)**

- LP93 (Countryside)
- LP79 (Setting of Listed Buildings)
- LP106 (Change of use of land to domestic garden)

##### **Babergh Local Plan (Alteration No. 2)**

- CR01 (Countryside)
- CR11 (Hedgerows)
- CN10 (Setting of Listed Buildings)
- CR22 (Change of use of land to domestic garden)

## OBSERVATIONS

9. PC – Object for the following précised reasons:-
  - The parish council only agreed to the previous application for a farm track because that would have been in keeping with the rural surroundings.
  - It was noted that it was not a particularly safe place for a track to join the highway – but as it was to be used infrequently there would be no objection.
  - No track was ever put on the site instead a large concrete road was installed running from the highway around the rear of Stanstead Hall.
  - This road is used by large amounts of traffic. There are lorries on it everyday including 8-wheelers and between 30-50 cars not only 5 as stated on the plan.
  - The road cuts across the public footpath in two places and walkers have to be very vigilant.
  - The parish council strongly opposes the change of use of this land to domestic garden as it contains two footpaths, which Mr Al-Rashidi is trying to have moved.
10. CHA – Recommends standard conditions regarding the use of the access.
11. SCC (Arch.) – Standard Condition
12. SPS – It is unnecessary for the new road to have such an impact on the setting of a listed building, which is largely due to the proposed materials. It would be more at home or appropriate in an urban location. The applicant should reduce or minimise the impact of the road by securing the use of gravel or surface dressing on at least the first 10 metres. Preferably a porous road surface should be used in order to minimise surface water run off and at the same time reduce the visual impact.
13. Letters – Three letters of objection received the contents of which are summarised below:-
  - The original proposal for vehicular access to serve the new farm track in March 2001 was granted permission for occasional use by agricultural vehicles. Since then a concrete road has been constructed and it has been in constant use by vehicles of all shapes and sizes.
  - The other two entrances to Stanstead Hall have been closed and this ‘permanent driveway’ is already the main access to the Hall for lorries, vans, private cars, quad bikes, etc.
  - The O/S plan does not show the existence of properties opposite and close to the access.

- The access is just before the brow of the hill and driving up the hill the access is not in view until one is nearly upon it.
- The new driveway crosses the footpath in several places, which is a danger to walkers and parents with small children and pushchairs.
- Do not understand the need for this access to the Hall as there area already two entrances which are situated at the top of the Hill where the road is wider and there is much better visibility for traffic entering and leaving the Hall.
- If traffic on this driveway continues as at present there is an accident just waiting to happen. There are already skid marks over the road at this junction.
- The plan put forward was wrong on many counts, it omits three other gateways, nearer to the hall, which could be used for access.
- Our public footpath that runs through the field has not been shown.
- Planning permission has not been given to carry the road all the way round the property, where it goes over the public right of way in three different places.
- Babergh District Council do not seem to be addressing what appears to be a contravention of Planning Authority Legislation
- The plan is inaccurate.

### ASSESSMENT

14. The principal issues in the determination of this application are as follows:-

- Highways Safety
- Landscape Impact and setting of Listed Building

#### **Highways Considerations**

15. The Highways Authority has raised no objection to the access (the subject of this application) and as such do not consider that the stretch of road is detrimental to highway safety.
16. The alterations to the access granted under B/03/01486/FUL have also been implemented, but the existing access to Stanstead Hall has yet to be stopped up. The agent has confirmed that once works commence on the extension to Stanstead Hall (approved under B/03/01486/FUL) the access will be fenced off. The proposed extension is across the existing vehicular access to the offices at the rear of the property and once the works to the extension commence it will not be possible to gain access to the offices.

**Landscape Impact and setting of Listed Building.**

17. With regard to the change of use of agricultural land to domestic garden it is not considered that this will have a negative impact on the landscape, and given the size and scale of Stanstead Hall it is not unreasonable to expect the property to benefit from a large garden.
18. With regard to the impact of the access on the landscape it is considered that given the undulating nature of the site the long distance views of the proposal are not significant. In close proximity to the access, for example when viewed from the footpath, the impact is greater, however it is not considered that this is significant enough to warrant a refusal of planning permission.
19. Stanstead Hall, is a Grade II listed building, however it is considered that given the distance between the access and the property there will be no impact on the setting of the Listed Building. In addition this access will take traffic much further away from the building, improving its setting somewhat.

**REASON FOR APPROVAL**

The proposal is considered to be in accordance with policies LP106 and CR22 by reason of its scale and location. The proposal is not considered to have an adverse impact on the landscape characteristics of the locality so as to justify a refusal of planning permission.

**RECOMMENDATION**

Grant planning permission subject to conditions:

- PD Rights removed for outbuildings
- Landscaping
- Timescale for the implementation of surface treatment to the road

**DECISION**

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ITEM 5B/05/01414/DPA  
DISTRICT PLANNING APPLICATION-FULL

## STANSTEAD - 9 VALLEY VIEW

Application under Regulation 3 of the Town & Country Planning General Regulations 1992 – Erection of a single-storey rear extension and incorporation of amenity space into domestic garden.

Applicant: Babergh District Council

Case Officer: Steven Bainbridge

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SITE

1. The application site is located in Valley View, a modern development of ten dwellings built in the 1960s. The application dwelling is an end terraced single-storey building occupying a concave faced corner plot.
2. The amenity space proposed to be incorporated into the domestic garden consists of an area of land approximately 36m<sup>2</sup> south east of the application site. The current boundary treatments are proposed to remain as existing.
3. The site is within the built up area boundary for Stanstead.

PROPOSAL

4. The proposal is for the erection of a single-storey rear extension to provide for a new kitchen area, thereby freeing up internal space in the main dwelling for a third bedroom.
5. The new extension is proposed to be joined directly to the main dwelling, whereas the existing green mineral felt flat roofed outbuilding is joined to the main dwelling by a covered walkway.

RELEVANT HISTORY

6. 1965 – erection of ten dwellings, eight lock-up garages and construction of access – approved. S/65/350/M.
7. 1964 – erection of ten dwellings, eight lock-up garages and construction of estate road – approved. S/64/801/M.

POLICY

8. The following policies provide the framework against which this application should be judged:-

**Babergh Local Plan (Alteration No. 1)**

- LP20 (extensions)

**Babergh Local Plan (Alteration No. 2) Second Deposit Draft**

- HS17 (extensions)

**Suffolk Structure Plan 2001**

- ENV3 (design standards)

OBSERVATIONS

9. PC – Views awaited- to be reported verbally at the meeting.
10. CHA – No observations.

ASSESSMENT

11. The proposed development is considered acceptable in its scale, form and design and would respect the site and its setting, and not lead to a reduction to amenities enjoyed by occupants of neighbouring property.
12. There is no objection to the incorporation of land into domestic garden in this location as the boundary treatment will be retained in its existing form.
13. As such the proposal accords with the planning policies listed above.

REASON FOR APPROVAL

14. The proposal is considered to be in accordance with policies LP20, HS17 and ENV3 by reason of its scale, design, materials and relationship to its surroundings.

RECOMMENDATION

Grant (Planning Permission)

DECISION

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ITEM 6B/05/01230/FUL  
FULL

## WHERSTEAD – NTL TRANSMITTING STATION, WHERSTEAD PARK

Installation of 2 No. antennas (1 no. 0.6m dish antenna and 1 no. laser hop antenna) on existing tower.

Applicant: NTL Broadcast

Case Officer: Alison Taylor

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SITE

1. The site is located inside the northern boundary of Wherstead Park, to the south east of the junction of the A14 with the A137. The application site lies wholly within the Area of Outstanding Natural Beauty, outside of any defined built up area and approximately 120 metres from a grade II listed building.

PROPOSAL

2. This planning application seeks permission for the erection of two telecommunications antenna, sited on the south-eastern leg of the existing 47.2 metre high tower.
3. The proposed 0.6m dish antenna is located 13 metres above ground level with the laser hop antenna located between 13 and 13.6 metres above ground level.
4. Information has been submitted in support of the application. The following comprises a summary of the points raised: -
  - NTL Broadcast is a national communications company with a large portfolio of masts and towers.
  - We are actively engaged in promoting the sharing of our sites and fully endorse PPG8 in its suggestion that existing masts should be utilised where possible to safeguard the amenities and character of an area in preventing mast proliferation in the rural and built environment.
  - We have received a site-share request from WB-Internet who wish to utilise our existing tower for the transmission of their wireless broadband internet services in the area.
  - The proposed antennas are designed to be mounted in a slim-line fashion which will minimise the impact of visual intrusion and have been kept to the minimum that will suit our clients requirements.

- It is NTL Broadcast's policy to ensure that on all our sites the total RF emissions from all antennas do not exceed the ICNIRP guidelines for exposure to the general public. We regularly make calculations to determine the worst case emissions and have an ongoing programme of site surveys to ensure our calculations continue to be conservative. Emissions from NTL sites are a small fraction of the ICNIRP guidelines.

### RELEVANT HISTORY

5. 1990-1997 – No objection to 5 prior notifications, and full planning permission granted for 7 telecommunications applications.
6. 1998 - Full planning permission granted for the installation of 2 four stack dipole antennae and erection of 1 equipment cabin - B/98/00697
7. 1998 – No objection to Notification under Part 24 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 - replacement of 6 sector antennae by 6 dual polar antennae on existing tower - B/98/00903
8. 1999 - Full planning permission granted for the installation of one 0.6 metre dish and one panel antenna - B/99/00109
9. 2000 - Full planning permission granted for the installation of antennae on existing mast and erection of equipment cabinets - B/00/01794
10. 2001 - Full planning permission granted for the erection of 10 equipment cabinets - B/01/00543
11. 2001 - Full planning permission granted for the replacement of 3 No existing TACS antenna for 3 no UMTS antenna - B/01/00767
12. 2002 - Full planning permission granted for the installation of 3 no. dual polar at 18.8 - 20.5m and 3 no. dishes, 1 no. 0.6m dish and 1no. 0.3m dish on existing tower. Erection of 1 no. equipment cabins - B/02/00451
13. 2003 - Full planning permission granted for the erection of 3 UMTS antennas on the existing tower - B/03/02065

### POLICY

#### **PPG 8 (Telecommunications)**

14. PPG 8 offers guidance to local planning authorities in relation to telecommunications development. The Government recognises that in some cases, the nature of telecommunications development may be in conflict with established local and national policies. However, local planning authorities are urged to 'be alive' to the special needs and technical problems of telecommunications development. Each application for telecommunications development (PPG8 advises) should be determined in accordance with the development plan unless material considerations indicate otherwise.

**Please note that details or extracts of policies are no longer included in reports – see page 4 of these papers.**

15. The following adopted and emerging Development Plan policies are considered relevant to this application: -

**Suffolk Structure Plan 2001**

- Policy ENV7 (Areas of Outstanding Natural Beauty)

**Babergh Local Plan Alteration No.1**

- Policy LP95 (Areas of Outstanding Natural Beauty)
- Policy LP156 (Telecommunications)

**Babergh Local Plan Alteration No.2 – Second Deposit Draft**

- Policy CR02 (Areas of Outstanding Natural Beauty)
- Policy EN27 (Telecommunications)

OBSERVATIONS

16. PC – To be reported verbally if available.
17. Letters – None received.

ASSESSMENT

18. The low-key nature of the telecommunications equipment proposed within this application is such that it will not be particularly noticeable, located in the lower third of the existing 47.2 metre high tower, significantly screened by the canopies of the surrounding trees. In light of the above, it is not considered that the proposed installations will detract from the character and appearance of the Area of Outstanding Natural Beauty.

REASON FOR APPROVAL

The proposal, for the erection of 2 no. antennas (1 no. 0.6m dish antenna and 1 no. laser hop antenna) on an existing tower is considered to be in accordance with the provisions of policies LP156 and LP95 of the Babergh Local Plan, Alteration No.1 and emerging policies EN27 and CR02 of the Second Alteration to the Local Plan. In particular, the proposed development is not considered to lead to any significant adverse impact upon the character of the area by virtue of its height, visibility and location on an existing tower.

RECOMMENDATION

The Head of Planning (Control) be authorised to grant planning permission.

DECISION

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ITEM 7B/05/00042/FUL  
FULL

## EAST BERGHOLT – THE BEEHIVE PUBLIC HOUSE, GASTON END

Erection of 5 no. dwellings with layout of new vehicular access and paving area

Applicant: Hills Residential Ltd

Case Officer: Martyn Fulcher

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SITE

1. The application site comprises an irregular shaped parcel of land, which was formerly occupied by The Beehive Public House and is located at the junction of the B1070, Gaston End and Fiddlers Lane towards the north-western end of the village. The site encompasses an area of land measuring some 0.09ha with a frontage with Gaston End of approximately 38.9 metres and a depth of some 24.9 metres. The site is located within the defined built up area boundary and is surrounded to all sides by residential properties of varying scale and design.

PROPOSAL

2. See report heading. The application proposes the erection of 5 no. dwellings and creation and layout of ancillary car parking areas and new vehicular access onto Gaston End.
3. The proposed development comprises 1 no. 3 bed and 4 no. 2 bed properties in the form of one detached dwelling fronting Fiddlers Lane and two pairs of semi-detached dwellings fronting Gaston End.
4. The proposed dwellings are of the following approximate dimensions:-
  - Plot 1 - Ridge height 8.0m, width 9.5m, depth 5.5m
  - Plot 2 – Ridge height 8.1m, width 9.6m, depth 10.75m
  - Plot 3 – Ridge height 8.0m, width 9.4m, depth 6.2m
  - Plot 4 – Ridge height 8.2m, width 5.5m, depth 10.0m
  - Plot 5 – Ridge height 7.5m, width 8.1m, depth 5.0m
5. Each property is to be served by 2 no. car parking spaces (a garage being one of these in relation to Plot 4), sited within a communal parking area to the rear of the properties. The car parking area is to be accessed via a shared access onto Gaston End, sited centrally between Plots 3 and 4.
6. The applications are accompanied by a Planning Statement and Architectural Design Statement submitted in support of the application. These documents are relatively lengthy and Members wishing to see the complete text (and graphics) should make arrangements with the Case Officer directly.

7. The following comprises a summary of the salient points raised within the Architectural Design Statement: -

- Scheme draws upon the influences of the sites unique setting and surrounding context;
- Reference has been made to the Suffolk Design guide;
- Materials and details will reflect the surroundings and will include red and cream facing brickwork, colour-washed render, slate and plain tiled roofs as well as painted timber windows; and
- Other design solutions have been considered including a terrace, but discounted on viability and design grounds.

8. The following comprises a summary of the salient points raised within the Planning Statement: -

- Public House (now demolished) had been under-performing for a number of years and within 300m there are two other Public Houses. Viability could not be maintained largely due to the number of alternative premises within the village;
- Consideration has been given to the potential for alternative community or employment uses:
  - a) Retail – Village supports varied selection already. Use of site for retail would erode the viability of existing shops and conflict with Government advice to locate retail facilities centrally. Retail use would also encourage car journeys;
  - b) Office/Employment – potential for traffic, noise and disturbance. Site is small and would not be suitable for workshop or storage;
  - c) Community Use – Village already well served. Site not of sufficient size to be viable or appropriately located;
  - d) Hotel/B&B – Original PH was of insufficient size to be viable. Any required extension would have resulted in loss of parking and increased intensification of use leading to traffic and residential issues.
- It is not considered that the redevelopment of the site for residential use would in any way prejudice the social or economic viability of the village and would positively contribute to supporting the local village community; and
- Scheme will provide an appropriate, sustainable development for this village location, complimentary to the distinctive character of the village and reflective of its immediate surroundings.

9. The application was originally submitted seeking permission for the erection of 5 no. three bedroom houses, 2 no. one bedroom apartments and 1 no. two bedroom apartment with layout of new vehicular access and paving area. This proposal has now been superseded by the development referred to above and the revised plans and information now form the basis of the application. The application was re-advertised and a further period of public consultation undertaken. The period for public consultation has now expired.

### PLANNING HISTORY

10. 1956–1994 – A variety of planning permissions granted for (inter alia) extensions to Public House.
11. 2004 – Planning permission applied for and subsequently withdrawn for the erection of 3 no. Two-storey dwellings and 4 no. Apartments (existing buildings to be demolished) and construction of new vehicular access (B/04/01138/FUL refers).

### POLICY

#### **PPS1 (Delivering Sustainable Development)**

12. Promote the more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. Planning should seek actively to bring vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the Government has set for development on previously developed land.
13. Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

#### **PPG3 (Housing)**

14. PPG 3 states that Local Planning Authorities should seek to achieve an efficient use of land seeking greater densities of developments at places with good public transport and service provision. In addition, in urban areas, the Government is committed to maximising the re-use of previously developed land and empty properties and the conversion of non-residential buildings for housing, in order to both promote regeneration and minimise the amount of green field land being taken for development.

### **PPS7 (Sustainable Development in Rural Areas)**

15. PPS7 states good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community (e.g. affordable housing for identified local needs); maintains or enhances the local environment; and does not conflict with other planning policies. All development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.
16. Many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS1.

**Please note that details or extracts of policies are no longer included in reports – see page 4 of these papers.**

17. The following adopted and emerging Development Plan policies are considered relevant to this application: -

#### **Suffolk Structure Plan 2001**

- Policy ENV1 (Listed Buildings and Conservation Areas)
- Policy ENV3 (Design Standards)
- Policy CS1 (Distribution of new development)
- Policy ECON3 (Use of land for non-employment purposes)
- Policy ECON11 (Community facilities)
- Policy T9 (Development-related private car parking)

#### **Babergh Local Plan Alteration No.1**

- Policy LP4 (Villages)
- Policy LP5 (Villages)
- Policy LP17 (Infilling)
- Policy LP18 (Design of new housing)
- Policy LP47 (Retention of existing employment sites)
- Policy LP146 (Car parking)

#### **Babergh Local Plan Alteration No.2 – Second Deposit Draft**

- Policy HS02 (Villages)
- Policy HS03 (Villages)
- Policy HS08a (Affordable Housing)
- Policy HS11 (Housing Density)
- Policy HS12 (Infilling)
- Policy HS14 (Housing layout and design)
- Policy HS16 (Public Open Space)
- Policy EM15 (Retention of employment sites)

- Policy CR32 (Protecting existing village facilities)
- Policy CR33 (Retention of Public Houses)
- Policy CN01 (General Design)
- Policy CN31 (Development design and crime prevention)
- Policy TP18 (Car parking)

## OBSERVATIONS

### **Original Plans**

18. PC – Recommend refusal based on i) the grounds given by the 11 objections received from residents ii) the officers intent to recommend refusal and iii) over-development of the site. Parish Council trusts that all the grounds, including those highlighted by residents, are seriously considered by Officers as they reach their decision.
19. SCC (Fire) – Submit advisory comments.
20. CHA – No objection subject to the imposition of three standard conditions.
21. SPS – The Society is concerned over the lack of affordable housing within the proposal and asks that the application be amended to accord with the Council's planning policy on this issue.
22. EA – Submit advisory comments.
23. Councillor Michael Miller – A number of residents have asked me to comment on this application, which as Ward Member I wish to see come to the Committee for determination in the event that you were minded to approve it under delegated powers. The summary of comments received to date is below:-
  - Change of use should not be permitted. The site is still zoned as commercial and as far as residents are aware no attempt was made to sell the business as a going concern since its last change of ownership. East Bergholt, in common with other rural areas, needs to offer employment opportunities. Demolition was of course a matter for the site owner, but its replacement by another commercial activity should be required.

If change of use were permitted:-

- The proposal seeks to put too many dwellings on the site.
- There is inadequate recreational space for the likely number of residents.
- There is totally inadequate provision for car parking for the number of dwellings and there would inevitably be overspill parking onto either the busy B1070 or adjacent roads such as Beehive Close.
- A vehicle access is shown onto Fiddlers Lane, which is far too narrow at that point to permit vehicles to safely turn in and out;

- The internal layouts suggested show a very tight space on the stairs so that it is likely that delivery of furniture to the upper floors would be extremely difficult.
  - The visual impact of this massive development from Gaston End on the B1070 would be inappropriate for the location, close as it is to a conservation area; and
  - The visual impact from dwellings in Fiddlers Lane would be intrusive.
24. Letters – Nine letters of objection. The following comprises a summary of the objections and issues raised: -
- Commercial use should be explored;
  - Too many units;
  - Lack of consideration to residents of Fiddlers Lane;
  - Highway concerns
  - Car parking
  - Misrepresentation of affordable housing;
  - Out of scale, not in keeping and over-developed;
  - Difficult to conceive any commercial use of the site to be acceptable;
  - Site should be residential and provide smaller units of accommodation;
  - Overhead electricity cables should be put underground at the expense of developer;
  - Terraced houses should be considered;
  - Side access to No.1 Ellesmere Cottages must be preserved; and
  - Height of buildings will dominate the surrounding buildings.

### **Amended Plans**

25. PC – Recommend refusal. Council is of the opinion the development is not in keeping with the street scene. In addition, Council is concerned with regard to the roof heights and steep pitch of roofs, particularly of the property facing Fiddlers Lane.
26. CHA – No objection subject to the imposition of three planning conditions.
27. SPS – Formally objects. The Society considers this to be a depressing pastiche, which will contribute and add nothing to East Bergholt. It is hoped that this scheme will be refused as it surely must be and a more imaginative and appropriate proposal negotiated.
28. Letters – Three letters of objection have been received and one letter with supporting comments has been received.
29. The objections raised are as follows:-
- Disappointed a street-scene showing Fiddlers Lane has not been presented, therefore not making it possible to assess the proposed height of the buildings.

- Height (of Plot 1) will adversely impact on the low rise dwellings that currently exist in the lane.
- Plot 1 will be forward of building line and will overshadow and confine the objector's front garden.
- Affect property value.
- Object to siting of Plot 1 unless this is redesigned as a 1 ½ storey dwelling and is set further back from the lane in accordance with the current building line.
- No vehicular access should be allowed from Fiddlers Lane.
- Requests that a site meeting is held.
- Loss of light.
- Question need for the amount of windows proposed.
- Proposals more in keeping and believe that with some modifications our objections could be satisfied;
- Remain concerned about traffic parking on road; and
- The proposed houses fronting Fiddlers Lane will dominate surrounding buildings.

30. The supporting comments raised are as follows:

- Considerable improvement on the first set of plans;
- Height of buildings has been reduced and there is some consideration to the buildings on either side of the plot; and
- Buildings less pretentious than previous.

### ASSESSMENT

31. The application must be determined in relation to the provisions of the development plan and other material planning considerations. The main issues to be considered in this case are:-

- Policy Considerations
- Retention of Village Facility
- Impact upon residential amenity
- Design and layout
- Highway Issues
- Affordable Housing
- Public Open Space Contributions

### **Policy Considerations**

32. The application site has most recently supported a Public House, which was demolished prior to this application being submitted. Under the terms of the Use Classes Order (2005) the site is classified as having an A4 use. Adopted and emerging planning policies seek to retain such sites for community use where appropriate. In particular, the retention of public houses is strongly supported and applications for changes of use will be resisted unless convincing evidence can be provided to show that the public house is not economically viable. If permission is to be granted, encouragement will be given to the premises remaining, inter alia, in some form of community or employment use.
33. East Bergholt is classified as being a village with a range of services and facilities where under the terms of emerging policy HS02, a small group of up to five dwellings may be considered appropriate. The application site lies within the defined built up area boundary for East Bergholt, where there can be no objection in principle to residential development, subject to the Local Planning Authority being satisfied that a continued community or employment use of the site is no longer appropriate. Furthermore, PPG3 is clear in its aims to promote more efficient uses of previously developed land.

### **Retention of Village Facility**

34. In this instance, the Public House building has already been demolished. However, the land classification, in planning terms, remains the same and therefore, the proposal for residential re-development needs to be assessed against the relevant employment and community use protective policies.
35. Policy LP47 requires that before the use of an employment site is changed to a non-employment-providing use, it should be demonstrated to the Local Planning Authority either that the continuation of an employment use on the site is likely to give rise to significant problems, or that there is no reasonable prospect of an employment use being continued on that site.
36. Emerging Policy CR33 advises that the retention of public houses is strongly supported by the District Council, particularly in rural areas where the availability of other premises is limited. Emerging Policy CR33 goes on to state that applications for the change of use of a public house will be resisted unless convincing evidence is provided to show that the public house is not economically viable. In order to satisfy the relevant policies it is a normal requirement that a sustained marketing campaign be carried out and evidence collected to demonstrate that there are not other operators/owners who might succeed in using the property for employment purposes, be they the reinstatement of the public house use, or as a restaurant or indeed any other employment generating activity, appropriate to the type of building and the locality.

37. In this instance The Beehive formed one of several public houses and other forms of eating establishments within the village, many being housed within listed buildings. The former building was of a generally poor standard of repair and appearance, and offered little in the way of visual amenity, on what is considered an important entrance approach route into an historic village of considerable visual interest and acknowledged importance. Furthermore, the village already supports local shops and benefits from extensive community facilities and local employment sites.
38. As such, a marketing campaign aimed at either attracting a new public house use or other form of community or employment use was not considered necessary nor indeed reasonable. It is thought that the most appropriate use of the site would be for a residential development. This was concluded on the basis of the proximity of the site to residential properties, level of existing facilities and siting on the edge of the village, which would be likely to attract significant trip generation for any type of further community/employment use.

#### **Impact upon residential amenity**

39. The concerns of objectors relating to the loss of residential amenity, in particular in relation to the proposed height of the proposed properties to Fiddlers Lane and position of fenestration have been noted. The main thrust of objection to the scheme relates to the impact of Plots 1 (facing Fiddlers Lane) and 2 and the perceived impact of these properties upon the amenity of occupiers of neighbouring property.
40. Given the distance and siting of neighbouring properties, it is not considered that the proposed development will lead to any significant adverse impact upon residential amenity. The gable wall of Plot 1 is some 12.0m away from No.22 Fiddlers Lane, with an access way to further dwellings located in between the two sites. Although it is acknowledged that Plot 1 is set forward, closer to the highway than existing development, it is not thought that this fact renders the scheme as being unacceptable in either its impact upon residential amenity or visual amenity.
41. The properties to the southern side of Fiddlers Lane are of a reduced height than that being proposed. However, it is not considered that there will be any significant loss of amenity to these properties as a result of the general scale of building being proposed, or level of fenestration proposed and with due regard to the nature and scale of building that the site formerly supported.
42. In the absence of any identifiable material harm to the level of amenity currently enjoyed by occupants of residential amenity, it is not considered that the proposed development would warrant refusal on the grounds of residential amenity loss.

### **Design and layout**

43. The application is accompanied by a comprehensive Architectural Design Statement, which illustrates in both graphic and written form how the proposal respects and compliments the built form of surrounding development and character of the locality. Officers consider the scheme acceptable in both design and layout, and as being an appropriate design solution in this context. The dwellings are traditional in appearance and form, and respects the advice provided within the Suffolk Design Guide. Although concern has been expressed at the scale and form of development proposed, and in particular to that facing Fiddlers Lane, it is not agreed that the siting and design of the properties will adversely affect the character and appearance of the locality or lead to any material impact upon the site or its setting.
44. Additionally, the proposal, in this amended form now allows for the provision of access to the rear of Ellesmere Cottages.
45. There is clearly some concern about the finished height of the proposed dwellings in relation to those properties on Fiddlers Lane. In this respect, it has been requested that an illustrative street-scene is provided so that relative property heights can be assessed. An update will be made at the meeting should the material be provided. In any event, officers are satisfied that the scale and form of the development would accord satisfactorily with neighbouring development, which includes the terraced dwellings to the east of the site and the larger dwellings opposite situated on Beehive Close.

### **Highway Issues**

46. Concern has been expressed over highway safety, as a result of the development being approved, on the basis of traffic parking on the road. The scheme provides off-road parking for two vehicles in connection with each individual property. The parking area is sited to the rear of the properties within a communal courtyard. The level of parking provided accords with Suffolk County Councils' adopted standards.
47. It should be noted that no objection has been raised on the grounds of highway safety by the County Highway Authority. The access to the site is via Gaston End, and subject to the imposition of these conditions recommended by the County Highway Authority; it is not considered that the scheme will lead to any adverse impact upon highway safety.

### **Affordable Housing**

48. Emerging policy HS08a states that proposals for developments either on sites of 0.1 hectares or more in size or which propose 3 or more dwellings will be required to provide one in three new dwellings in the form of affordable housing to meet identified local needs. Such properties will be required to be owned or managed by a registered social housing landlord, or other providers and held in perpetuity. The policy goes on to state that if the developer cannot provide the affordable housing on site, a commuted payment will be required in line with the prevailing charges set out by the District Council in order to provide subsidised affordable housing on an alternative site. The applicant has confirmed that they agree to a commuted sum of £75,000 (the figure provided by the Council's Housing Enabling Manager).
49. As there is an identified need for affordable housing in the village, and an active search for appropriate sites for such development being undertaken, it is considered that the provision of a commuted sum to be acceptable in this instance and therefore acceptable in meeting identified local needs.

### **Public Open Space Contributions**

50. Emerging policy HS16 requires the developer to either provide 10% of the application site as public open space with play equipment or to make a financial contribution towards securing public open space with play equipment on a nearby alternative site, or enhance and improve the nearest existing provision provided by the District Council. The applicants have confirmed that they will contribute financially in accordance with the requirements of the Council's adopted (September 2002) Supplementary Planning Guidance for the provision of outdoor recreation facilities and open space and has confirmed willingness to enter into a legal agreement with the District Council.

### **Conclusion**

51. In view of the above and having regard to the relevant development plan and its policies, the following recommendations are made.

### **REASON FOR APPROVAL**

52. The proposal, which proposes the erection of 5 no. dwellings with layout of new vehicular access and paving area, is considered to be in accordance with the provisions of policies LP4, LP17, LP18, LP47 and LP146 of the Babergh Local Plan, Alteration No.1 and emerging policies HS02, HS08a, HS12, HS14, HS16, EM15, CR32, CR33 and TP18 of the Second Alteration to the Local Plan. In particular, residential redevelopment of the site is considered the most appropriate use of the site, having regard to the scale and nature of surrounding development and in the absence of any material adverse impact resulting from the development.

RECOMMENDATION

The Head of Planning (Control) be authorised to instruct the Solicitor to the Council to secure an obligation under Section 106 of the Town and Country Planning Act 1990 in respect of securing the provision of affordable housing and the payment of contributions towards public open space.

Upon completion of the legal obligation, the Head of Planning (Control) be authorised to Grant Planning Permission, subject to such conditions as he considers appropriate, but including:-

- materials (including colour finishes);
- removal permitted development rights for extensions, outbuildings, fences etc.;
- as recommended by County Highway Authority;
- levels;
- landscaping (inc. boundary treatment details).

DECISIONITEM 8

B/05/01170/FUL  
FULL

POLSTEAD – BREWERY FARM, BOWER HOUSE TYE

Change of use of agricultural barn to retail sales of animal feed products. As amplified by letter dated 25<sup>th</sup> July 2005 and attached price list May 2004 received on 26<sup>th</sup> July 2005, and email dated 29<sup>th</sup> July 2005.

Applicants: Mr and Mrs D M Witt

Case Officer: Martyn Fulcher

SITE

1. The application site comprises an area of land measuring approximately 0.07 hectares, with a frontage width of 29.6 metres and a depth of 23 metres. The site is situated to the east of the A1071 and to the north of the Grade II listed Brewery Farm. The site also accommodates a farm shop, which is housed within a converted outbuilding and which was granted planning permission earlier this year (see paragraph 9). The site lies wholly outside the defined built-up boundary for the village. There are no other designations or constraints relevant to the site.

## PROPOSAL

2. This planning application seeks permission for the change of use of an agricultural barn, formerly used for pig rearing and storage, to retail sales of animal feed products.
3. The barn has a gross floor area of approximately 66.3 square metres.
4. There is currently one full-time member of staff employed at the farm shop with an additional part-time employee proposed as a result of the present proposal.
5. Approximately 20 cars per day visit the site and two delivery lorries per week, with no increase proposed. Six additional car parking spaces and one lorry parking space are proposed.
6. The current hours of working for the farm shop are 9am-5pm weekdays and 9am-12.30pm on Saturdays. The proposed hours of working are 9am-6pm on weekdays and Saturdays, and 10am-4pm on Sundays and Bank Holidays.
7. The applicant has submitted three letters in support of the application. The following comprises a summary of the points raised: -
  - The proposal is to transfer an existing business, Polstead Animal Feeds, from a barn in the village to a more suitable site. A condition of the sale is that the employee is also transferred.
  - The proposal does not form a stage of a larger scheme but is merely to transfer an existing outlet from one part of the village to another, therefore not affecting the viability of nearby town or village shops.
  - Polstead Animal Feeds has been operating in Polstead for several years, firstly at Cock Farm, then at New House Farm. New House Farm has now been sold and the new owners do not wish to run the business.
  - The proposal will preserve the facility for local residents, retain much needed jobs in the village and compliment the existing farm shop.
  - The proposal will not cause extra traffic, but will remove existing customer traffic and occasional delivery lorries from the narrow lanes and village centre.
  - The nearest neighbours are at the caravan site approximately 100 yards away.
  - The barn will be repaired and utilised whilst complying with the preference for conversion of former agricultural buildings.

- The types of animal feeds and animal supplements to be sold are submitted as price list. Although the applicant would like to have freedom to add/remove additional animal feeds/supplements to the list should the need arise.
- Letters of support have been collected from customers of the farm shop and show how many of the customers already visit the site and how the transfer to this site would cut down on traffic in the village.
- The applicant's architect advises that the barn is basically sound and sympathetic repair will render the building suitable for the intended use and improve the appearance.
- Polstead Animal Feeds receives one weekly delivery, two monthly deliveries, and occasional deliveries from another supplier.

### HISTORY

8. 2005 – Current full planning application for the construction of a riding arena - B/05/01433.
9. 2005 – Planning permission granted for change of use from former agricultural barn to use for the retail sale of home grown and local produce, with alteration to existing vehicular access and layout of car parking area - B/05/00111

### POLICY

**Please note that details or extracts of policies are no longer included in reports – see page 4 of these papers.**

10. The following policies and government guidance provide the framework against which this application should be judged:-

#### **PPS 7 Sustainable Development in Rural Areas**

A key principle is to raise the quality of life and the environment in rural areas through the promotion of, amongst other things sustainable economic growth and diversification by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies.

Planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities, e.g. village shops and post offices, rural petrol stations, village and church halls and rural public houses, that play an important role in sustaining village communities. Planning authorities should support the retention of these local facilities.

## **PPS 6 Planning for Town Centres**

In planning for village shops and services, local planning authorities should adopt policies which: ensure that the importance of shops and services to the local community is taken into account in assessing proposals which would result in their loss or change of use; and respond positively to proposals for the conversion and extension of shops which are designed to improve their viability.

Furthermore, farm shops can also meet a demand for local produce in a sustainable way and can contribute to the rural economy. Care should however be taken to ensure that they do not adversely affect easily accessible convenience shopping available to the local community.

### **Suffolk Structure Plan 2001**

- Policy ENV2 (Re-use of rural buildings)
- Policy ENV4 (Countryside)

### **Babergh Local Plan Alteration No.1**

- Policy LP28 (Employment)
- Policy LP49 (Farm diversification)
- Policy LP50 (Conversion of underused buildings in the countryside)
- Policy LP51 (Conversion of underused buildings in the countryside)
- Policy LP93 (Countryside)

### **Babergh Local Plan Alteration No.2 – Second Deposit Draft**

- Policy EM01 (Employment)
- Policy SP07 (Farm shops)
- Policy CR01 (Countryside)
- Policy CR29 (Farm diversification)
- Policy CR30 (Conversion of underused buildings in the countryside)

## **OBSERVATIONS**

11. PC – No objection provided (i) retail sales are restricted to animal feeds only and for no other purpose, and (ii) all goods displayed for sale shall be restricted to the confines of the building.
12. CHA – Currently the visibility at the proposed access is poor, no objections if visibility were improved, and recommend imposition of standard highways conditions, including details of improved visibility splays.
13. EA – No objection.
14. HoES – No adverse comments.

15. Letters – 74 received. The following comprises a summary of the issues raised: -
- As a regular customer of Polstead Animal Feeds the writers wish to continue purchasing animal feed in the village and urge the Council to consider the application favourably in order to retain this valuable local facility.
  - That the transfer of this retail outlet would not have an adverse impact on nearby town or village shops; highway safety issues; residential amenity; landscape characteristics, biodiversity, cultural heritage, archaeology, listed buildings or conservation areas; the visual amenity of the locality; or the level of provision of car parking in relation to the proposal.
  - The proposed location would save a great deal of fuel and pollution, as otherwise customers would have to travel to Sproughton or Copdock.
  - The Brewery Farm Shop could be a good rural enterprise, it is part of the village and we do not want to lose it.

### ASSESSMENT

16. The proposal seeks to relocate an existing animal feed business, which is currently operating, or was last operating, from New House Farm, Polstead. Planning permission was granted in July 2002 for the sale of animal feeds at New House Farm (LPA ref. B/02/01011 refers). Prior to this the same business operated from Cock Farm at Polstead Green (LPA ref B/97/00513 refers).
17. The existing business has operated for a number of years within the Polstead area without any reported adverse impact on any issues of acknowledged importance e.g. the environment, highway safety the vitality of existing village facilities. The CHA have not objected to the proposal subject to the agreement of improved visibility splays.
18. The specialised and bulky nature of the goods to be sold means that this proposal will not have a material adverse impact on the viability of the existing village shop, provided that sales are limited to those applied for.
19. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made: -

### REASON FOR APPROVAL

The development, which comprises the change of use of an existing agricultural building, is considered to be in accord with PPS 7, PPS 6, policies LP28, LP49, LP50, LP53 of the Babergh Local Plan Alteration No. 1; and policies EM01, SP07, CR01, CR29 and CR30 of the Babergh Local Plan Alteration No. 2nd Deposit Draft, in so far as the proposal provides a village facility with associated employment and at a site where an existing farm shop operates thereby linking trips and aiding sustainability.

RECOMMENDATION

Grant Planning Permission subject to conditions

- Retail sales restricted to animal feeds
- Display and sales to be confined to the building
- As recommended by CHA

DECISION

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ITEM 9B/05/01272/FUL  
FULL

## POLSTEAD – STEPS FARM, RECTORY HILL

Variation of condition 3 of planning permission B/88/0249 to allow the change of use of part Unit 3 from Class B1 (motor vehicle repairs) to Class B8 (storage and distribution) for the storage and distribution of animal feed products with ancillary retail sales.

Applicants: Mr and Mrs B. Hynard

Case Officer: Mrs C David

SITE

1. The application site comprises part of the floor area of a former agricultural building which since 1988 has been used for the repair and re-spraying of motor vehicles. The site is accessed via two tracks one of which joins Rectory Hill to the east and the second joins Sudbury Road to the south. The site lies within the Dedham Vale Area of Outstanding Natural Beauty and entirely outside the built up area boundary for Polstead and Stoke by Nayland, the two closest villages. Steps Farm House and barns lie to the north east of the application building and are Grade II listed buildings. There are no other designations or constraints relevant to the site.

PROPOSAL

2. This planning application seeks permission to vary condition 3 of planning permission B/88/0249 that states: -

“Units 3 and 4 shall be used for any industrial purpose falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 or for the repair and re-spraying of motor vehicles and for no other purposes (including any other purpose in Classes B1, B2 or B8 of the Schedule to the said Order or any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order).”

The reason given for this condition was: -

“To enable the Local Planning Authority to retain suitable control to prevent an over intensive form of development with an unsatisfactory layout, detrimental to the character of the area.”

3. The applicant wishes to vary this condition to allow the use of the building for the storage and distribution of animal feed products with ancillary retail sales direct to the public visiting the building.

4. The area of the unit, the subject of this application, is 234 sq. metres.
5. The applicants estimate that there will be approximately 2-3 car visits per day and 1-2 deliveries per week. It is anticipated that the use will generate two part-time jobs. The hours of opening are to be 9am-5pm Tuesday - Friday and 9am-1.00pm on Saturdays.
6. The applicant has submitted two letters in support of the application. The following comprises a summary of the points raised: -
  - The proposal is not to transfer the existing business of animal feed sales from New House Farm but to establish a new business.
  - Sales will relate to horse, dog, cat, poultry, goat and sheep feed.
  - Feed is to be obtained from Gladwells at Copdock and Essex Animal Feeds and will usually be collected by the applicants as orders are received.
  - Orders are anticipated to be received from customers via telephone and then delivered directly to their home address.
  - A very small number of calling customers are anticipated.
  - The volume of traffic is expected to be much less than the current approved use as a vehicle repair workshop.

### HISTORY

7. 1988 – Change of use of 2 agricultural buildings to industrial use Class B1 (units 1 and 2); use of unit 3 for either vehicle repairs and respraying or industrial within use Class B1 and permanent use of unit 4 for vehicle repairs and respraying. Approved. B/88/00249.

### POLICY

**Please note that details or extracts of policies are no longer included in reports – see page 4 of these papers.**

8. The following policies and government guidance provide the framework against which this application should be judged:

#### **PPS 7 Sustainable Development in Rural Areas**

A key principle is to raise the quality of life and the environment in rural areas through the promotion of, amongst other things sustainable economic growth and diversification by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies.

Planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities, e.g. village shops and post offices, rural petrol stations, village and church halls and rural public houses, that play an important role in sustaining village communities. Planning authorities should support the retention of these local facilities.

### **PPS 6 Planning for Town Centres**

In planning for village shops and services, local planning authorities should adopt policies which: ensure that the importance of shops and services to the local community is taken into account in assessing proposals which would result in their loss or change of use; and respond positively to proposals for the conversion and extension of shops which are designed to improve their viability.

Furthermore, farm shops can also meet a demand for local produce in a sustainable way and can contribute to the rural economy. Care should however be taken to ensure that they do not adversely affect easily accessible convenience shopping available to the local community.

### **Suffolk Structure Plan 2001**

- Policy ENV2 (Re-use of rural buildings)
- Policy ENV4 (Countryside)

### **Babergh Local Plan Alteration No.1**

- Policy LP28 (Employment)
- Policy LP49 (Farm diversification)
- Policy LP50 (Conversion of underused buildings in the countryside)
- Policy LP51 (Conversion of underused buildings in the countryside)
- Policy LP93 (Countryside)

### **Babergh Local Plan Alteration No.2 – Second Deposit Draft**

- Policy EM01 (Employment)
- Policy SP07 (Farm shops)
- Policy CR01 (Countryside)
- Policy CR29 (Farm diversification)
- Policy CR30 (Conversion of underused buildings in the countryside)

### OBSERVATIONS

9. PC – No objection provided retail sales are restricted to animal feeds and ancillary items only.
10. CHA – No objections. There is a nearby right of way which further comments will be forwarded on.
11. EA – No objection. Guidance notes provided.

12. HoES – No adverse comments. No objections were received when the motor vehicle repair business was in operation.
13. Letters – one letter of objection has been received. The following comprises a summary of the issues raised: -
  - The access to this site is unacceptable. The junction at Clipt Bush Corner is not suitable for large delivery lorries or the customer traffic it will incur. Mill Street to the north is not capable of accommodating cars let alone lorries.

### ASSESSMENT

14. The proposal seeks to establish an animal feed business, which will principally rely on telephone orders and home deliveries. Stock will be brought in by the applicants, or occasionally delivered from nearby stockists, and then stored on site and delivered to the purchasers address.
15. Members will note that the previous report on this paper related to a similar operation at Brewery Farm, which is proposed to replace an existing animal feed business at New House Farm. As with this previous application, the proposal, the subject of this report, is considered acceptable on the basis that the site currently has an authorised commercial use and the specialised and bulky nature of the goods to be sold means that the proposal will not have a material adverse impact on the viability of nearby village shops, provided that sales are limited to those applied for.
16. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made: -

### REASON FOR APPROVAL

The development, which comprises the change of use of an existing commercial building, is considered to be in accord with PPS 7, PPS 6, policies LP28, LP49, LP50, LP53 of the Babergh Local Plan Alteration No. 1; and policies EM01, SP07, CR01, CR29 and CR30 of the Babergh Local Plan Alteration No. 2nd Deposit Draft, in so far as the proposal provides a village facility with associated employment and at a site where an existing commercial use operates.

### RECOMMENDATION

Grant Planning Permission subject to conditions

- Retail sales restricted to animal feeds
- Display and sales to be confined to the building

### DECISION

ITEM 10B/05/01469/TEL  
Telecommunications

## SUDBURY – LAND ADJ. FOCUS, WOODHALL BUSINESS PARK

Erection of 10m street furniture type installation with integrated antennas atop and an adjacent cabinet.

Applicant: Vodafone

Case Officer: Christine Thurlow

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SITE

1. The site is to the edge of the Woodhall Industrial Estate, and is located on the next to the car park that serves Focus DIY store.

PROPOSAL

2. See report heading.

RELEVANT HISTORY

3. None.

POLICY**PPG 8 (Telecommunications)**

4. PPG 8 offers guidance to local planning authorities in relation to telecommunications development. The Government recognises that in some cases, the nature of telecommunications development may be in conflict with established local and national policies. However, local planning authorities are urged to 'be alive' to the special needs and technical problems of telecommunications development. Each application for telecommunications development (PPG8 advises) should be determined in accordance with the development plan unless material considerations indicate otherwise.
5. The Government places a particular emphasis on encouraging mast sharing to cut down on the number of new sites and masts required by the industry.

**Suffolk County Structure Plan**

- Policy ENV1

**Babergh Local Plan (Alteration No.1)**

- Policy LP155 (Telecommunications)

## **Alteration No.2 (Second Deposit Draft)**

- EN27 (Telecommunications)

### OBSERVATIONS

6. TC – to be reported verbally
7. Letters – none received.

### ASSESSMENT

8. In 1999 the Government commissioned the National Radiological Protection Board (NRPB) to set up the Independent Expert Group on Mobile Phones. The group, which was chaired by Sir William Stewart, considered public concerns about health effects of mobile phones, base stations and transmitters. The Group's report (known as the Stewart Report) concludes that 'the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well being in some cases.' The Group recommended a precautionary approach, comprising a series of specific measures, to the use of mobile telephone technologies until more detailed and scientifically robust information on any health effects is available. The Stewart Report stopped short of suggesting that Local Planning Authorities should refuse planning permission to telecommunication sites and equipment either wholly or partly on health grounds.
9. The Government is firm that if the application meets the guidelines of the International Commission on Non-Ionising Radiation Protection Board Local Planning Authorities should not consider the health aspects of a telecommunications equipment proposal. In this case, documents submitted with the application confirm that the proposed equipment works within those guidelines.
10. The proposed site for the telecommunication installation is situated at ground level but adjacent to a bank adjoining the elevated car parking area associated with the Focus store. The site is quite prominent being close to the junction of this part of the industrial estate with the main entrance from the A134. Discussions are currently taking place to assess the opportunities for introducing landscaping or an alternative siting to reduce its prominence. A further verbal report on the matter will be undertaken at the meeting.
11. In light of the above, the proposal is considered to comply with Government Guidance (PPG8) and relevant extant and emerging Development Plan policies.

### RECOMMENDATION

Subject to the receipt of satisfactory amended plans the applicants be advised that the prior approval of the Local Planning Authority is required for the siting and design of the development, and that approval is given.

### DECISION

ITEM 11B/05/01250/FUL  
FULL**BILDESTON – LAND ADJACENT TO ARTISS CLOSE**

Erection of 15 no. dwellings. Construction of new vehicular access.

Applicant: Orbit Housing Association

Case Officer: Mrs C A Thurlow

SITE

1. The site is a rectangular parcel of land (0.4 hectares in size) with a frontage of 46 metres to Rotheram Road, an estate road leading to residential development adjoining Smock Meadow served off the B1078. The site, which also has a frontage of 90 metres onto the B1078, is grassed and adjoins the recently constructed Local Needs dwellings in Artiss Close (adjacent to Rotheram Road). The application site has a substantial hedgerow on its northern boundary with significant ground level changes rising towards the north and away from Rotheram Road. The site area comprises the remainder of undeveloped land between Artiss Close and the B1078.

PROPOSAL

2. The proposal seeks planning permission for the erection of 15 two 2-storey dwellings with a vehicular access to be served off Rotheram Road. The mix of housing type and size of the dwellings are as follows:-
  - 4 two bedroom dwellings measuring 77.4 square metres.
  - 11 three bedroom dwelling measuring 81.9 square metres.
3. The dwellings are all linked and comprise six pairs of semi-detached dwellings and one terrace of 3 dwellings.
4. The dwellings are arranged around a proposed new estate road served from Artiss Close off Rotheram Road. No public open space is being provided on site as part of this application as the Artiss Close development incorporated the public open space provision for this site (should it become developed in the future). However negotiations are taking place to secure a commuted sum for the provision of play equipment on the public open space land (see paragraph 41 below)
5. A design philosophy statement as required by the Council's Guidance Note No. 7 has been submitted to accompany the application; the complete text can be seen via arrangement with the Case Officer.

6. A lengthy supporting statement has also been submitted to accompany the application; complete text of which again can be seen via arrangement with the Case Officer. In summary this document states:-

- The Council has made the delivery of affordable housing one of its highest corporate priorities. Within the Council's latest Housing Strategy a target has been set to provide 700 new affordable homes between 2005 and 2009. This application is part of the affordable housing programme agreed by Members.
- Our latest Housing Needs Survey, completed in 2004, confirms that the District is short of 212 affordable homes per annum. Over 96% of newly forming/concealed households are now unable to purchase even the cheapest one-bedroom flat in the District. The identified need is for smaller homes, of all tenure types, across Babergh. The Housing Needs Survey recommends that 75 shared ownership dwellings per annum are required across Babergh over the next five years. The Housing Register shows a need for shared ownership housing across the parishes of Bildeston, Nedging, Whatfield, Semer, Lindsey, Chelsworth, Kersey, Hitchem, Brettenham, Preston, Lavenham and Cockfield for 256 shared ownership dwellings. The application is for 15 two and three bedroom semi-detached and terraced houses for sale on shared ownership. These will be offered to Bildeston residents first and then those living in abutting parishes and finally applicants in the more distant parishes detailed above.
- Bildeston Parish Council is strongly in favour of providing rural affordable housing for both rent and low cost sale. This is in order to meet the housing needs of the parish and neighbouring parishes. The Parish Council has already approved the development of 11 rented homes on an adjacent site. These are now fully occupied by local people. The Parish Council is now committed to the development of new affordable housing for low cost sale. This application will provide the type of accommodation that the parish wish to see developed for the long term benefit of local people.
- Bildeston is a sustainable community. It has good local facilities, all of which are in walking distance of the site at Rotheram Road. Facilities include a school, Doctors' surgery, shop, several public houses, two churches, village hall, bus service and local employment opportunities.
- The site is off Rotheram Road and forms the final phase of a series of small affordable housing schemes developed over a number of years. These have successfully met the affordable housing needs of the community over this time, with housing for rent, low cost outright sale and shared ownership restricted sale being provided.

## RELEVANT HISTORY (Artiss Close only)

7. 2002 – an outline planning application was submitted for residential development. However, whilst part of the housing was for local needs housing for rent part of the proposal involved dwellings for general needs housing. As such the application was judged as prejudicial to the outcome of the Public Inquiry relating to the Alteration No. 2 of the Babergh Local Plan (in relation to the general needs housing only) and the application was subsequently withdrawn (B/02/001567/DPA). A subsequent planning application was approved for 11 dwellings (for local needs and all for rent) and incorporating public open space (B/03/662/FUL). This has been constructed and the units known as Artiss Close are now occupied.

## POLICY AND GUIDANCE

### **Planning Policy Guidance Note No. 3 Housing**

8. This guidance encourages local authorities to identify and quantify local housing need, in conjunction with housing departments, and to include relevant policies in their local plans. These policies are to include “rural exceptions policies,” permitting the erection of affordable housing on land which would not normally come forward for residential development, provided the dwellings are retained, in perpetuity, to meet the local need. Annex B to the PPG gives details as to how such a policy should operate.

### **Suffolk County Structure Plan 2001**

9. Policy CS9 (b) indicates that favourable consideration should be given to the provision of affordable housing on small sites adjoining villages, which would not be allocated for general market housing; and require prior agreements ensuring continued availability of such housing to meet the needs of those requiring affordable housing.

### **Babergh Local Plan (Alteration No. 1)**

10. Policy LP4 provides for housing development within villages of either infill type or groups (up to five dwellings) subject to criteria including residential amenity, visual amenity and the environment and traffic generation/road safety issues.
11. Policy LP16 advises housing densities vary according to location and site characteristics.
12. Policy LP18 requires all new housing developments to be of a high standard of design and layout.
13. Policy LP146 relates to provision of car parking spaces to meet requirements.

14. Policy LP9 defines “Local Need” in terms of those people or families falling within the following categories and who cannot afford to purchase a low-cost dwelling at the prevailing market value:-

- First time buyers.
- Retired or disabled people who have lived or worked within the area specified below for at least 5 of the preceding 10 years.
- Households living in substandard accommodation.
- Households not having separate accommodation.
- Persons/households on the District Council’s housing waiting list.
- Immediate descendants of presently resident persons who have themselves been a past resident in the area specified below for at least 5 of the last 10 years.

And who, in the case of housing provision in the following larger centres (including Bildeston) already live within that settlement, the adjoining parishes or parishes within its normal catchment area.

In assessing local need, the District Council will have regard to the housing waiting list and the views of the local Parish Council.

Those providing such housing will have to substantiate the local need including, if required by the District Council, the carrying out of household surveys.

15. Policy LP10 provides that if the District Council is satisfied that a local housing need exists, and cannot be met within Settlement Policy, then the Council may be prepared to grant planning permission (in villages such as Bildeston) within or abutting the built-up area of the village, with the number of units being determined by the extent of the proven need and the size and character of the village. This also depends upon the local needs not being able to be adequately be met within existing or proposed development in adjoining parishes and settlements, upon the development proposed not exceeding the identified local need, there being no adverse effect upon normal planning criteria, and the dwellings proposed being within laid-down floor space limits

16. Policy LP11 requires that local needs housing schemes need to be shown to be economically viable, be properly managed and controlled and only be occupied both immediately and in the long-term by those meeting the criteria set out in Policy LP9. Measures are required to ensure that discounted prices and method of tenure are safeguarded in the future. Control over the erection of extensions is to be retained to prevent the dwellings growing too large to continue to meet the local need.

17. Policy EN67 relating to house sensitive development in relation to noise generating uses.

### **Babergh Local Plan (Alteration No. 2) – 2<sup>nd</sup> Deposit Draft**

18. Policy HS01 retained and amended to take into account phasing of land for housing.
19. Policy HS11 relates to density considerations.
20. Policy HS14 retained and amended to ensure that nationally adopted house designs which do not reflect local character will not be acceptable.
21. Policies HS06 and HS07 (and para 3.39) update policies LP9-11
22. Policy HS09L allocates approximately 1.0 hectares of land at Rotheram Road, (including this application site) for 40 houses. Proposals for development will be required to provide for:-
  - retaining and enhancing the existing trees and hedgerows on the southern and eastern boundaries of the site.
  - public open space in the north-western corner of the site, together with specific proposals for its long-term maintenance; and
  - the upgrading of an off-site public footpath connecting the site to the High Street.
23. Policy HS01a provides that this allocation if successful, should not be brought forward for development until the period 2007-11.
24. Policy EN24 updates Policy LP67 regarding noise.
25. Policy TP18 updates Policy LP146 on car parking.
26. Policy HS16 relating to the provision of public open space.

### **OBSERVATIONS**

27. PC – views awaited.
28. CHA – recommends five conditions and three notes relating to access, parking and turning, prevention of any access direct onto the B1078 from the site and the provision of a footpath between Paddocks Way and the former Newberry Works site (two small groups of residential development to the south).
29. EA. - makes advisory comments relating to surface water run off (but raises no objections).

30. Two letters received from Taylor Investments, Bildeston Ltd stating that they have no objection to the proposed development but raising concerns about:-
- the close proximity of the proposed residential development along the B1078 frontage in relation to their Joinery Business. This joinery business relocated out of the village to a new site close to the application site and 600 trees were planted as a buffer to alleviate problems of noise nuisance to residents.
  - Taylor Investments, Bildeston Ltd request that consideration be given to the possibility of reducing the number of residential units on the site or their re-positioning so as to allow planting to be introduced and so as to avoid building directly on the B1078 frontage (as agreed at a public meeting held several years ago concerning the Village Plan)
31. SCC –Education- no contribution is required as the dwellings are all social.
32. SCC-Archaeology- No significant impact on known archaeological sites or areas with archaeological potential. Has no objection to the development and do not believe archaeological mitigation is required.
33. SPS – density does not appear to comply with PPG 3. Layout is poor and unimaginative. There are no sustainability features. Proposal represents a missed opportunity and is indicative of modern house building that by its nature leads to the erosion of the identity and character of the county. Society requests that the application be refused on design grounds.
34. Police Architectural Liaison Officer – to be reported if available (the agent states, in the design philosophy statement accompanying the application, that the scheme has been produced to meet the requirements of “Secured by Design” (the adopted standards of Suffolk Police Architectural Liaison Officer)

### ASSESSMENT

35. This application site does not fall within the built up area envelope of Bildeston but lies directly adjacent to it and the 11 dwellings approved for local needs housing in 2003 known as Artiss Close. That Local Needs scheme was considered acceptable in planning policy under the exceptions policies in the Development Plan and allowed the applications to be considered favourably and as such the scheme was not prejudicial to the implementation of the Second Alteration to the Babergh Local Plan.

36. Similarly this application proposes no housing for general needs; it proposes housing to be managed by a registered social landlord to meet a proven local housing need only. All the properties are modest in size and would be for shared equity. In view of the above, and as the application site forms the remainder of the undeveloped land allocated for residential development in the Babergh Local Plan (Alteration No. 2) 2<sup>nd</sup> Deposit Draft under Policy HS09L (see above), this application should be considered as an exception to normal settlement planning policy for housing. Consequently the scheme falls to be judged against Policies LP9, 10 & 11 of the Local Plan (see above). These policies are consonant with both the Structure Plan policy and the guidance in PPG 3. On this basis and providing that the development satisfies a local need as identified in those policies the scheme cannot be considered prejudicial to the implementation of the Second Alteration to the Babergh Local Plan.
37. A detailed assessment of the proposal against Policies LP9, 10 and 11 follows:-
- All of the properties are above the size of small dwellings as defined in this policy (under 75 square metres). However the floor space measurements for the two bedroomed units ( 77.4 square metres) and three bedroomed units (81.9 square metres) only just exceed the exceed this threshold and are flexible in terms of the accommodation provided to accommodate both first time buyers and retired or disabled persons.
  - Bildeston in one of the larger villages, listed in policy LP9 where local needs housing schemes could accommodate people who live in adjacent parishes within the normal catchment area. This scheme has been designed to meet this housing need and will be properly managed by a Registered Social Landlord and by persons in housing need.
  - Given that the number of units has been determined by the extent of the proven need and the size and character of the village, it is considered that the scheme satisfies LP10 particularly taking into account that the local need is unlikely to be adequately met within the confines of normal planning settlement policy for Bildeston and the adjoining parishes and as no allocation other than that proposed in Alteration No. 2 exists and opportunities for windfall development within the village are extremely limited and would not in themselves be capable of meeting identified and proven housing need.
38. It is therefore concluded that the scheme meets identified housing need for exception sites and it is a satisfactory scheme when judged against policies LP9, LP10 and LP11.
39. The development is proposed to be at a density of 37.5 dwellings per hectare (dph), set against PPG3 advice which seeks a density of between 30 and 50dph. On this basis and given the need to retain important landscaping features on the site and the site's location on the edge of the village, this density is considered acceptable.

40. There is no objection to the proposal in highway terms from the County Highway Authority, although discussions are taking place to secure a section of footway suggested by them (see paragraph 42). The scheme meets car parking requirements as the layout provides two car parking spaces for all units.
41. As stated above, no public open space is being provided on site as part of this application as the Artiss Close development incorporated the public open space provision for this site (should it become developed in the future). However, negotiations are taking place with the applicants to secure their agreement to providing a commuted sum for the provision of play equipment on the adjoining public open space land at Artiss Close. A further update on this outstanding matter will be undertaken at the meeting.
42. With regard to the SPS's comments, the scheme is grouped around one central estate road with all properties being linked in pairs or forming a terrace so as to achieve necessary density requirements. With the exception of two semi-detached pairs of properties, all the dwellings have an irregular or staggered footprint to provide a more interesting built form. In addition the dwellings on plots 9-15 inclusive face towards the Rotheram Road and B1078 road frontages so as to create a better external appearance rather than face inwards towards the estate road, which would leave the rear elevations of the dwellings, their back gardens and associated fencing exposed to prominent public views. In visual terms, the design of the dwellings is similar to that approved at Artiss Close and the materials proposed for the external finish of all the dwellings and their roofs are acceptable and will complement the character and type of dwellings constructed in the area and the adjoining development including Artiss Close.
43. Negotiations are however currently taking place to secure the following:-
- Details of finished floor and ground levels, which will be important given the gradient across the site and its relationship to adjoining residential development, set at a significantly lower level; these details will enable an assessment to be made of the layout of the site and in ensuring the maintenance of the privacy and amenities of adjoining residents.
  - The retention of the existing hedges on the southern and north-eastern boundaries of the site, which will form soft edges to the development and the village, and are necessary to screen the development. Allowing for changing levels across the site the roofs of some of the houses proposed will still be visible in the landscape.
  - Further investigation is currently taking place concerning the points made by Taylor Investments, Bildeston Ltd regarding issues of noise disturbance to occupiers of the dwellings closest to the B1078 road frontage. A further verbal report on this matter will be undertaken at the meeting.
  - The provision of a section of footway to provide a continuous pedestrian link between this site and the approved new section of footway along the B1078 adjacent to the three dwellings currently being constructed at the former Newberry Works site as suggested by the Highway Authority. A further verbal report on this matter will be undertaken at the meeting.

## REASONS OF APPROVAL

44. Subject to the resolution of the outstanding matters referred to in this report the proposal is considered to be in accordance with policies LP4, LP16, LP9 to LP11 inclusive, LP18, LP146 and LP67 of the Babergh Local Plan (Alteration No. 1) and HS01, HS11, HS14, HS18, TA8, EN25, HS06, HS07 and HS09L and CN01 aimed at ensuring that this site is developed satisfactorily for residential development and at an appropriate density and to meet an identified local housing need whilst respecting the quality of the environment and safeguarding interests of road safety and residential amenity.

## RECOMMENDATION A

Subject to:

- the satisfactory resolution of all outstanding matters referred to in the report above together with the submission of any necessary amended plans;
- no objection from the CHA to any amendment relating to the footway provision contained in paragraph 43 above.

The Solicitor to the Council be authorised to secure a Planning Obligation under S106 of the 1990 Act to:-

- ensure that the dwellings proposed are managed in such a way as to meet identified housing needs in perpetuity and;
- secure a commuted sum for the provision of play space equipment for the adjoining public open space land at Artiss Close, the north-eastern and southern boundary hedgerows and together with the provision of a commuted sum for their future maintenance (unless satisfactory alternative measures are proposed by the applicants)

## RECOMMENDATION B

Upon securing the necessary Obligation the Head of Planning (Control) be authorised to grant planning permission subject to the following conditions:-

- As recommended by the County Highway Authority.
- Samples of proposed external bricks and roofing materials.
- Withdrawal of permitted development rights relating to extensions to all dwellings.
- Any as required following receipt of amended plans relating to finished floor levels and ground levels for the site.

- An acceptable boundary treatment scheme and retention of the hedgerows along the north-eastern and southern boundaries of the site.
- Landscaping scheme (to include hard landscaping - details of all surface treatment to access roads and parking areas – and the retention of trees along the frontage of the site).

## DECISION

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### ITEM 12

B/05/01078/OUT  
OUTLINE

#### GREAT CORNARD – UPPER CARSONS, 90 CANHAMS ROAD

Erection of 12 (no.) flats with associated car parking. Construction of new vehicular access.

Applicant: Drumbridge Contracts Ltd

Case Officer: Christine Thurlow

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## **BACKGROUND**

**A panel of Members visited the site on 24<sup>th</sup> August 2005. The site visit was called to enable Members to assess the impact of the proposed development on residential amenity and on local traffic.**

## SITE

1. The application site contains one detached two- storey dwelling known as Upper Carsons, no 90 Canhams Road; the dwelling is accessed from Canhams Road by an existing vehicular access. The site is well treed but the only trees that enjoy statutory protection are one oak tree and twenty five beech trees located on the side boundary of the site fronting towards Northern Road. These are protected by Tree Preservation Order No. 381. Other boundaries of the site adjoin existing two storey residential development. The site is in part elevated above Canhams Road as the ground level of the metalled carriageway of Canhams Road drops away in a westerly direction along the Canhams Road frontage of the site. As such a bank lies between the site and Canhams Road; otherwise the application site area is relatively flat in ground level terms.

## PROPOSAL

2. See report heading. When originally submitted the proposal related to the erection of **14 flats** with **siting and means of access** forming part of the application. A detailed plan submitted with the application proposed the erection of 14 units (with indicative floor plans indicating they would be two bedroomed in size). The layout was designed around 3 different sized blocks of development with the third lying adjacent to the proposed new vehicular access. The new access to Canhams Road would be positioned further to the west of the existing access (which would be stopped up). The new access would be approximately 10 metres from the western boundary of the site. As the number of dwellings are specified in the application and this forms part of the outline application, the Local Planning Authority must judge whether this density is acceptable given the siting and access details submitted. However since the Committee site inspection took place the application has been amended to the provision of 12 flats only. This amendment is the subject of re-consultation with all interested parties and the observations reproduced below relate to the scheme for 14 as originally submitted
  
3. The application is accompanied by a short planning statement, which is summarised as follows:-
  - The size of the site is 0.18 hectares and the threshold of the affordable housing is at 15 units and above. Policy HS08 actually requires affordable housing between 20 – 35% on sites that have 15 or more net units or on sites larger than 0.5 hectares. I note within your second deposit draft local plan, that you intend to decrease the % threshold to 1 in 3 units as policy HS08a. I am reliably informed that little weight can be applied to policy HS08a as this is yet to receive and deal with the Inspector's comments and be formally adopted. I am also aware that several objections have been raised to this policy.
  
  - Regarding the provision of on site public open space Babergh District Council has recently adopted (Sept. 02, revised May, 04) Supplementary Planning Guidance of development sites and the introduction of policies HS15 and HS16. HS15 deals with sites of 1.5 hectares and larger, with HS16 covering sites up to 1.5 hectares. This policy asks for play space and equipment in proportion to the number of dwellings proposed, with an option before applying the 10% rule of a financial contribution to secure open space and equipment within/on an alternative site or upgrade an existing provision nearby. Considering the small nature of our proposed scheme and application, we consider that a financial contribution in line with the prevailing charges set out in paragraph 3.3 of the SPG document is appropriate.
  
  - Issues such as educational payments are part of all new developments and can be sought by the provision and the signing of a Section 106 Agreement.

- We are aware that the trees along the adjacent footpath boundary are protected and assure you they will be inspected. We however suggest at the appropriate time that a specialist consultant be appointed and advice is gained to assess the protection zones together with any remedial/pruning works that may be required to be carried out.
- Suffolk County Highways have been fully consulted concerning the access arrangements and the position and site visibility splays distances are indicated to the agreed positions, together with the car parking facilities and siting, at a provision of 100%. Confirmation of their views has been submitted as part of the outline application.

#### RELEVANT HISTORY

4. 1987 - Outline planning application submitted for the erection of three dwellings and shared vehicular access. Prior to determination the application was withdrawn. (B/87/01444)

#### POLICY

##### **PPG3 – Housing**

5. Good design and layout of new development can help to achieve the Government's objectives of making the best use of previously -developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives, local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment.
6. Local planning authorities should:
  - avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net);
  - encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
  - seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

##### **PPG 14: Development on Unstable Land**

7. The responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer. In particular, the responsibility and subsequent liability for safe development and secure occupancy of a site rests with the developer and/or landowner.

8. It is *not* the responsibility of the local authority to investigate the ground conditions of any particular development site unless they propose to develop it. The stability of the ground in so far as it affects land use is a material consideration that should be taken into account when deciding a planning application.
9. The principal aims of considering land instability at the planning stage are:-
  - to minimise the risk and effects of land instability on property, infrastructure and the public;
  - to help to ensure that various types of development should not be placed in unstable locations without appropriate precautions;
  - to bring unstable land, wherever possible, back into productive use; and
  - to assist in safeguarding public and private investment by a proper appreciation of site conditions and necessary precautionary measures.
10. A planning authority does not owe a duty or care to individual landowners when granting applications for planning permission and accordingly is not liable for loss caused to an adjoining landowner by permitting development. Nevertheless, where development is proposed on land which the planning authority knows is unstable or potentially unstable, it should ensure that the following issues are properly addressed by the development proposed:-
  - the physical capability of the land to be developed;
  - possible adverse effects of instability on the development;
  - possible adverse effects of the development on the stability of adjoining land; and
  - possible effects on local amenities and conservation interests of the development and of any remedial or precautionary measures proposed.
11. It is the function of the planning system to determine, taking account of all material considerations of which instability is only one, whether a proposed development should proceed. Having made that decision, for certain types of development, it is the function of the Building Regulations to determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely.
12. The handling of individual applications for development on land that is known or suspected to be unstable or potentially unstable will need to take account of the potential hazard that such instability could create both to the development itself and to the neighbouring area. Whilst there is scope for flexibility and each application must be treated on its merits, it is important that a local planning authority should be satisfied by the developer that any instability has been taken into account.

13. If the developers specialist investigations and assessment and any consultations by the local planning authority show that instability can be satisfactorily overcome, planning permission may be granted, subject to conditions specifying the measures to be carried out in order to overcome instability.

**PPG17 – Planning for Open Space, Sport and Recreation**

14. In planning for new open spaces and in assessing planning applications for development, local authorities should seek opportunities to improve the local open space network, to create public open space from vacant land, and to incorporate open space within new development on previously-used land.
15. Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs.
16. The following adopted and emerging Development Plan policies are considered relevant to this application:-

**Suffolk Structure Plan 2001**

- CS3 (Location of housing development)
- ENV3 (Design Standards)
- T9 (Development related private car parking)

**Babergh Local Plan, Alteration No. 1**

- LP1 (Planning obligations)
- LP3 (Housing development in towns)
- LP16 (Housing densities)
- LP17 (Criteria for new housing development)
- LP18 (Design criteria)
- LP146 (Parking in new developments)

**Babergh Local Plan, Alteration No.2 (Second Deposit Draft version)**

- LP1 (Planning obligations)
- EN21 (Re-use or re-cycling of materials arising from demolition)
- HS01 (New housing development in towns)
- HS11 (Densities)
- HS12 (Criteria for new housing development)
- HS14 (Design criteria)
- HS16 (Public open space and play areas on new development)
- HS18 (Smaller dwellings – achieving a housing mix)
- CN01 (Maintaining local distinctiveness)
- TP18 (Parking in new developments)

*\* please note that details or extracts of policies are no longer included in reports - see page 4 of these papers.*

## OBSERVATIONS

### **Plans received with the Original Application (14 flats)**

17. PC (Great Cornard) – vehemently opposed and recommend refusal and make the following points:-
  - **Density**-the demolition of the existing house removes from the village a valuable family sized home. The proposed density and footprint of the new blocks of flats will totally overpower the site. Their neighbours will suffer a complete loss of privacy and quiet amenity..
  - **Trees and Wildlife**- There is an extremely good mix of native and species of trees all around and within the site; Beech, Elm, Blue Cedar Birch and Oak, Specimen Robina and Gleditsia trees. TPO's on some trees but not all. This supports a very varied mix of wildlife and bats essential for Cornard's environmental health. The 4 (no.) 3-bed houses should be kept within the footprint of the old bungalow.
  - **Safety and New Entrance** the site slopes back from Canhams Road and the bank at the front is 5ft high with trees on the top. The current access must prove difficult at times but the proposed new one will remove the trees and embankment and deliver a great deal of traffic onto a busy road-one of the main arterial roads in Great Cornard opposite Farford Field. A serious traffic hazard.
  - **New Footpath**- This is unnecessary and will add to the vandalism problems and lack of cleansing already experienced by neighbours. This will also add to the parking problems at the existing garages and houses in Carsons Drive
  - **Housing Needs**-with all the current and proposed houses in the village there is no need for yet more. The village infrastructure has not been improved to cope with the current round of building. The local facilities are under great pressure already and with the forthcoming Hospital debacle this will aggravate the situation.
18. CHA – recommend 6 conditions regarding access and its gradient, provision of visibility splays and the provision of parking/manoeuvring areas.
19. SWT – recommend bat survey.
20. Head of Technical Services –views awaited.
21. Chief Building Control Officer – views awaited
22. Police Architectural Liaison Officer- views awaited
23. SCC-Archaeology – no objection and does not believe archaeological mitigation is required.

24. 14 letters of objection on the following grounds:-

- highly out of character with area;
- surface of car park will be noisy;
- who will pay for maintenance of roads, footpaths etc.
- object to three storey element;
- 14 is an overdevelopment on the site;
- concerned re-loss of privacy and noise;
- occupants likely to be young with old people living nearby;
- limited parking;
- road busy with cars and school children;
- adverse impact on trees;
- loss of privacy;
- bats living in trees, they are protected by law and concerned about their welfare;
- mature trees should be protected;
- density far too high and not in keeping with area;
- Canhams Road and Northern Road very busy junction;
- communal parking area would affect our back garden which is very private;
- existing house is old and pleasant;
- some mature trees not shown on plans;
- proposed footpath unacceptable and will serve no purpose;
- people will park on grass area;
- will result in area more open and prone to vandalism;
- boundary will of 6' 9" should be provided to all boundaries;

- amount of traffic in Canhams Road is already excessive and access will be dangerous;
- flats will be an eyesore and devalue property in the area;
- impact on street lighting;
- will spoil green view.

### **Amended Plans**

25. Any further comments received in relation to the amended plans will be reported verbally to Members at the Meeting.

### **ASSESSMENT**

26. The application site is situated within the built up area of the Sudbury Great Cornard and Chilton and its comprehensive re-development is, therefore, acceptable in principle. The issues considered central to the outcome of the development are:-
- i) Density, layout impact upon the character of the area, trees and stability of the bank on Canhams Road.
  - ii) Impact upon residential amenity.
  - iii) Highway safety and the impact of the new footpath link.
  - iv) Protected species.
  - v) Public open space provision.
  - vi) Affordable Housing and Education Contributions.

### **Density, Layout, Impact upon the Character of the Area, Trees and the stability of the bank**

27. The original scheme proposed a density of approximately 77 dwellings per hectare; the revised scheme equates to 66 per hectare. This exceeds the upper range required by policy HS11 and promoted by PPG3 (of between 30 and 50 dwellings per hectare). Given that the site is a corner site, at the junction of two roads and the proposal is for flats there is no objection to the scheme being relatively higher density and towards the upper limit of the range subject to all other material considerations being satisfactorily addressed.

28. The original scheme of 14 units would, by virtue of the submitted siting details, have required one element of one block of flats to be of three storeys in height with the remainder at two-storey level. This three-storey element would have been the only example of three-storeys in the area. Given the prominent and elevated nature of the site above Canhams Road, this element would have been unacceptable and consequently the revision to 12 flats (albeit still above the upper limit of density range) has satisfactorily addressed the issues of mass and height of any resultant structures on the site resulting from the submitted siting details.
29. However further investigation is taking place to ascertain whether the submitted siting details are acceptable in terms of their close proximity to the bank on the Canhams Road frontage so as to address any concerns in relation to the potential of the bank to become unstable given the submitted siting details and the construction of the proposed new vehicular access. A thorough assessment of the impact of the proposal on the protected trees is also being undertaken. A further verbal report on these two matters together with the views of the Head of Technical Service's and the Chief Building Control Officer and a response from the agent following discussion about the same issue will be undertaken at the meeting.
30. The Police Architectural Liaison Officer has been consulted on the application and his views if received will be given at the meeting.

#### **Impact upon Residential Amenity**

31. The rear of the proposed flats will be approximately 16.5-17.5 metres away from the boundary of the dwelling known as 88 Canhams Road that has a first floor window in its gable end overlooking the application site. To the south lies the adjoining two- storey dwelling known as no 1 Kempson Drive. The nearest part of the flats to the southern shared boundary to that dwelling is two metres with that dwelling being sited approx. 0.5-1 metre away from the boundary.
32. Given the siting of the two existing dwellings in question and the juxtaposition of the other nearby dwellings it is considered that with a controlled aspect to the flats (that could be dealt with at the reserved matters stage) residential amenity can be adequately controlled and issues of privacy and overlooking satisfactorily protected. Consequently no objection is raised to the application site on residential amenity grounds.

#### **Highway safety and impact of new footpath link**

33. It is considered that the position of the proposed new vehicular access and the proposed pedestrian link onto an existing footpath leading towards Kempson Drive are acceptable. No objection has been raised by the County Highway Authority and the introduction of a new footpath onto the existing footpath network will ensure that the site would be satisfactorily integrated into the community. However the impact of the pedestrian access works on the protected trees is currently being investigated and will be reported verbally at the meeting.

### **Protected Species**

34. The views of the agent have been sought on the Suffolk Wildlife Trusts comments about the need for a bat survey and will be reported verbally at the meeting.

### **Public Open Space Provision**

35. Emerging policy HS16 of the Second Alteration to the Local Plan requires the developer to either provide 10% of the application site as public open space or provide financial contributions to the provision or upgrade of existing areas of public open space. The applicant has agreed to provide a contribution.

### **Affordable Housing and Education Contributions**

36. No element of affordable housing (as defined in the Local Plan) is proposed. The site is situated within a town (Great Cornard, combined with Sudbury) and Policy HS08 is, therefore relevant to affordable housing issues. As such, affordable housing cannot be secured from developments of 14 or less units (or on sites larger than ½ hectare if in outline). This application proposes 12 units. In addition, education contribution cannot be sought in this case as it falls below the threshold of 15. However, the scheme would help to address housing need as flats are proposed.

### **REASONS FOR APPROVAL**

(subject to the resolution of the outstanding issues discussed above)

37. The proposed development is considered to be in accordance with the provisions of adopted and emerging Development Plan policies ENV3, T9, LP3, LP16, LP17, LP18, HS01, HS11, HS12, HS14, HS16, HS18 and CN01 by reason of the number of flats, revised density and siting details constituting an acceptable group development in terms of its, layout, impact on trees, relationship to adjoining development, ground conditions and public open space provision. There is no highway objection to the proposal and there are insufficient grounds on which to justify refusal in terms of its impact upon residential amenity, or the character and appearance of the town.

### **RECOMMENDATION A**

Subject to a satisfactory resolution of the outstanding matters referred to above, and no new material issues following re-consultation, the Solicitor to the Council be authorised to secure an obligation under Section 106 of the Town and Country Planning Act, 1990 in respect of public open space contributions. Upon completion of the obligation the Head of Planning (Control) be authorised to grant outline planning permission, subject to the following conditions –

- Reserved matters of design external appearance and landscaping
- Materials
- Landscaping

- Proposed boundary treatments.
- Finished ground floor levels relative to existing and proposed finished ground levels.
- As recommended by CHA
- As recommended by SWT
- GPDO rights removed for new openings or extensions within the roof spaces of the flats.
- Slope stability if appropriate
- Any as required regarding impact on trees.

**Otherwise,**

**RECOMMENDATION B**

Refuse planning permission. Reasons (as may be appropriate);

- As may be appropriate should all outstanding matters not be adequately addressed.
- Inadequate provision of public open space and play equipment (off site).

**DECISION**

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ITEM 13B/05/01182/LBC  
LISTED BUILDING CONSENT

LONG MELFORD – BELMONT HOUSE, HALL STREET

Retention of existing boiler flue

Applicant: A J Lyall

Case Officer: Mrs. C. A. Thurlow

**BACKGROUND****This application is presented to Development Committee for determination at the request of the Local Member.****SITE**

1. The application site is situated within Long Melford Conservation Area and supports a two-storey mid 19<sup>th</sup> Century timber painted brick property and is Grade II listed.

**PROPOSAL**

2. The application proposes the retention of a boiler flue on the north elevation of the property. (Photographs of the flue will be available for inspection at the meeting.)

**HISTORY**

3. 1978 – Planning permission granted for change of use of front room to shop (B/78/00370/FUL refers)
4. 1979 – Planning permission granted to use of part ground floor for furniture restoration (B/79/00268/FUL refers)
5. 1979 – Listed Building Consent granted for the demolition and rebuilding of external wall (B/79/0032/LBC refers)
6. 2004 – Listed Building Consent granted to rebuild flint wall and erect a new boiler flue. (B/04/00971/LBC refers)

**POLICY****Planning Policy Guidance Note 15 ‘Planning and the Historic Environment’**

7. (PPG15) was issued in September 1994 and remains the main document for Government advice and guidance to Local Planning Authorities on the operation of the planning system in relation to the historic environment.

8. Annex C of PPG15 states that some standard and external fixtures require listed building consent when they affect the character of a listed building. These include, amongst other things, central heating and other flues, both standard and balanced. Only undamaging and visually unobtrusive positions for such fixtures should be agreed.
9. The following adopted and emerging Development Plan policies are considered relevant to this application: -

**Suffolk Structure Plan 2001**

- Policy ENV3 (Design Standards)

**Babergh Local Plan Alteration No. 1**

- Policy LP78 (Listed Buildings)

**Babergh Local Plan Alteration No. 2**

- Policy CN10 (Listed Buildings)
- Policy CN02a (Conservation Areas)

OBSERVATIONS

10. PC – Recommend Approval
11. One letter has been received, objecting for the following précised reasons:-
  - We are worried about the boiler flue which is very low, dangerous and invades our air space
  - There are five overflow pipes and vents from washing machines emitting more steam.
12. One letter has been submitted by the Local Member, making the following specific points:-
  - Building Regulations Contravention
  - Gas Regulations
  - No Planning
  - Unlawful

## ASSESSMENT

13. This application seeks Listed Building Consent to retain a boiler flue of a different external appearance and in an amended position to that approved under application B/04/00971/LBC (see para. 6 above). The principle of allowing the insertion of a boiler flue into the side elevation has already been approved and it is not considered that the revised positioning of the flue and its different design is so detrimental to the listed building such that a refusal of Listed Building Consent and the service of a Listed Building Enforcement Notice for its removal would be justified. Indeed, the flue is set back from the front elevation and is considered to be in an undamaging and visually unobtrusive position as required by PPG15 (see para 8 above).

## NOTE

14. The works do not require planning permission and need Listed Building Consent only. As such the only issues that this application can consider relate to the impact of the proposal on the character of the Listed Building. All other issues including impact on adjoining residents cannot therefore be considered. However the concerns of the Local Member regarding Gas and Building Control regulations have been passed to the Chief Building Control Officer to be addressed separately.

## REASON FOR APPROVAL

Listed Building Consent is granted because the proposal is in accordance with PPG15: Planning and the Historic Environment, policy LP78 of the Babergh Local Plan (Alteration No. 1) and Policy CN10 of the Second Deposit Draft of the Babergh Local Plan (Alteration No. 2) having had regard for other material considerations.

## RECOMMENDATION

Grant Listed Building Consent

## DECISION

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ITEM 14B/05/1343/FUL  
FULLSUDBURY – NESTLE PURINA (NORTHERN EUROPE) WINDHAM ROAD,  
CHILTON INDUSTRIAL ESTATE

Erection of 2 no. infill extensions (including additional extruder plant) canopy and walkway structures and reconfiguration of access and parking areas.

Applicants: Nestle Purina

Case Officer: Christine Thurlow

SITE

1. The application site comprises the Nestle Purina premises located on the corner of Northern Road and Windham Road accessed via an existing vehicular access onto Windham Road. Although prominent the site is well landscaped to Northern Road and whilst the existing buildings are tall and of a large scale, they do not appear over-dominant in the street scene given their set back location on the site (from Northern Road).

PROPOSAL

2. See description above. The application involves:-
  - The erection of an extension measuring 750 square metres to the existing packing extension adjacent to the main production building measuring 16 metres x 47 metre and 17 metres in height
  - The erection of an extension measuring 400 square metres on the north elevation of the main production building (adjacent to the above packing building) comprising Extruder 7 (which would displace an existing parking area)
  - The erection of an extension measuring 690 square metres to the existing main warehouse building located adjacent to the temporary access (referred to below)
  - The erection of a canopy (north elevation of packing building) and walkways structure (north elevation)
  - The retention of the temporary access approved in 2004 to be retained permanently so as to form the main exit from the site onto Windham Road (with a one way system operating on the site for all traffic so as to ensure the free flow of all traffic).
  - The expansion of parking areas on site from 110 at present to 140 in total together with the provision of 30 cycle spaces and reduction of lorry parking from 22 to 11 spaces (which will not be required given the company's "Just In Time" operating methods).

- The proposal will result in the creation of 38 full time jobs, result in 1840 square metres of additional floor space on site (present –11,263 square metres) and there would be no change in the hours of working.
  - A green travel plan has been submitted in accordance with planning policy which encourages the use of modes of transport other than the private car together with extended cycle facilities including 30 cycle parking spaces and changing facilities.
3. A detailed supporting planning statement has been submitted which amplifies the terms of the development and which can be seen via arrangement with the Case Officer. In support of the application (taken from the submitted summary) the agent states:-
- The phased proposals are a considered approach to the gradual expansion of existing operations which will provide additional; employment opportunities in accordance with strategic and local policy considerations.
  - The impact of the proposals on the highway network has already been fully discussed with the Highway Authority and they have raised no objection to the development (at the enquiry stage).
  - Energy consumption will be kept to a minimum by keeping the building envelope as simple as possible and using well insulated external cladding.
  - The aim of this scheme in design terms is to integrate the buildings so that they have a unified appearance with a more satisfactory appearance to Windham Road which is the most prominent. The external materials are profiled metallised sheeting in different tones of light grey and light grey flat panel.
  - Proposals will not have any negative impact on environmental or residential amenity, in particular the odours from the plant will be fully in accordance with the IPPC Directive 1996 and will not have any effect upon residential properties (or indeed the nearby area). Further control of odours is possible through planning conditions and these issues will be explored with the Councils Environmental Officers prior to the receipt of any planning consents. (This provides assurances greater than those legally necessary for the control of odour emissions.)
  - The proposals are not only considered to be in accordance with relative adopted and emerging planning policy but are fully supported by the Development Plan and all other material considerations.

## HISTORY

4. 1977 – outline planning permission granted for the erection of buildings for offices, laboratories and light engineering (B/77/457/OUT).
5. 1987 - planning permission granted for the erection of a production/storage unit, construction of vehicular access and provision of parking spaces (B/87/00022/FUL).
6. 1988 – planning permission granted for the erection of a production/storage unit (B/88/00070/FUL).
7. 1990 - planning permission granted for the erection of a 2.4 metre high perimeter fence (B/90/01377/FUL).
8. 1991 - planning permission granted for the erection of a finished product and distribution warehouse grain storage and cereal plant and extension to existing offices (B/91/00778/FUL) (Duplicate application submitted at this time not determined – B/91/00270/FUL).
9. 1992 - planning permission granted for the erection of a canopy to existing distribution warehouse to form covered loading area (B/92/00960/FUL).
10. 1993 – advertisement consent granted for non-illuminated fascia sign (B/93/00500/A).
11. 1993 - planning permission granted for the erection of three extended dryer exhaust stacks on existing warehouse (B/93/00499/FUL).
12. 1995 - planning permission granted for the erection of an odour control plant (B/95/00837/FUL).
13. 1997 - planning permission granted for the construction of a high level conveyor link between the packaging and distribution warehouses (B/97/00603/FUL).
14. 1998 - planning permission granted for the erection of an extension over an existing boiler house and conveyor and storage extension to existing packaging warehouse (B/97/00726/FUL).
15. 1998 - advertisement consent granted for non-illuminated wall mounted sign and amended signage (B/98/00974/ADV).
16. 1999 - planning permission granted for an increase in height of existing scrubber room (B/99/00090/FUL).
17. 2001 - planning permission granted for conversion of part of existing warehouse to two storey office and ancillary accommodation and erection of single storey extension to form external area and external alterations (B/01/00480/FUL).
18. 2002 - planning permission granted for four portable buildings as temporary office accommodation (B/01/01763/FUL).

19. 2002 - planning permission granted for enclosure of part the area under existing canopy (B/02/01374/FUL).
20. 2004 - planning permission granted for the erection of an additional extruder plant (B/04/00067/FUL).
21. 2004 - planning permission granted for the retention of a temporary vehicular access to Windham road (B/04/00966/FUL).
22. 2004 - planning permission granted for the increase in the height of the scrubber flue of Extruder 6 (B/04/01747/FUL).

## POLICY

### **Planning Policy Guidance Notes**

23. PPG23 – Planning and Pollution Control.
24. PPG24 – Planning and Noise.
25. The following policies are taken from the Suffolk Structure Plan 2001:-
  - ECON1 – states that expansion of an existing employment use will be acceptable where there is no material conflict with residential amenity or with policies for transport or protection of the environment.
  - Policy ENV3 advises that Local Planning Authorities will require high standards of siting, design and landscaping in all development and that design layouts should respect the characteristics of their sites and surroundings while achieving densities and development consistent with the efficient use of land.
  - Policy T14 deals with the control of development and states that major development will not be acceptable unless a comprehensive transport impact assessment has been carried out. Policy T14 also states that in assessing development proposals trip generation, adequacy of the exiting and proposed accesses, adequacy of surrounding network and scope for access by means other than by private car and lorry and matters taken into account.
  - Policy T9 deals with car parking requirements.
26. The following policies are taken from the Babergh Local Plan (Alteration No. 1):-
  - Paragraph 2.11 deals with the expansion of existing firms and states there will be a strong presumption in favour of normally permitting the expansion of the existing firm and proposals will be judged against Structure Plan Policy.
  - Policy LP67 – the environmental impact of existing noise generating development will be taken into account in new proposals to ensure they are not adversely affected.

- Policy LP68 – where noise generating developments are proposed their adverse impact on noise sensitive development will be considered and the existing ambient noise levels for the area will be taken into account.
  - Policy LP69 – in determining proposals where noise may be a problem, the potential for ameliorative works to overcome this will be considered and where necessary made the subject of a condition or planning obligation.
  - Policy LP146 – requires all development to have sufficient on-site car parking to cater for the development involved.
27. The following policies are relevant and taken from Babergh Local Plan (Alteration No. 2):-
- TP17 – adequate provision for cycle and vehicle parking.
  - TP18 – provision of green travel plans.
  - EM02 – warehousing proposals.
  - Para. 4.34 – "there will be a strong presumption in favour of permitting the expansion of an existing form and proposals will be judged against Structure Plan Policy ECON1" – see paragraph 22 above).
  - EN24 updates LP67.
  - EN25 updates LP68.
  - EN26 updates LP69.

### OBSERVATIONS

28. TC – approve – however there is a concern that the footpath shown on the plan should be realigned sympathetically. The town Council will contact the relevant Officers at the district and county councils in this regard.
29. CHA – raises no objection and recommends one condition regarding parking and turning as detailed on the submitted plan.
30. HoES – we no longer regulate the company for environmental emissions. Regulatory control passed to the Environment Agency earlier this year under the terms of an Integrated Pollution Prevention & Control (IPPC) permit. The permit covers most environmental impacts including odour and noise. I've copied the relevant paragraphs from PPS23, Annex 1 which advises that the LPA should consult the pollution control authority (in this case the Environment Agency) on the planning application.

31. One letter from Councillor Sayers making the following comments:-
- Strongly object to the footpath issue
  - I see no need to move this established public footpath to the other side of this settled open space of natural habitat as it is deliberately aligned to a follow on section which goes to Chilton Church and is part of a recognised circular walk and an important feature for visitors to our Town.
  - In my opinion Babergh Council has a responsibility to preserve this important parcel of land on our industrial estate without any threat of disturbance.
32. EA – views awaited.
33. AW – views awaited.

### ASSESSMENT

34. Policy ECON1 of the Suffolk Structure Plan 2001 states that expansion of an existing employment use will be acceptable where there is no material conflict with residential amenity or with policies for transport or protection of the environment. In view of this and in the context of the other planning policies detailed above, the principal considerations in respect of this application are as follows:-

- **Environmental, Visual and odour/ noise control considerations;**
- **Highway traffic generation, Green Travel Plan and parking issues;**

These are dealt with as follows:-

#### **Environmental, Visual and odour/noise control considerations**

35. As stated above, this application involves the following:-
- A rationalisation of existing HGV and vehicle parking and access arrangements;
  - The provision of additional covered floor space to accommodate the new extruder and associated plant and machinery and extensions to the packing and warehouse parts of the complex;
  - Consequent changes to the appearance of the production packing and warehouse buildings.
36. Given the set back location and the height and scale of the existing buildings on the site and the height depth and impact of the landscaping that surrounds the site, it is considered that all the elements of the scheme that relate to extensions to the buildings are acceptable in form design siting and external appearance terms and will not cause any adverse impact in visual amenity terms.

37. With regard to Planning Policy Guidance Notes No. 23 and 24, Policies LP67 – 69 of The Babergh Local Plan (Alteration No. 1) and EN24 – 26 of The Babergh Local Plan (Alteration No. 2) the Head of Environmental Services has stated that the Environment Agency are now the regulatory body for noise and odour control from the buildings.
38. Planning Policy Guidance Note No. 23 states that planning authorities should not seek to duplicate detailed control which is the statutory responsibility of other bodies (including local authorities in their non-planning functions). Para. 1.36 of PPG23 states:-

In deciding whether to grant planning permission, planning authorities must be satisfied that planning permission can be granted on land-use grounds, and that concerns about potential releases can be left for the pollution control authority to take into account in considering the application for the authorisation or licence. (IPPC Permit) Alternatively, they may conclude that the wider impact of potential releases on the development and use of land is unacceptable in all the circumstances on planning grounds, despite the grant or potential grant, of a pollution control authorisation or licence.

39. In addition PPG24 outlines the considerations to be taken into account in determining applications both for noise sensitive developments and for those activities which generate noise. In this particular case the proposed development is not regarded as inappropriate in land use terms, as it comprises industrial development in the centre of an industrial estate. Given that the formal views of the Environmental Agency are currently awaited, your officers contacted the EA to seek their informal views. From these discussions it is understood that the EA are unlikely to raise any objection to the application on noise or odour emission grounds. However the scheme will warrant modifications to the IPPC Permit although any revisions are unlikely to cause any changes to the scheme submitted for planning permission.

#### **Highway Traffic Generation, Green Traffic Plan and Parking Issues**

40. Details submitted with this application propose a rationalisation and re-arrangement of HGV parking and servicing based on "Just in Time" methods of delivering and an increase in on site car parking. The County Highway Authority has raised no objections to the proposal or and have advised that the submitted green transport plan is satisfactory. It is also informally understood from the County Highway Authority that the traffic generation impact of this proposal is insufficient to justify any modifications to the junction of Windham Road and Northern Road.

RECOMMENDATION

Subject to no objection being received from AW or the Environment Agency, the Head of Planning (Control) be authorised to grant planning permission subject to the following conditions:-

- Standard time limit condition;
- Any recommended by the County Highway Authority;
- Any as required by AW or the EA;
- Implementation of submitted green travel plan.

DECISION

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Richard Watson  
Head of Planning (Control)  
02 September 2005