

Parish: WOOLVERSTONE

Location: Paul Double Nurseries Ltd, Main Road

Proposal: Construction of 11 no. dwellings with associated garaging. Construction of new vehicular access. (Development to enable the restoration of the Listed Walled Garden and associated structures).

Applicant: Ingleton Properties Ltd

Case Officer: Ben Elvin

Date for Determination: 30.12.08

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**This application is reported to the Development Committee as it raises planning policy and conservation issues. A panel of Members inspected the site on 10 June 2009.**

#### SITE

1. The site is located within the village of Woolverstone, with access onto the main Ipswich to Shotley road (known as Main Road) being the B1456.
2. The site measures approximately 2.26 hectares in total, and consists of a walled garden and associated structures and buildings that formed part of the former nursery. The walled garden and associated structures (which include a row of bothies, various greenhouses, mushroom shed, carnation display house, potting sheds, a water tower and dairy buildings) were listed in 2006. The listing provides an analysis of the structures and their history, and includes a summary of importance which reads;  
  
*“The walled garden at Woolverstone is a good example of a late C18 kitchen garden contemporary with a grade I listed hall and set within the landscape context of the estate. The wall remains substantially intact and the gated entrance to the estate, doorways into the garden and internal sub-division are surviving significant features. The walled garden at Woolverstone has group value with the Hall and is considered to have special interest as an individual structure”.*
3. The nursery falls within the Woolverstone Conservation Area and within an Area of Outstanding Natural Beauty. It is a known Archaeological Site and is bordered by the Thatched Cottage to the northern boundary beyond which is a public footpath that runs from east to west linking with the church.
4. To the south and west of the site there are dwellings of varying forms that front Main Road. This cluster of properties is surrounded by the grounds of Woolverstone Park, which provides the setting for Woolverstone Hall.
5. The site was previously used as a plant/tree nursery and, whilst some elements of this operation continue today, is largely vacant.

#### PROPOSAL

6. The proposal puts forward a scheme for 11 dwellings comprising:
  - A pair of semi-detached properties on the site frontage (Plots 1 and 2),
  - A mews of 7 gardeners cottages (in the form of one terrace of 3 and one terrace of 4) (Plots 3-9),

- A single infill plot in the south-east corner of the site (Plot 10), and,
  - A new country house (Plot 11).
7. The principle behind the scheme is to provide sufficient development to facilitate the repair and restoration of the walled garden and listed structures. In order to understand the level of works required, the applicant commissioned an Architectural Historian to assess the listed structures on the site and provide a detailed analysis of required conservation works in the form of a Short Term and Long Term Conservation Plan. These documents have been submitted in support of the applications. A Chartered Quantity Surveyor was then commissioned to cost out these works, and the costings are submitted as a separate document.
8. The site is subject to a number of constraints, and the application is therefore supported by several specialist documents to detail the relevant planning issues. In addition to the aforementioned conservation documents, the following supporting information has been provided:
- Affordable Housing Statement
  - Open Space Assessment
  - Historic Buildings Report
  - Biodiversity Scoping Report
  - Arboricultural Statement
  - Financial Model

These documents can be viewed in full in advance of the meeting by prior arrangement with the case officer.

9. A Design and Access Statement and Architectural Justification has also been submitted with the application. This makes the following points;
- The proposal has been developed following consultation with the local planning authority. The scheme has been created to provide a comprehensive development of the site following the withdrawal of the previous scheme of 2 dwellings.
  - Consultations prior to the submission of the applications identified that; development would not be acceptable within the walled garden, the walled garden should be retained in one single ownership, there was an opportunity to establish one large dwelling that would take ownership of the walled garden, other development should be contained within the Built-Up-Area Boundary and should have the character of a garden mews and that the two greenhouses to the west part of the site are in such poor condition that they are beyond repair.
  - The scheme accommodates elements of demolition due to the poor nature of some of the ancillary buildings, and the justification is provided.
  - The future use of the walled garden is best preserved in one ownership, and in order to achieve this the proposals are therefore to; construct a new country house, to implement the short term conservation plan, to implement the long term conservation plan and to provide additional supporting development.
  - The financial appraisal identifies that the conservation works require a minimum level of sustaining development.
  - Support of the planning authority is necessary to establish the new country house as an extraordinary exception to policy based upon the financial case put forward and the ongoing conservation responsibilities and costs.
  - The development on the west side of the walled garden is contained within the village envelope.
  - The scheme needs to be considered as a whole package.
  - The layout of the proposal responds to the arrangement of the walled garden.
  - Appraisal of the scale of development in Woolverstone is explained and has been considered in the design.

- Boundary treatments are well defined and the strategy is to improve and enhance these.
  - Landscape proposals will be prepared by a Landscape Consultant for submission and agreement.
  - Works to improve the access have been proposed in accordance with a Highways Consultants' recommendations and has been agreed by Suffolk County Council, the local highways authority.
10. Plot 11 is proposed to be a country house which will include within its curtilage the listed walled garden and the associated structures. It is proposed to continue to use these structures in an ancillary use to the garden. This dwelling, along with the dwelling to plot 10 will be accessed off the track that runs along the south edge of the site.
  11. The overall development is intended to contribute to the identified conservation works and secure a long-term future for the walled garden and associated structures.
  12. The existing access onto Main Road would be widened and improved to increase visibility.

### **RELEVANT HISTORY**

13. B07/01276 (2007) – Erection of 2 detached dwellings Alterations to existing vehicular access – Withdrawn.
14. B/03/02122 (2003) – Erection of 2 no. detached dwellings with associated garaging and construction of new vehicular access – Granted.
15. B/02/01801 (2002) – Erection of 4 no. detached dwellings (outline application) – Refused.

### **NATIONAL GUIDANCE**

16. **PPS1** – Delivering Sustainable Development
17. **PPS3** – Housing
18. **PPS7** – Sustainable Development in Rural Areas
19. **PPS9** – Biodiversity and Geological Conservation
20. **PPG13** – Transport
21. **PPG15** – Planning and the Historic Environment
22. **PPG17** – Planning for Open Space, Sport and Recreation
23. **PPS23** – Planning and Pollution Control
24. **PPS25** – Development and Flood Risk

### **PLANNING POLICIES**

25. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

## **East of England Plan, 2008**

- **SS1** (Achieving Sustainable Development)
- **ENV7** (Quality in the Built Environment)
- **ENG1** (Energy Performance)

## **Babergh Local Plan (Alteration No.2) 2006**

- **LP01** (Planning Obligations)
- **HS02** (Development in Villages)
- **HS08** (Affordable Housing)
- **HS27** (Housing Density)
- **HS28** (Infilling)
- **HS31** (On Site Public Open Space Provision)
- **HS32** (Public Open Space)
- **CN01** (Design)
- **CN06** (Listed Buildings)
- **CN08** (Conservation Areas)
- **EN04** (Retention of Semi-Natural Features)
- **CR01** (Countryside)
- **CR02** (Area of Outstanding Natural Beauty)
- **TP15** (Parking Standards)

**The relevant documents can be viewed via the internet. Please see Page 4 for details.**

## **CONSULTATIONS**

26. PC – Object to the application as the development it goes it spreads beyond the village envelope. It is the view of the Council that any development should be kept within the village envelope. This is also because the development is within the AONB.

As the development is linked to the conservation of the Victorian Wall and other nursery buildings, the Council feels that, with any development taking place in this area, it must be guaranteed that the conservation works outlined will be undertaken and, furthermore, a sum of money should be lodged by the developers which will be earmarked for this work prior to development starting.

If Babergh District Council is not prepared to accept our objections outlined above, we ask them to be mindful of the following detailed points:

- Plot 11 is too high and would not conform with local forms in scale and massing
  - Plot 11 would be too much development within a small area
  - Plot 11 does not reflect the needs of neighbourhood properties
  - There is no provision for public access to the conserved listed wall and nursery buildings.
  - It is believed that underground forcing rooms exist under Plots 1 and 2 and that steps to investigate this should be taken prior to development.
27. LHA – Recommends conditions in respect of the access improvements, restrictions to the height of obstructions in the visibility splays and the provision of parking and turning areas.
28. English Heritage – has responded twice to consultations on the applications. The first response offered general advice and makes the following points:

- Enabling development is development which would be unacceptable in planning terms but for the fact it would bring public benefits sufficient to justify it being carried out, and which could otherwise not be achieved.
- EH has recently revised its guidance on enabling development, and would expect any proposals for such development to be assessed in accordance with this guidance. Proposals should not be accepted unless they meet the 7 criteria set out within the document.
- The applicant would need to demonstrate that there is a conservation deficit. In other words, the value of the site plus the costs of repair and conversion are greater than the value of the site on completion of the works. In this respect, financial information should be submitted with the application that would enable full scrutiny both of the definition of need and the definition of the scale of development necessary.
- It must be demonstrated that the development proposed is the minimum necessary to secure the future of the site.
- It should be demonstrated that funds cannot be found from any other source.
- The scheme should not materially harm the heritage values of the place or its setting.
- The application is lacking in terms of its analysis of the wider setting and relationship with Woolverstone Hall, the landscape and any other historic ancillary buildings in the village.
- The authority should be satisfied that the demolition of buildings noted as being of interest is justified.
- The amount of development proposed is considerable and would change the character of the site. Is this the minimum necessary? Do other options exist in respect of the conversion of some of the ancillary structures?
- If the proposals are acceptable in principle, it is essential that the benefits are properly secured. Legally enforceable arrangements should be implemented to ensure the commercial element cannot be carried out or used without the heritage benefits being realised.
- They recommend that the application is assessed in accordance with their guidelines.

The second response made the following comments;

- EH is unable to commission independent assessments of all of the applications for enabling developments and is unable to do so in this case.
- Enabling development is, by its nature, an uneconomical way of raising finance and a development of eleven houses does appear to be a high price to pay to repair of a walled garden.
- Other options such as a phased repair programme over a number of years should be fully explored.
- There appears to be a lack of information submitted in respect of the phasing of development. If the proposal is considered to be acceptable, ideally the place should be repaired prior to enabling development commencing or the funds deposited with a trust, performance bond or a guarantee obtained. Phasing may provide a compromise to this.
- The scheme is noted as being unviable in the current market, but may be viable in 2011. EH do not support this speculative approach as the figures have to be considered and be visible at today's date. In view of the depressed nature of the property market, if the walled garden could be prevented from deteriorating further with minimal repair and/or temporary support for say 3-5 years, the market may improve and remove the need for such extensive development.

29. SCC - The Archaeological Service - The proposal is likely to have an impact on the wider archaeological setting, and the site lies in the vicinity of areas of archaeological interest recorded in the County Historic Environment Record. The proposed works would cause significant ground disturbance that has potential to damage any archaeological deposits and whilst there are no grounds to consider refusal of permission in order to achieve preservation *in situ*, any permission granted should be the subject of a PPG 16, para 30 condition, to ensure that an adequate record is made of any archaeological features or finds which would otherwise be destroyed by the development.
30. EA – In respect of **flooding** - directs that the scale of development is less than 1 hectare, and therefore the main flood risk issue to consider will usually be managing surface water run-off. A good practice guide is supplied for information. In terms of **ecology** – have no objections, and recommend a condition in respect of the removal and long-term eradication of Japanese knotweed. In terms of **sustainable construction**, recommend a condition in respect of a scheme of water and energy efficiency measures. They also offer advice in respect of pollution control and soakaways.
31. Natural England – No objection.
32. SWT – Provide best practice comments in respect of reptiles and nesting birds. Request a condition in respect of mitigation for bats.
33. SCC - Fire and Rescue Service – Advisory comments are offered in relation to access, fire fighting facilities and water supplies.
34. NABE – Environmental Health – No objection to the proposed development but recommend the imposition of a standard contaminated land condition to mitigate any risk arising from land contamination.
35. Arboricultural Officer – The Arboricultural Assessment submitted is satisfactory and the recommendations of this report should be followed. Condition required in respect of monitoring of works close to trees.

## REPRESENTATIONS

36. Four letters of objection have been received in respect of the proposal which make the following points:
  - Plot 11 is outside the village envelope and will dominate neighbouring properties.
  - Comparisons made to Plot 11 and Dairy House are not relevant as Dairy House is adequately distanced from neighbouring properties.
  - The character of the area should be maintained.
  - Potential for anti-social groups gathering within the site.
  - There is insufficient justification for allowing Plot 11.
  - The Council has a duty to recognise the conservation status of the village and preserve its qualities. The development proposal materially changes the shape, focus and appearance of the village.
  - Plot 11 is out of scale with neighbouring properties.
  - Development outside the built-up area should not be allowed.
  - Other developments, namely Deer Park Lodge, have destroyed the original character of their sites, and Plot 11 would appear to be a similar risk.
  - If the only justification for this development is to achieve the restoration of the kitchen garden walls, then the development is not justified.
  - The cramming of 7 dwellings into a small area to the west of the wall is asking to become a 'slum' area.
  - Woolverstone cannot sustain this type of development.

- Vehicles entering the site will be dangerous on the main road.
- Plot 11 is materially larger than the Dairy House, and the drawings showing the two buildings are misleading as Dairy House is not accurately shown.
- The conversion of the water tower into a studio could lead to overlooking if any windows were permitted in the north elevation. If permission is granted then a condition should be imposed to ensure that windows are not added later.

## **PLANNING CONSIDERATIONS**

37. The issues to be considered in relation to these applications are set out in the following sections of this report but broadly they are whether:

- the proposals are acceptable in principle having regard to the provisions of the Development Plan,
- the intended repair and restoration of the historic walled garden and associated buildings is a sufficient material planning consideration to outweigh the provisions of the Development Plan,
- there are any other issues that need to be taken into account, and
- the wider planning objectives can be fulfilled via the completion of a planning agreement.

### **The Principle**

38. The application site is situated on the eastern outskirts of Woolverstone. The frontage to the site and the existing buildings on the western side of walled garden lie within the built-up area boundary defined for the village. The land to the north of the existing buildings, the walled garden, and the land upon which it is proposed to construct the dwelling to plot 11 lie outside the boundary to the settlement.
39. Local Plan Policy HS02 states that new housing development in non-sustainable villages will take the form of infilling (up to a maximum of 3 dwellings) within the defined built-up area boundary. Policy HS03 identifies Woolverstone as a non-sustainable village.
40. In line with the requirements of Local Plan Policy HS02 new housing development is only acceptable if there is no adverse impact on:
- the scale and character of the village,
  - residential amenity,
  - landscape characteristics (AONB),
  - the availability of services and facilities,
  - highway safety,
  - the natural and built environment (particularly conservation areas, listed buildings, biodiversity and archaeological remains), and,
  - space which is important to the village scene or an important recreational asset for the locality.
41. The applications provide for the construction of 11 dwellings in a non-sustainable village, including development on land outside of the built-up area boundary (BUAB). The number of dwellings proposed is therefore at odds with the provisions of Local Plan Policy HS02 and as a matter of principle the proposal should not be supported. There are, however, other issues that are very relevant to the determination of this proposal.
42. As Members will be aware the starting point for the determination of any proposal is the Development Plan but where there are other material planning considerations these should be taken into account first before reaching a decision.

## Restoration Proposals

43. The applications provide for the refurbishment and restoration of the walled garden and the associated buildings on the site. They seek to provide a level of development that will enable these buildings and structures to be maintained by finding a use for them and providing ownership. The applicants have therefore presented the proposal as a necessary scheme of enabling development to secure the longevity of the buildings and structures. In order to achieve this objective a large dwelling is proposed to plot 11 which would have within its demise the walled garden and associated buildings to secure their long-term maintenance and future. Although the dwelling to plot 11 has not been advanced as a country house within the meaning of PPS7, this aspect of the proposal does have some parallels and is another consideration that needs to be taken into account in assessing the applications.

### *Enabling Development*

44. Guidance on the consideration of proposals involving enabling development is contained within the English Heritage document entitled “*Enabling Development and the Conservation of Significant Places*”. This document advises that:

*“Enabling Development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:*

- *It will not materially harm the heritage values of the place or its setting.*
- *It avoids detrimental fragmentation of management of the place.*
- *It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose.*
- *It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid.*
- *Sufficient subsidy is not available from any other source.*
- *It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests.*
- *The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.*

*If it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that a planning permission should only be granted if:*

- *The impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission.*
- *The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05 entitled *Planning Obligations*.*
- *The place concerned is repaired to an agreed standard, or funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation.*
- *The planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled”.*

45. As will be noted the English Heritage document suggests that an exception to normal planning policy objectives should only be made where all of the criteria are met. This is consistent with the consultation response received in respect of these proposals.

### *Consideration of the criteria*

46. In relation to the first criterion the proposed development has been designed to respect the architectural and historic integrity of the walled garden and associated buildings. The new development proposed on the site frontage would not impinge upon the setting of the walled garden. The development proposed in depth on the western side of the garden wall would be sited in an area occupied by redundant buildings and does not give rise to any issues. The development proposed to the east is also acceptable and respects the surroundings.
47. The intended approach would ensure that the site is developed in a comprehensive fashion and that the walled garden and associated structures are restored in a sympathetic and phased manner to maintain their historical interest. As a consequence the necessary repairs and restoration would not be undertaken in a piecemeal fashion. Indeed the proposal would abate the decay that has accelerated in recent years following the 'winding down' of business activities on site. While the existing site owner has a duty of care to the listed structures, it is apparent that without a committed scheme of maintenance, or a development proposal to carry out the remedial works, the condition of the listed structures could deteriorate. The dwelling proposed to plot 11 is, however, an essential prerequisite to the overall scheme to ensure that the garden and buildings once restored have a long term future. They would remain in a single ownership thereby overcoming the possibility of harmful fragmentation at a later date. The proposal would therefore address the second, third and fourth criterion.
48. In relation to the fifth criterion public funds are very scarce and as a consequence the scheme is reliant upon private investment. Turning to the sixth criterion the financial appraisal submitted with the applications has been scrutinised by an independent development surveyor appointed by the District Council. The appraisal has considered the amount of development necessary to achieve the conservation works identified relative to the value of the site, the cost of building work and potential sales income. The surveyor has also been requested to consider alternative development scenarios so that the District Council can be absolutely satisfied that the level of development proposed is the minimum necessary to restore the walled garden and associated structures. The appraisals were undertaken in accordance with the methodology advocated by English Heritage.
49. While English Heritage has reservations in connection with the financial appraisal that has been made, delaying the development could result in the further deterioration of the site and greater repair and restoration costs in the longer term. The costs associated with the acquisition and servicing of the site and building works are likely to rise in the interim if the development were put 'on hold' thereby resulting in a greater deficit in the longer-term. As submitted the scheme currently seeks to spread the costs associated with the repair and restoration of the walled garden and associated structures across the entire development. The repair work is to be phased and is reliant upon a revenue stream being generated by the sale of the dwellings, principally on the western portion of the site. As such the cost of the repair work is too great to be borne by the development of one or two of the larger dwellings.
50. Turning to the final criterion the repair and restoration of the walled garden and associated structures would secure longer-term benefit which might not otherwise be achieved if the applicant chose to develop only those parts of the site that have been subject to previous planning applications. As such the proposal provides for the comprehensive redevelopment of the former nursery site which is an integral part of Woolverstone and its history. While the benefits arising from the scheme do not decisively outweigh the provisions of existing settlement planning policies, consideration must also be given to whether the proposal would actually cause demonstrable harm having regard to the other material planning considerations which are assessed in the following sections of this report.

## Other Matters

### *Impact on Conservation Area and AONB*

51. A Conservation Area Appraisal for Woolverstone was adopted by the District Council in 2008. This document assessed the character of the Conservation Area in terms of its topographical framework, archaeological significance, building quality, materials, space hierarchy, and relationship to the open countryside. In relation to the application site the document notes that *"Another wall... listed grade II, is that forming the old vegetable garden to the Hall. Sensitive redevelopment might be the only way to secure a future for this wall and its more important associated structures, some of the former greenhouses being very dilapidated"*. The District Council has therefore acknowledged that redevelopment of the site may be the only way to secure a future for the walled garden and associated buildings.
52. At present the frontage to the site does not contribute positively to the character of the Conservation Area and the existing buildings are hidden from view behind a close-boarded fence. The access point is also visually restricting. The proposed opening up of the space to the front of the site, and the provision of frontage development will therefore provide a feature in the street scene and contribute positively to the character of the area. As such the proposal would satisfy the requirements of PPG15 which directs that development within Conservation Areas must preserve or enhance the character of the area which is to be protected. The proposals would also accord with the provisions of Local Plan Policies HS02 and CN08.
53. The site is screened to the north boundary by existing trees and the proposed dwellings would be seen against the backdrop of the frontage development that exists along the main road from Woolverstone Park. The landscape character of the AONB will not therefore be affected from this vantage point and the provisions of Local Plan Policy CR02 will be satisfied in this regard.

### *Listed Building Considerations*

54. PPG 15 provides the framework for the consideration of works to listed buildings. It advises that applicants must understand the history of the building, including its evolution, in order that any proposed works can be informed by this appreciation.
55. The applications are supported by a Historic Buildings report that has been produced by a recognised Historic Buildings Consultant. This details the history, interest and evolution of the structures on the site. The conservation works proposed have then been developed by an Architectural Historian taking their lead from the Historic Buildings report. This approach accords with the advice set out in PPG15, and as detailed by English Heritage in their consultation response. The scheme is supported by both Short-Term and Long-Term Conservation Plans which identify the elements of works necessary and the proposed phasing of development to enable these works to come forward. The phasing issues are considered later in this report, but it is apparent that the works to be carried out would secure the future of the buildings and enable the site to be used a comprehensive manner. No obvious conflict would therefore exist with the provisions of Local Plan Policies HS02 or CN06.
56. The scheme provides for the demolition of some buildings on the site. PPG15 requires that a full supporting justification is provided for the demolition of buildings and identifies that consideration should be given to the condition of the building (including the costs of repair, the adequacy of efforts to find an alternative use for the building, and the merits of alternative proposals for the site) before demolition is accepted. This latter requirement is particularly pertinent to this case.

57. The buildings to be demolished are identified as:

- Ancillary Stores (three in total) – these are constructed of poor quality materials and are 20<sup>th</sup> Century buildings that detract from the character of the listed structures.
- A Modern Greenhouse – dating from the mid-20<sup>th</sup> Century which is of little/no historical value.
- Glass Houses – these two buildings date from around 1900.

There is no objection to the demolition of the ancillary stores and modern greenhouse. In relation to the glasshouses it is acknowledged that they are of interest historically but they have been allowed to decay over the last few years and they have been taken over by vegetation. A detailed statement has been prepared which demonstrates that the structures are unsuitable for repair. A significant amount of the glass has been lost and the timber frame has seen significant decay due to exposure. The buildings are therefore now of little value, and any works to repair them would result in the creation of a modern copy of what was originally there.

58. PPG15 also requires that that due consideration is given to the setting of listed buildings when considering new development proposals. The proposal is considered to be such that it would not cause harm to the existing listed buildings and walled garden and would complement their setting.

#### *Design and Layout*

59. This is a historical site, where the quality of any development needs to be respectful and reflective of the character and quality of the structures that exist as well as the character of the locality. The development proposed would need to provide a quality of design and finish that would allow the scheme to be accommodated in the historic setting without causing detriment to the listed buildings, the site's landscape setting, the Conservation Area or to the adjacent development.

60. In considering the design and layout, it is necessary to understand the context of the surrounding development and the historic use of the site. The immediate development pattern is sporadic in form which is largely concentrated around the street frontage to Main Road. The site is, however, bordered on the east and west sides by residential properties which sit behind the frontage development. As a result a strong development line does not exist. It is therefore considered that a deep form of development as proposed would not cause particular detriment to the character of the existing development pattern and is acceptable, complying with the provisions of Local Plan Policy HS02 in this regard.

61. The walled garden is identified within the Architectural Historians report as having served Woolverstone Hall. The main entrance to the garden is through the gated entrance in the North wall, which would have lead into the enclosed garden and allowed access through into the adjoining elements of the site. The wall is unobstructed on the inside, with the associated buildings being located against the outer edges. The owners of the Hall would have passed through the garden to the associated buildings beyond, and it is this concept and understanding of historical use that is important in appreciating the proposed development of the site. The vehicular access to the nursery has been logically formed onto Main Road, and when entering the site currently you approach the wall from the 'wrong' end in terms of its historic appreciation. The proposed development sits on the outside of the walled garden, located away from the main entrances into the garden and allowing these to remain as open aspects when standing within the walled garden. The siting, scale and orientation of the proposed dwellings would ensure that they would not encroach on the appreciation of the garden. This siting is considered to be the right one for the site, but the design and form of the dwellings need also to be considered.

62. The layout of the dwellings provides for 2 x two-storey 3 bedroom dwellings on the site frontage (Plots 1 and 2) to the west side of the access. Each plot measures approximately 1200 sq ft. They take the form of a pair of semi-detached properties orientated at an angle to Main Road. They would provide an attractive frontage to the site when coupled with the opening up of the green space to the opposite side of the access road. The provision of two dwellings in this location would respect the pattern of development along Main Road.
63. Behind the frontage properties lies a small garage building (3 bay), leading onto a terrace of three properties (Plots 3-5) of which two dwellings are of a single-storey scale and which run parallel to the bothie row. The design ethos is clearly identifiable for these dwellings, being taken from the bothie row in terms of form, scale, materials and appearance and allowing access to remain through the west side of the walled garden towards the rear of the site. Behind Plot 5 sits a car port structure (2 bay) and 3 parking spaces. The scheme here takes its lead also from a mews of garden cottages. The design of these properties is acceptable and respectful of the historic setting. The 2 bedroom single-storey units (plots 3 and 4) measure 800 sq ft each, while the 4 bedroom property (plot 5) measures 1600 sqft.
64. A terrace of 4 two-storey dwellings (Plots 6-9) each measuring 1600 sq ft then lie at 90° to the aforementioned terrace with their gardens extending up to the end of the site. The spacing between the end wall of Plot 5 and the face of Plots 6-9 provides for vehicular access to the parking area mentioned above. The face of these dwellings lines up approximately with the west entrance into the walled garden, and the rear elevation of the dwellings lies along the line of the Built-Up Area Boundary. The gardens of these properties are outside the settlement boundary. The form and scale of these dwellings would provide an acceptable relationship to the wall.
65. Plot 10 (4 bedrooms – 1600 sq ft) is a single dwelling located to the east side of the walled garden, within the Built-Up Area Boundary and behind the property known as The Studio. A double garage is proposed adjacent to it and the dwelling would follow the pattern of development facing onto the adjacent access. The design of this property is complementary to that of Plot 11.
66. Plot 11 is a large detached dwelling providing 6 bedrooms. It would be sited to the north of Plot 10. The ownership of the walled garden and the outbuildings would be conveyed with this dwelling. The dwelling would be a substantial property of 2½ storeys for its main bulk, which is broken up and accentuated by projecting gable cross wings, and a 1½ storey wing that makes provision for a staff flat/annex. The accommodation is provided across 6000 sq ft and the main ridge of the dwelling would measure 9.2 metres high. The design of the building takes its lead from the local vernacular, and uses features and materials identified within the Conservation Area Appraisal (CAA) as being the prevalent materials in the village. The architects have carried out their own appraisal of the village context, which they have submitted with the application, which draws comparable conclusions to the CAA. The detailing and finish of plot 11 is considered to be critical to ensuring that the dwelling can be situated within this historic context without causing harm to the character of the surroundings. Should planning permission be granted, it is considered essential that matters of detail/finish are controlled to ensure that appropriate materials and construction methods are used. In this respect, matters of fenestration, materials, brick bond, mortar mix and joinery details/colours are all considered to be necessary details that should be subject to detailed control.

### *Residential Amenity*

67. Objection has been raised to the proposals by local residents and the Parish Council. This largely centres upon the size of the dwelling proposed to plot 11, and its relationship to existing development. While the objectors also refer to the principle of development, scale of development, highway safety and sustainability, these matters are considered elsewhere in this report. The main impacts to be considered here are upon the dwellings known as Spring Lodge and Walahof, which sit to the west of the site, the 5 dwellings which sit to the south of the site (Garden House, Bourne View, Ridgeway, Half Acre and The Studio) and Dairy House, which sits to the north-east. The Thatched Cottage to the north of the site would be some distance from any of the new development, although the end of the rear gardens of Plots 6-9 would lie adjacent.
68. Spring Lodge has a curtilage that lies adjacent to, and abutting, the site along the west side. Walahof lies adjacent to the south-west corner. Plots 3-5 would lie approximately 40 metres from the site boundary. This degree of separation, coupled with the screened boundary, are considered sufficient to ensure that overlooking from the two-storey property (Plot 5) would not result in a detrimental loss of amenity. Plots 3 and 4 are single-storey and would not cause amenity issues in this respect. The provision of parking spaces close to this site boundary may give rise to some disturbance, although it is noted that there is screen planting to the boundary. Plots 6-9 are orientated facing South, with their rear aspect north. The outlook from these properties would not result in significant overlooking of the neighbouring properties and as such no conflict would exist when considering the proposals against the provisions of Local Plan Policy HS02.
69. The Garden House and Bourne View have their rear aspects overlooking the walled garden. The positioning of Plot 11 would enable this dwelling to be appreciated from their rear aspects, but would not be such that would cause serious harm to their outlook. Half Acre lies in a plot fronting Main Road and the property known as The Studio sits behind this. The impact on Half Acre would therefore be significantly lessened. Plot 10 has been orientated so that's its outlook is angled away from the private amenity space of The Studio. Plot 11 would largely be screened from The Studio by Plot 10.
70. Ridgeway has an outlook to the rear across the site and onto the Dairy House beyond. Plot 11 would partly interrupt this outlook, but is sited to the back edge of the available open space on which it sits. The dwelling is an imposing feature, with the two-and-a-half-storey element sited some 45 metres away from the rear elevation of Ridgeway (approximately 25 metres from the boundary of the rear garden). Therefore, whilst some obstruction of view may exist, it is not considered that this would be such that would cause significant injury to the occupiers of Ridgeway. The building does not sit immediately to the rear of Ridgeway's boundary, nor does it lose in completeness all views that exist. The fact that the dwelling can be seen from the rear of the property is not a sufficient reason to refuse planning permission.
71. The Dairy House lies to the north of Plot 11. A significant wall/outbuilding lies between the plots (in the ownership of Dairy House) and the water tower also lies directly between. The dwellings are approximately 50 metres apart at the nearest points, and the outlooks from both properties would be east and west. The scale of the dwelling would not therefore unduly detract from the enjoyment of the Dairy House and its grounds.

### *Highway Considerations*

72. The application makes provision for the alteration of the existing access to widen it to 4.8 metres. The removal of the existing fencing to the boundary will improve visibility and allow visibility spays of 2.4 metres x 28 metres in a westerly direction and 2.4 metres by 90 metres in an easterly direction. The proposal will significantly improve the access arrangements to the site, and is acceptable to the local highway authority.
73. Traffic generation from a residential use of the site needs to be considered against the potential traffic generation from the commercial use that existed historically. While the current levels of activity on site are insignificant in traffic generation terms, the lawful use could potentially generate significant vehicle movements. A residential use would therefore be preferable and would not generate traffic levels that would cause harm to highway safety or to the amenity of the surrounding properties.
74. The submitted block plan makes provision for a turning space within the eastern and western parts of the site. Larger vehicles and refuse vehicles will therefore be able to access the dwellings. The proposals therefore satisfy the provisions of Local Plan Policy HS02 in this

### *Parking*

75. The parking provision within the scheme is formed through the provision of covered and open parking space. The layout makes provision for 15 open spaces, with garages/cart lodges providing a further 12 spaces. This is acceptable and complies with the provisions of Local Plan Policy TP15.
76. The garages are provided in blocks, being a 3 bay unit to serve plots 1, 2 and 3, a 2 bay unit to serve plot 10, and a 5 bay unit to serve plot 11. These are all of single-storey scale and no accommodation is proposed above. A 2 bay cartlodge is proposed to serve plots 4 and 5.
77. Parking spaces are also provided in groups, with 3 spaces provided to the front of the garage court serving plots 1, 2 and 3. A further 4 spaces are located alongside the cartlodge block adjacent to plot 5, and 6 spaces are located to the north end of the site serving the 4 dwelling terrace. 2 spaces also lie adjacent to plot 10.
78. Plot 11 has a courtyard arrangement set between the garage block and the annex, which could also provide for parking.

### *Trees*

79. Woolverstone Hall is the subject of an area Tree Preservation Order. The application is supported by an Arboricultural report from a recognised Arboricultural Consultant. The Council's Arboricultural Officer identifies that detrimental impacts to existing trees scheduled for retention should be avoided subject to the development being carried out in accordance with the arboricultural report. Removal of other specified trees will have minimal impact on local amenity.

### *Biodiversity*

80. The adjacent Dairy Farm buildings are known to host bats and the Suffolk Wildlife Trust has advised that the content of the scoping survey submitted with the application is sufficient. They recommend that a planning condition be imposed to ensure that mitigation measures can be undertaken where necessary. This is considered to be both reasonable and necessary, given the historic nature of the buildings and the potential that exists for bat occupation.

### *Archaeology*

81. The County Archaeological Service note that this is an area of archaeological interest. They are satisfied that a condition requiring the applicant to agree a scheme of investigation prior to works taking place will safeguard any artefacts. The applicant's financial appraisal makes provision for this investigation.

### *Drainage*

82. The Environment Agency has provided detailed guidance in respect of a sustainable drainage system for surface water on site. The applicant is supportive of providing such a system and identifies that the ground conditions are such that a scheme of this nature is favourable.
83. Foul drainage is proposed to the main sewer.

### *Contamination*

84. A planning condition requiring a scheme of investigation is requested by the Council's Contaminated Land Officer. Such a condition would require that in the event of contamination being found, a scheme of mitigation is submitted and agreed prior to works taking place on site.

### *Sustainable Construction/Renewable Energy Generation*

85. Policy ENG1 of the East of England Plan requires that proposals for developments of more than 10 dwellings should provide at least 10% of their energy from decentralised and renewable or low-carbon sources, unless this is not feasible or viable. The applicants have been asked to provide details as to how they are to address this matter and Members will be updated at the meeting.

### **Planning Obligations**

86. Without prejudice to the determination of the applications discussions have been held with the applicants in order to ensure that social and physical infrastructure is provided in association with the development. These discussions have taken place in line with the provisions of Circular 05/2005 and the Development Plan, in particular Local Plan Policy LP01.
87. The scale of development falls below the threshold for the provision of additional educational facilities and no financial contribution has been requested by the Suffolk Primary Care Trust for health care. The Suffolk Fire and Rescue Service also make no requirement for on site access to fire-fighting services in terms of water hydrants.
88. The main issues to be considered within the Planning Obligation therefore relate to the affordable housing provision, open space, the phasing of development and the long-term maintenance and ownership of the walled garden and buildings on the site.

### *Affordable Housing*

89. Local Plan Policy HS08 requires that up to 35% of dwellings should be provided as affordable housing to meet identified local needs. Such properties are required to be owned or managed by a registered social landlord (RSL).

90. The proposal does not make provision for on-site affordable housing. The applicant has demonstrated that the provision of on-site affordable housing would make the scheme financially unviable. The English Heritage document on enabling development referred to above acknowledges that *"The delivery of public benefits in addition to securing the future of the significant place, for example affordable housing, tends to increase the amount of enabling development required, and should therefore normally be avoided, but some flexibility may be appropriate"*.
91. In order to comply with the requirements of Local Plan Policy HS08 the applicant is therefore proposing to offer a commuted sum which equates to approximately 20% provision. This has been discussed with the District Council's Strategic Housing Manager, who advises that the need for affordable housing on the Shotley Peninsula is lower than that which exists elsewhere within the district. The commuted sum would correspond with the Strategic Housing Manager's figures, which are based on the land values within the area, the build-costs, the amount of RSL contribution, and on the size and tenure of the dwellings required. In this respect, the contribution would provide for 1 x 2 bed (4 person) house for rent, and 1 x 2 bed (4 person) house for shared ownership. The Strategic Housing Manager is confident that there is a realistic opportunity for this sum to be used in the locality in terms of providing a scheme of affordable housing on an alternative site. The scheme would therefore make an appropriate contribution to off-site affordable housing provision in the locality in line with the District Council's aims and objectives.

#### *Open Space*

92. Local Plan Policy HS31 provides that on sites exceeding 1.5 hectares in extent 10% of the gross area is provided for public open space purposes, including play equipment. The site measures 2.26 hectares gross, and therefore exceeds the relevant threshold. The developable area, however, is only 1.12 hectares which falls below the threshold for on-site provision.
93. In view of the conservation and listed building issues already discussed above it would be inappropriate to pursue on-site provision fully in line with the requirements of Local Plan Policy HS31. As a result Local Plan Policy HS32 is more applicable and requires that a contribution be made to secure public open space on a nearby alternative site or to facilitate the improvement of existing facilities. The applicant has therefore agreed to make the appropriate financial contribution. Some on-site provision will, however, be made towards the frontage of the site. The area concerned is currently screened by fencing to the roadside boundary and the opening up of this part of the site will improve its appearance when viewed from Main Road.

#### *Construction Matters/Phasing of Development*

94. The consultation response from English Heritage makes it clear that if planning permission is forthcoming, the securing of the conservation works must be achieved as early as possible within the construction process and in a manner which will ensure that the most important works (those which require structural/maintenance works rather than cosmetic matters) are carried out with priority.

95. The conservation works are broken down in the Short Term Conservation Plan into four areas of priority, and these are linked to the building out of individual elements of the proposal. The four elements break down into the building out of; (i) Units 1-5, (ii) Units 6-9, (iii) Unit 10 and (iv) Unit 11. The relevant conservation works would need to be tied to these individual elements of construction through the legal process. Officers are satisfied that this is achievable in a manner which, with monitoring, will enable the conservation works to be delivered at the appropriate times within the development process. The enforceability of the agreement would need to be safeguarded by virtue of a reporting process that sought to 'sign-off' the completion of work to the listed structures prior to further development taking place.

#### *Use of Walled Garden*

96. The applicants are firmly of the view that the future occupiers of the dwelling proposed to plot 11 should be responsible for and make use of the walled garden and the associated structures. The planning obligation would also need to secure this, ensuring that the structures and garden could not be sold and used independently of the dwelling, or be sub-divided. The applicants have confirmed that they would not object to this, and would also be looking to include clauses within their sales contracts that restricted such division.

### **CONCLUSIONS**

97. The application provides for the construction of eleven dwellings which is considered to be appropriate to secure the long-term future and security of the listed walled garden and associated structures. The scheme makes provision for an element of enabling development that will facilitate the repair and renovation works of these structures and provide for the long-term future of the site. The financial appraisal submitted in support of the application has withstood the scrutiny of an independent assessment by a development specialist and considers the viability of the scheme, including provision for off-site affordable housing, public open space (on-site and via a financial contribution) and the identified conservation works detailed within the conservation plan.
98. The proposed design and layout of the site makes the most appropriate use of the space available and would not compromise the heritage asset in terms of the appreciation of the listed structures in their immediate context, wider historical setting or landscape setting.
99. In view of the particular material planning considerations surrounding the proposal the applications can be supported as an exception to the settlement policies contained within the Babergh Local Plan Alteration No.2 (2006) which would not normally permit development of the scale envisaged in Woolverstone.
100. The applications are accordingly recommended for approval in the light of national guidance, Development Plan policies, and other material considerations.

### **RECOMMENDATION**

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide for:
- A financial contribution for off-site affordable housing provision,
  - A financial contribution for off-site public open space provision,
  - Open space provision on the site,
  - A phased programme of construction work to secure conservation works at appropriate points during the development,

- The tying of the walled garden and associated structures, and their maintenance, to Plot 11, and,
  - The preclusion of any sub-division of the walled garden.
- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:
- Standard Time Limit for Commencement
  - Materials (including fenestration and finishes)
  - Design details (plot 11)
  - Landscaping
  - Details of Boundary Treatments/Screen Walls/Fences
  - Hard surface treatments
  - As required by LHA.
  - Contamination
  - Mitigation for bats
  - Monitoring programme for works close to trees, as per Arboricultural Statement
  - Removal of 'Permitted Development Rights' for extensions, alterations, roof additions, outbuildings and means of enclosure.
  - As requested by EA, in respect of ecology and sustainable construction.
  - Archaeology
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for the following reasons:
- The applications fail to secure the identified conservation works in line with an agreed phasing of development.
  - The applications fail to make provision for public open space, in accordance with policy HS31
  - The applications fail to provide for affordable housing, in accordance with policy HS08.
  - The proposals would not represent an acceptable departure from the provisions of the Local Plan (Policy HS02)
- (4) That listed building consent is granted in respect of the conservation works.