



2002-2003  
Neighbourhood Renewal  
2004-2005  
Supporting People

**E232**

**BABERGH DISTRICT COUNCIL**  
**DEVELOPMENT COMMITTEE**  
**4<sup>TH</sup> JANUARY 2006**  
**SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE**  
**COMMITTEE**

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R J Watson  
Head of Planning (Control)  
20 December, 2005

**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 COUNCIL

### DEVELOPMENT COMMITTEE

#### SCHEDULE 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>

GREAT CORNARD – HILLSIDE RETIREMENT HOME, KINGS HILL

Erection of two-storey extension to Mellish House and creation of additional parking area.

Applicant: Caring Homes Ltd

Case Officer: Gemma Pannell

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SITE

1. Mellish House is part of a complex of buildings that comprise Hillside Retirement Home and is located off Kings Hill, with a second entrance off Kings Meadow, a private estate road. The site is located within the built up area of Sudbury/Great Cornard and a Tree Preservation Order covers part of the front of the site.

PROPOSAL

2. The application proposes the erection of two-storey side extension to Mellish House to incorporate an additional twelve bedrooms with en-suite bathrooms, two lounges, two bathrooms and a lift. The second part of the application is to create an additional parking area, raising the level of parking on site from seven spaces to thirty-three. This has been provided at the request of Suffolk County Council Highways Department, following consultations that were undertaken at pre-application stage and further to the previous withdrawn application (see site history).
3. The extension measures 20 metres in length, 13.4 metres in width and has a maximum ridge height of 7.8 metres. The extension is at its closest point 2.1 metres from the boundary of 10 Kings Meadow.

HISTORY

4. 1961 – Planning permission granted for addition of bedrooms, sitting room and cloakrooms. (S/2443/M refers)
5. 1974 – Planning permission refused for extension to provide extra bedrooms. (S/74/00086/M refers)
6. 1974 - Planning permission granted for alterations and additions to retirement home. (B/74/00620/FUL refers)
7. 1975 – Planning permission granted for extension to retirement home. (B/75/01142/FUL refers)
8. 1975 – Application withdrawn for the conversion of garage block to staff accommodation. (B/75/1155/FUL refers)
9. 1977 – Planning permission granted for the erection of eleven bedroom annexe. (B/77/00744/FUL refers)

10. 1977 – Planning permission granted for a kitchen extension. (B/77/00888/FUL refers)
11. 1980 – Application withdrawn for the erection of detached house for matron and detached double garage. (B/80/00400/FUL refers)
12. 1980 – Planning permission granted for the conversion of Coach House to dwelling and erection of single storey rear extension. (B/80/00686/FUL refers)
13. 1981 – Planning permission granted for the erection of two-storey extension to nursing home. Extension to road and parking area. (B/81/00421/FUL refers)
14. 1983 – Planning permission granted for erection of first floor extension to provide 10 bedrooms and dining area. (B/83/002144/FUL refers)
15. 1988 – Outline application withdrawn for erection of 37 sheltered housing units. (B/88/00772/OUT refers)
16. 1988 – Outline application granted for the erection of sheltered housing. (B/88/00952/OUT refers)
17. 1989 – Planning permission granted for the erection of two-storey hipped roof extension to incorporate new lift installation. (B/89/01344/FUL refers)
18. 1990 – Planning permission refused for the erection of two-storey buildings to provide 39 units of sheltered housing and wardens accommodation. (B/89/00976/FUL refers)
19. 1990 – Application withdrawn for the erection of two-storey side extension. (B/90/00355/FUL refers)
20. 1993 – Planning permission granted for the erection of two-storey rear extension. (B/93/00125/FUL refers)
21. 1993 – Planning permission granted for the erection of two-storey side extension. (B/93/01217/FUL refers)
22. 1995 – Planning permission granted for the erection of two-storey building for use as residential home for 34 elderly people with ancillary facilities. (B/94/01287/FUL refers)
23. 1997 – Planning permission granted for the erection of single storey extension to existing office. (B/97/00202/FUL refers)
24. 1997 – Planning permission granted for erection of porch. (B/97/00387/FUL refers)
25. 2005 – Planning permission granted for the erection of first floor rear extension (B/05/01403/FUL refers).
26. 2005 – Application withdrawn for the erection of two-storey side extension to Mellish House and creation of additional parking area. (The application was withdrawn to allow the applicant to resolve parking issues with Suffolk County Council).

## POLICY

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

27. The planning system operates in the public interest to ensure the development and use of land results in better places for people to live, the delivery of development where communities need it, as well as the protection and enhancement of the natural and historic environment.

### **PPG13 – Transport**

28. By shaping the pattern of development and influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel, reduce the length of journeys consistent application of these planning policies will help to reduce some of the need for car journeys (by reducing the physical separation of key land uses) and enable people to make sustainable transport choices.

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

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

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

- Policy ENV3 (Design Standards)
- Policy CS1 (Sustainable Development)

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

- Policy LP25 (Special Needs Housing)
- Policy LP146 (Parking)

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

- Policy HS23 (Special Needs Housing)
- Policy CN01 (New Development)
- Policy TP18 (Parking)

## OBSERVATIONS

30. PC – Approval – The design matches the current building. There will be increased traffic entering and exiting the site. The entrance is almost opposite the already busy junction of Stannard Way, a bus stop and the entrance to The Firs. The new exit is through Kings Meadow which will change the traffic flow with lorries and visitors coming out into a residential area and onto a busy road, very close to the Kings Hill roundabout.
31. CHA – To be reported if available
32. Letters – One letter received, objecting for the following précised reasons:-
- The proposed extension will be unacceptably close to my boundary excluding natural light from my garden and from my living room which has a window on the side facing the proposed building.

- The height and proximity of the building would tower over my garden overlooking it thus constituting an invasion of my privacy.
- The building work involved would be carried out dangerously close to my line of trees on my boundary.
- The proposed extension would also completely destroy the general nature and ambience of this part of Kings Meadow, devaluing my property and that of my neighbours.

## ASSESSMENT

### **Policy Considerations**

33. Policy LP25 of the Babergh Local Plan Alteration No.1 and emerging policy HS23 comprise the lead policies for consideration of this application. They state (inter alia) that planning applications for extensions to residential care homes will normally be permitted provided the home is within the built up area of a town or village, incorporates useable, attractive areas of communal garden, is well related to local facilities and provides adequate car parking. Furthermore, Policy LP25 requires that the scale, massing and detailing of the development is appropriate to the character of the area and that there will be no detriment to road safety, residential amenity or the drainage infrastructure. Emerging Policy HS23 largely re-iterates these requirements.
34. In this instance the application site is situated within the defined built up area for the Great Cornard, on the edge of Sudbury. The site is well located in terms of accessibility being adjacent to the main approach road to Sudbury. This results in the proposal site being well connected to the highway infrastructure and easily accessible to the town centre.
35. Planning records indicate the property has a history of being used as a Care home with various permissions being granted allowing for its incremental enlargement. Whilst this current proposal allows for an increase in the number of residents that would be capable of being accommodated on site (12 additional bedrooms), there is reasonable space on site for communal gardens, (a requirement in policy terms) and no objection has been raised from the CHA in terms of highway safety.

### **Design**

36. The extension is designed so that there are no windows within the side elevation facing the objectors property and as such it is not considered that there will be any adverse impact on the level of privacy currently enjoyed by the objectors property.
37. The proposed extension is located a distance of 9 metres from the side window of the objectors property which serves a lounge. A pair of patio doors that provide additional light also serves this room. Given the distance from the window to the extension and as the side window is not the only source of light for that room, it is not considered that the extension will be detrimental to occupiers of 10 Kings Meadow by virtue of loss of light.

## REASON FOR APPROVAL

38. Hillside Retirement Home is an established facility for residential care of the elderly and in view of the specialist nature of uses and accommodation provided on site, the relationship of this site close to A class roads and within easy reach of facilities and services within Sudbury and the nature of the site offering sufficient land for communal garden usage, it is considered that the proposal is acceptable. Additionally, no objection has been raised from the CHA in terms of highway safety. In view of this and given the additional parking proposed by the scheme, there are insufficient grounds on which to justify refusal in relation to policy LP25 and emerging policy HS23 relating to proposals for extensions to care homes.

## RECOMMENDATION

Grant Planning Permission subject to condition –

- As recommended by Suffolk County Council

## DECISION

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### ITEM 2

B/05/01877/FUL  
FULL

### SUDBURY – 25 PARK ROAD

Erection of 2 (no.) detached single-storey dwellings. Construction of new vehicular access.

Applicant: P & P Developments (Essex) Ltd

Case Officer: Gemma Pannell

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## SITE

1. The site forms the curtilage of 25 Park Road and is 0.07 hectares in size. It is a corner plot and has frontages onto both Park Road and Landsdown Road. It is situated within the built up area boundary of the town.

## PROPOSAL

2. See report heading. The proposal is for the erection of two (no.) single-storey dwellings, each with a single garage. External facing materials pursuant to a condition should planning permission be granted.
3. The application has been amended and now proposes two no. 2 bed bungalows, in lieu of 1 no. 3 bed bungalow and 1 no. 2 bed bungalow. This has had the effect of reducing the footprint of the bungalows and improving the spacing around the plots.

## HISTORY

4. 1955 – Planning permission granted for the erection of a detached bungalow and garage. Application number S/1330/S refers.

5. 2004 – Planning permission refused for the erection of 3 no. single storey detached dwellings. (B/04/02241/FUL reported to Development Committee on 16/03/2005)
6. 2005 – Planning permission granted for a single storey dwelling at the rear of 25 Park Road. (B/05/00792/FUL refers)

## POLICY

### **PPG 3 (Housing)**

7. 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.
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. The following adopted and emerging Development Plan policies are considered relevant to this application;

### **Suffolk Structure Plan 2001**

- CS3 (Location of new housing development)
- ENV3 (Design standards)

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

- LP3 (New housing development in towns)
- LP17 (Density and Housing Type)
- LP18 (Design of new housing)

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

- HS01 (New housing development in towns)
- HS11 (Housing density)
- HS12 (Infilling/groups)
- HS14 (Design of new housing)
- CN01 (Maintaining local distinctiveness)

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

## OBSERVATIONS (in connection with original scheme)

10. TC – None received.
11. CHA – recommends the imposition of standard highway related controlling conditions to ensure the accesses and turning/parking areas are provided, properly surfaced and retained and visibility splays provided and to prevent discharge of surface water from the development to the highway.

12. Three letters of objection to the proposal have been received from local residents. The issues and objections raised are summarised as follows;
- The site owner is determined to erect a total of three dwellings in this area despite of the original objections and the refusal by the planning authority.
  - There is little change in this application to the original.
  - The site is on a busy junction which will lead to dangers on the road.
  - This application should also be refused.
  - The site will be overcrowded.
  - The application for a single bungalow at the rear of the site was an attempt to pull the wool over people's eyes.
  - It is a shame to raze the existing bungalow to the ground
13. One letter have been received in support of the proposal stating that the proposal represents a large plot of land being put to good use.

OBSERVATIONS (in connection with amended scheme)

14. TC – Approve.
15. Letters – One letter has been received objecting to the proposal for the following reasons:-
- The applicant has included a grass verge that is not within his ownership.
  - The proposed hedge will obstruct visibility.

ASSESSMENT

16. As the site is situated within the settlement boundary of the Town there can be no objections in principle to its redevelopment, including the demolition of the existing dwelling. Furthermore, there is a general planning aim to make a more efficient use of land for housing development and a density of between 30 and 50 units per hectare is advised by PPG3 and required by policy HS11 of the emerging Local Plan. On the other hand, it is important that any new housing development, particularly a high density scheme does not compromise the quality of the environment (please refer to paragraph 5 above which is an extract from PPG3). Adopted and emerging policies LP18 and HS14 state that all new housing development should be of a high standard of layout and design and the existing character of an area should be respected in the design and layout of any new housing. Furthermore, polices LP17 and HS12 state that planning applications for (inter alia) groups of dwellings will be refused where the proposal represents over development to the detriment of the character of the area or if the proposal is of a scale, density or form which would be out of keeping with nearby dwellings or other buildings.

17. In March 2005 application B/04/02241/FUL (see para 5 above) was refused planning permission as the scheme represented an over development of the plot and in particular the relationship of plot 3 (at the rear of the site, fronting Landsdown Road) to the two units at the front of the site was unacceptable. The reason for refusal stated “The development would result in an unsatisfactory form of development, out of character with the prevailing pattern of existing development, in the locality and appears cramped by comparison with inadequate useable private amenity space and relationship to neighbouring properties, especially in relation to Plot 3, shown on the indicative layout.”
18. In June 2005 planning permission was granted for a single dwelling at the rear of 25 Park Road, fronting Landsdown Road (see paragraph 6 above) on the basis that the scheme did not appear cramped in relation to 25 Park Road and provided an acceptable means of private amenity space, and therefore overcame the reasons for refusal cited in connection with the earlier scheme (see paragraph 5).
19. The current application proposes the erection of 2 no. bungalows on the remaining land associated with 25 Park Road following the approval for one dwelling (see paragraph 6 above). In essence therefore it remains similar to that of B/04/02241/FUL. However, the scheme does differ from that refused earlier in the year in that the footprint of the bungalows has been reduced and this has led to an increase in the amount of spacing around each bungalow. The plots have also been subdivided differently in that the shape and size of the third plot (approved under B/05/00792/FUL) was enlarged and made into a regular shape. This has meant that the relationship of the 3 bungalows to one another is considered acceptable and no longer represents an over-development of the entire site.
20. The current application must be considered as a replacement of one bungalow with 2 no. bungalows, and must be judged on its own merits. The site can adequately accommodate the 2 bungalows and gives an adequate level of private amenity space and off street parking. In view of this and as the scheme differs from that refused earlier in the year the recommendation is one of approval.

REASON FOR APPROVAL

The proposed development is considered to be in accordance with policies LP4, LP17 and LP18 and emerging policies HS02, HS12 and HS14 by reason of the scheme constituting acceptable infill development in terms of its, design, materials, and relationship to adjoining development. There is no highway objection and there are insufficient grounds on which to justify refusal in terms of its inconsistency of scale and adverse impact on residential development.

RECOMMENDATION

Grant planning permission subject to the following conditions:-

- As recommended by CHA
- Materials

DECISION

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GREAT CORNARD – LAND TO REAR OF CO-OP, CLOVER COURT

Erection of 3 no. bungalows (for occupation as affordable housing and managed by a Registered Social Landlord). Construction of new vehicular access.

Applicant: Flagship Housing Group Ltd

Case Officer: Gemma Pannell

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SITE

1. The site is an area of vacant land to the rear of the Co-op. It extends to 0.08 hectares, has an access onto Clover Court and is situated within the defined built up area boundary of Sudbury (Great Cornard).

PROPOSAL

2. See report heading. The proposal is for the erection of a terrace of three (no.) single storey, 2-bed dwellings with the vehicular access to be on to Clover Court. A parking court is provided to the front of the dwellings which will provide 4 no. parking spaces. The dwellings are approximately 5.4 metres in height at ridge level.

HISTORY

3. None relevant.

POLICY

**PPG 3 (Housing)**

4. 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.
5. The following adopted and emerging Development Plan policies are considered relevant to this application;

**Suffolk Structure Plan 2001**

- CS3 (Location of new housing development)
- ENV3 (Design standards)

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

- LP3 (Towns)
- LP17 (Density and Housing Type)
- LP18 (Design of new housing)

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

- HS01 (Towns)
- HS11 (Density)
- HS12 (Infilling)
- HS14 (Design of new housing)
- CN01 (Maintaining local distinctiveness)

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

### OBSERVATIONS

6. PC – Approve
7. CHA – To be reported verbally if available
8. 2 letters of have been received from local residents. The issues raised are summarised as follows:-
  - Someone with an understanding of the local wildlife and environment should check the site.
  - This development will increase the risk of flooding as this development acts as a soakaway.

### ASSESSMENT

9. The site lies within the defined built-up area of Sudbury/Great Cornard and there can be no objection in planning policy terms to further residential development here. Indeed Government guidance (PPG3) seeks to promote the development of previously developed land (including gardens) and to make efficient use of such land by developing at densities than have hitherto been the case, subject to local character and identity being preserved. The development of this site with a three dwellings represents a density of 37 units per hectare which is above the minimum density of 30 units per hectare which is sought by PPG3 and the emerging Local Plan.
10. This proposed development of 3 bungalows has been developed in partnership between Babergh's enabling team and Flagship Housing. This is in response to the substantial need in Great Cornard for older persons' bungalow accommodation. It is likely that the units when built will be used for re-housing older people who are already in Council Owned Housing. The aim will be provide these people with more suitable accommodation to that which they currently occupy.
11. The proposal is for the erection of a terrace of three no. bungalows and the scale and design of the buildings are such that it respects the character and scale of existing surrounding development and, if constructed, will not have a significant adverse impact upon the amenities of occupiers of nearby dwellings.
12. 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 proposed development is considered to be in accordance with policies LP4, LP17 and LP18 and emerging policies HS02, HS12 and HS14 by reason of the scheme constituting acceptable infill development in terms of its, design, materials, relationship to adjoining development. There is no highway objection and there are insufficient grounds on which to justify refusal in terms of its inconsistency of scale.

## RECOMMENDATION

Grant Planning Permission subject to conditions –

- Materials

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## ITEM 4

B/05/01957/FUL  
FULL

COCKFIELD – LAND BETWEEN 12 & 14 AND 29 – 31 AND 42 GREEN LANE.

Erection of 9 no dwellings and construction of new vehicular accesses and parking spaces.  
Erection of a new parking lay-by opposite 16-32 Green Lane.

Applicant: Orwell Housing Association

Case Officer: Gemma Pannell

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## SITE

1. The application site comprises three parcels of land measuring a total area of approximately 0.4 hectares. The site forms part of a larger estate consisting of a mixture of two-storey properties and is wholly within the built-up area boundary for the village.

## PROPOSAL

2. This planning application seeks permission for the erection of 7 no. two-storey dwellings and 2 No. Bungalows to be erected in three terraces with associated parking areas.
3. The first site, land between 12 and 14 Green Lane, currently supports a number of garages which are in poor state of repair, these are to be replaced by a terrace of three properties, two of which will be two-storey 3 bed units and the third one will be a single-storey 1 bed unit.
4. The second site, land between 29-31 and 42 Green Lane, is currently used as public open space and is separated by an access track which leads to a sewage treatment works owned by Anglia Water. It is proposed to use the land either side of the access track to provide two blocks of three dwellings and associated parking areas. The terraces will provide two no. 2 bed units and 1 no. 1 bed unit and a terrace of 3 no. 3 bed units.

5. A third site provides a lay-by opposite 18 – 24 Green Lane that will provide parking for existing properties. Over the three sites a total of 19 parking spaces will be provided, these will be for use by both the new properties and existing residents. This will help to overcome an identified parking need within the site.
6. The applicant has submitted a supporting statement and it is summarised as follows:
  - Babergh District Council currently owns the site and the disposal to Orwell Housing Associate as a registered social landlord support Council Members strategy to make land available for the provisions of affordable housing.
  - The layout has been designed to maintain a buffer to the adjacent Anglian Water site.
  - The development will include the improvement of parking facilities for existing residents as parking is recognised as an issue in this area.
  - Total developable area of the site is 0.26 hectares and developed with 9 dwellings, the site will have a density of 35 dwellings to a hectare.
  - A parish local housing needs survey was carried out in Spring 2004 and 30 households were identified within the village that had a housing need. The survey also indicated that households presently residing in the village had up to 30 members who wished to return to the village.

#### RELEVANT HISTORY

7. None relevant.

#### POLICY

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

8. PPG3 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.

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

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

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

- Policy ENV3 (Design Standards)
- Policy CS1 (Distribution of New Development)
- Policy CS3 (Distribution of New Development)
- Policy CS9 (Affordable Housing)

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

- Policy LP4 (Housing Development in Villages)
- Policy LP5 (Villages)
- Policy LP17 (Criteria for Infilling & Groups)
- Policy LP18 (Layout and Design)
- Policy LP146 (Parking)

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

- Policy HS02 (Housing in Villages)
- Policy HS03 (Housing)
- Policy HS08a (Affordable Housing)
- Policy HS12 (Criteria for Infilling and Groups)
- Policy HS14 (Layout and Design)
- Policy HS16 (Public Open Space)
- Policy TP18 (Parking)
- Policy CN01 (General Design)

### OBSERVATIONS

10. PC – To be reported if available.
11. CHA – To be reported if available.
12. Letters - One received at time of writing report, objecting to the proposal for the following précised reasons:-
  - Over-development of a rural area, the site cannot sustain such a large development
  - There will be a considerable increase in traffic.
  - The green where children play safely will be covered with a car park.
  - There will be increase of traffic outside my mother’s window with increase of noise particularly at night.
  - The road is narrow and there is a road safety issue as there will be more traffic entering the lane. It is already dangerous and this will add to the problem because residents will still want to park outside their house and not in the designated car park area.
  - The trees that have just been planted will be cut down.

### ASSESSMENT

13. The issues considered central to the outcome of the application are therefore:-
  - Planning Policies, Affordable Housing and Need
  - Layout, Design and Landscaping
  - Highways
  - Public Open Space

## **Planning Policies, Affordable Housing and Need**

14. Policies LP4 and HS02 refer to infilling within villages and the emerging policy permits up to 5 dwellings within larger settlements (such as Cockfield), and as such this proposal for nine no. dwellings would be contrary to this policy. However the application covers two individual sites (one of which is divided into two) and therefore represents 3 areas of infilling, each for three units and as such it is considered acceptable. The 3 areas represent appropriate infill sites and given their size it would represent an inefficient use of land, contrary to the provisions of PPG3, to develop them with fewer houses.
15. This application proposes no housing for general needs; it proposes only housing to be managed by a Registered Social Landlord to meet an identified local housing need. Given that the number of units has been determined by the extent of the proven need (see para. 6 above) and the size and character of the village, it is considered that scheme satisfies local need.
16. The application proposes that the nine dwellings are to be managed for local needs by a registered social landlord and to ensure that this provision is secured and maintained in perpetuity, it will be necessary to obtain a planning obligation under Section 106 for three of the nine dwellings in accordance with emerging policy HS08a.

## **Layout, Design and Landscaping**

17. The proposed development is to be accessed via Green Lane, an existing estate road off of Great Green. The siting of the dwellings ensures minimal impact upon the residential amenity of neighbouring properties by virtue of orientation, siting, position of rooms and location. Therefore in this respect, it is not considered that the proposed development would result in any significant loss of residential amenity.
18. The application also provides for additional landscaping around the borders of the site in order to provide screening from the Sewage Treatment Works.

## **Highways**

19. The formal comments of the County Highway Authority are yet to be received, and a further update on this matter will be given at the meeting.

## **Public Open Space**

20. Emerging policy HS16 requires the applicant/developer to either provide 10% of the application site as public open space (where agreed in advance with the Local Planning Authority) or financial contributions towards the upgrade/expansion of existing Local Authority maintained areas of public open space away from the site. In this case, it is not considered the provision of 10% of the application site area is a suitable option given the small size of the site (which will not provide a usable area of open space) and there is no existing public open space abutting the site. The applicants have confirmed that they are willing to provide a financial contribution towards the off-site provision of new, or upgrade of existing public open space.

## **Conclusion**

21. 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 proposal is considered to be in accordance with policies LP4, LP5, LP17, HS02, HS03, HS08a and HS12 which are 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 no new material issues arising from the outstanding public consultation period the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the 1990 Act to ensure:-
- i) That three of the dwellings proposed are managed in such a way as to meet identified housing needs in perpetuity.
  - ii) The payment of contributions towards public open space provision.
- B. Upon securing the above obligation, the Head of Planning (Control) be authorised to grant planning permission subject to the following conditions:-
- Materials
  - Levels
  - As recommended by CHA
  - Landscaping

**Otherwise,**

## RECOMMENDATION B

Refuse planning permission.

- Inadequate provision of public open space and play equipment (off site).

## DECISION

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HADLEIGH – 26 DUNTON GROVE

Erection of a rear conservatory

Applicant: Mrs Sayer

Case Officer: Alison Taylor

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BACKGROUND

**This application is reported to Development Committee as the applicant is an employee of the Council.**

SITE

1. The application site is located on the east side of Dunton Grove, with a frontage width of 14 metres, a depth of 23 metres and encompasses an area of approximately 0.03 hectares. The site lies wholly within the built-up area boundary for Hadleigh. There are no other constraints relevant to the site.

PROPOSAL

2. This planning application seeks permission for the erection of a rear conservatory.
3. The conservatory is 2.8 metres wide, 2.9 metres deep with a ridge height of 3 metres and a floor area of approximately 8 square metres.
4. The conservatory will be constructed of white PVCu frames with a 0.45 metre high dwarf wall to be constructed in Leicester Cream Stock to match existing.

RELEVANT HISTORY

5. None

POLICY

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

6. 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 LP20 (Extensions)

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

- Policy HS17 (Extensions)
- Policy CN01 (General Design)

#### OBSERVATIONS

7. TC – To be reported if available.
8. Letters - None received.

#### ASSESSMENT

9. Local Plan policy LP20, seeks to ensure that extensions to dwellings respect the amenity of neighbouring property, and complement the character and good proportions of the existing dwelling.
10. It is considered that the proposed rear conservatory relates satisfactorily to the dwelling in terms of its detailed design, form and materials and would not lead to any loss of residential amenity by virtue of the location of the conservatory adjacent to the existing detached garage.
11. 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 proposal, for a rear conservatory to an existing dwelling, is considered to be in accordance with the provisions of policy LP20 of the Babergh Local Plan (Alteration No.1) and emerging policies HS17 and CN01 of the Babergh Local Plan (Alteration No.2) - Second Deposit Draft. In particular, the conservatory blends with the scale, form and design of the host building, and respects its setting. Furthermore, owing to its siting, scale and fenestration layouts, the conservatory would not reduce the amenities enjoyed by occupants of neighbouring properties and would not result in the loss of any significant trees.

#### RECOMMENDATION

Grant Planning Permission.

#### DECISION

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HOLTON ST MARY – ELM TREE LODGE, HADLEIGH ROAD

Retention of garden shed and cat house with enclosed run. As amended by details received on 8<sup>th</sup> June 2005 to confirm dimensions of shed and cat house/run. As amplified by letters received on 6<sup>th</sup> September 2005 and 20<sup>th</sup> September 2005 confirming details of the use of the garden shed.

Applicant: Mr V Brown

Case Officer: Mrs Lynda Bacon

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BACKGROUND

**This application was deferred from Development Committee on the 20<sup>th</sup> July 2005, in order to assess whether the use of the garden shed for the manufacture of handbags constitutes a material change of use requiring planning permission. A panel of Members visited the site on the 14<sup>th</sup> December at the request of the ward Member, to enable Members to view the buildings and their use.**

SITE

1. The site is located on the north side of Hadleigh Road (B1070) with a frontage width of approximately 19 metres and a depth of approximately 56 metres.
2. The site lies wholly within the built up area boundary for the village and currently comprises a detached two-storey dwelling and garage.

PROPOSAL

3. This application seeks permission for the retention of a garden shed in the north east corner of the back garden of the application site and the retention of a cat house with enclosed run in the north west corner.
4. The shed is clad in horizontal boarding stained dark brown with 11 windows and a glazed door on the front elevation. The applicant has confirmed the dimensions of the shed to be 3.08 metres deep by 7.2 metres wide and 2.2 metres high. Furthermore, the applicant has confirmed the use of the shed as follows:-
  - On average 5 handbags are made per week and old bags are repaired,
  - There are two machines in the shed, a sewing machine and a skiving machine,
  - No advertising is undertaken,
  - There is one customer based in London,
  - The applicant has no other source of income or paid employment,
  - The hours of work tend to vary, mostly in the evenings but usually 4 – 5 hours are worked each day between the hours of 10 a.m. and 8 p.m.,
  - There are no employees although the applicants daughter helps occasionally when she is home from university, otherwise only the applicant works in the shed,
  - One parcel is received every two weeks.

5. A building to accommodate the applicant's own cats together with an attached run enclosure also seeks retrospective planning permission. The cat house is a dark stained weather-boarded construction measuring 1.9 metres deep by 2.6 metres wide and is 1.82 metres high to the eaves and 2.22 metres high to the ridge. The enclosed cat run comprises an open 'wire mesh' construction measuring 1.84m deep by 5.52m long and is attached to the cat house building.

## HISTORY

6. 2002 – planning application withdrawn for erection of a detached two-storey dwelling with detached double garage (existing dwelling to be demolished) – B/02/00444/FUL.
7. 2002 – planning permission for erection of a detached two-storey dwelling and garage (existing dwelling to be demolished) – B/02/01223/FUL. PD affected. Condition 09 is pertinent to this application as it removes all permitted development rights to alter or extend the dwelling or to erect any building or structure within the site.
8. 2004 – current enforcement case – erection of large shed for machinery and possible running of business from site – B/04/00471.
9. 2005 – current enforcement case – manufacture of handbags and external/street lighting – B/05/00108.

## POLICY

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

10. 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.2 – Second Deposit Draft**

- Policy CN01 (General Design)

## OBSERVATIONS

In response to the initial consultation undertaken in May 2005.

11. PC – “The development has caused much concern in the Parish, particularly to those living nearby. When planning consent was given for the erection of this property we were concerned that the site was being overdeveloped, and now we find that a large building has been erected in the garden. This causes a particular problem to the neighbourhood because the “garden shed” is I understand being used for the business of manufacturing handbags. An industrial use such as this is quite inappropriate in a residential area. Work goes on to about 10.00 p.m. on most weekday evenings and the bright lights both within the shed and outside are quite definitely causing a nuisance. I therefore would like to register our objection to the planning application and would be grateful if you would arrange for the “industrial activity” to be stopped”.

12. Letters – To date four letters have been received from a nearby residents, raising the following concerns:-
- The planning permission stated that there would be no further development of the site without obtaining planning permission. Site is now overdeveloped, owners have constructed a cattery and cat enclosure in their garden and have converted their open double cart lodge/garage into a shed/storage room, so why the need for a further shed.
  - The shed is larger than the normal 10 x 8 garden shed and is not being used for normal shed uses. Believe it to be used for light industrial use e.g. the manufacture of handbags. At certain times person(s) are visiting the property, entering the shed and we believe working there for a number of hours.
  - The shed is in use for up to 7 days a week, sometimes very late in the evening and in some cases until midnight. The inside/outside lighting of the shed and surrounding area is causing a nuisance/annoyance to neighbours. Delivery vans are frequently calling at the property delivering materials, sometimes on a daily basis.
  - The shed is too large, the property has sufficient storage/sheds and the use is not in keeping with the village and if the use is allowed to continue similar uses will follow elsewhere.
  - ‘Garden shed’ does not adequately describe the development, it should be described as ‘industrial unit’.
  - Loss of amenity, the shed overlooks a kitchen, dining room and back garden.

#### ASSESSMENT

13. The relevant policies in this case are ENV3 and CN01, which seek to secure a high standard of design of an appropriate scale, form and layout.
14. An issue of concern for nearby residents and the Parish Council is the use of the shed for business purposes. Officers have visited the site on different occasions, the interior of the shed has been inspected and the applicant has been questioned about his use of the shed. On one occasion only, July 19<sup>th</sup>, your officers found evidence that a bag making business was operating from the shed but not from the existing garage/store. At that time, the applicant maintained that he made handbags as a craft/hobby and tended to work in the evenings, did not employ staff (but is helped on occasion by his daughter), no visitors call at the property and a delivery of leather was received every two weeks. On the basis of all site visits and in consultation with Legal Services, your officers have concluded that a material change of use of the shed to business purposes has not occurred. Planning permission will not therefore be required to continue using the shed for business purposes as the use is considered incidental to enjoyment of the dwelling as such and the character of the site remains essentially residential. However, should the circumstances change or the activity intensifies, a material change of use could occur at some point in the future and the business activity will therefore require regular monitoring.
15. The application therefore remains to be determined in terms of the physical impact of the shed and cat house/enclosed run on the amenities of adjoining residents or the character of the area generally. In this respect, the design and materials of the shed and cat house/run are appropriate and in terms of the extent of built development within the site, the area of garden occupied by the shed and cat house/run is not excessive, the physical extent of the buildings do not impact on neighbouring amenity and ample undeveloped garden land remains to serve the general domestic needs of the dwelling.

### REASON FOR APPROVAL

The proposal is considered to be in accordance with aforementioned policies ENV3 and CN01 by reason of its scale, design, materials and relationship to the existing dwelling. The proposal is not considered to reduce the level of amenity enjoyed by neighbouring occupants so as to justify the refusal of planning permission.

### RECOMMENDATION

Grant Planning Permission subject to condition

- Development to be used for purposes incidental to the enjoyment of the dwelling house as such.

### DECISION

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NAYLAND WITH WISSINGTON – LAND ADJACENT 106 BEAR STREET

Erection of detached two-storey dwelling with attached garage (following demolition of existing conservatory attached to No.106 Bear Street). Construction of new vehicular access.

Applicant: Mr & Mrs A Amos

Case Officer: Richard Collins

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BACKGROUND

**This application is presented to Development Committee at the request of the Local Member.**

SITE

1. The application site is located to the southern side of Bear Street and encompasses an area of land measuring approximately 0.07 hectares. The site has a frontage of approximately 20 metres and a maximum depth of 36 metres. The front of the site forms the highest part of the site and slopes from north to south with the southern end of the site about 0.6 metres above typical river level. The site is partially within the flood zone of the River Stour.
2. The site currently forms part of the side garden area to 106 Bear Street, and the existing conservatory attached to 106 Bear Street is partly located within the site (hence the requirement to demolish the existing conservatory). The boundary fronting Bear Street comprises a post and rail fence with hedging, and the western boundary comprises a post and rail fence with a conifer hedge behind (approximately 2 metres in height). A small coppice is situated to the west of the site.
3. The site lies on the edge of the built-up area boundary for the village, the Nayland with Wissington Conservation Area, and within a designated Area of Outstanding Natural Beauty.

PROPOSAL

4. This planning application seeks permission for the erection of a detached two-storey dwelling with attached garage and the construction of a new vehicular access.
5. The dwelling would provide the following accommodation at ground floor level:-
  - Dining room, hall, lounge, kitchen, breakfast room, garage and utility room.
6. The following accommodation would be provided at first floor level:-
  - 3 no. bedrooms, 1 no. en-suite, bathroom, landing, A/C
7. The dwelling has a maximum width of approximately 14.5 metres and a maximum depth of approximately 11.5 metres. The maximum ridge height of the front elevation is approximately 8.2 metres. It is proposed to construct the dwelling in painted render with a red facing brick plinth, and red clay pantile roof.

8. A letter has been submitted in support of the application. The following comprises a summary of the points raised:-
- The new application addresses most of the issues raised in the refusal for a similar scheme in 1998.
  - The new dwelling has been designed to a style and size and with the use of materials, having respect to the character and appearance of its surroundings.
  - A large Leylandii hedge has been removed from the western boundary of the site and the proposed removal of the conservatory to 106 Bear Street will create a larger plot, overcoming the previous cramped arrangement and contrived site boundary, and therefore improving the relationship of the new dwelling to the existing.
  - The existing post and rail fencing, trees and hedging along the western boundary will remain while the existing post and rail fence along the northern boundary (front) will also remain but enhanced with new hedging.

### RELEVANT PLANNING HISTORY

9. 1998 – Planning permission refused for the erection of a two-storey detached dwelling with integral garage and construction of vehicular access (B/98/00653/FUL refers). A summary of the reasons for refusal is as follows:-
- Cramped over development of the site with a contrived boundary arrangement highlighting the poor relationship to the existing dwelling.
  - The style, design and size of the proposal would neither enhance nor preserve the character or appearance of the conservation area.
  - The proposed spatial arrangement would have an adverse impact on the appearance of the AONB.
  - The site does not constitute infilling of a small undeveloped plot of an otherwise built-up frontage but extends the developed area into an important open space.

### POLICY

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

10. PPG3 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.

#### **PPG15 (Planning and the Historic Environment)**

11. PPG15 proposes that in exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question, and, as with listed building controls, this should be the prime consideration in determining a consent application.
12. Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole that has a well established character and appearance of its own.

13. Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design (e.g. the scale and spacing of window openings, and the nature and quality of materials). General planning standards should be applied sensitively in the interests of harmonising the new development with its neighbours in the conservation area.

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

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

**Suffolk Structure Plan 2001**

- Policy ENV1 (Conservation Areas)
- Policy ENV3 (Design Standards)
- Policy ENV7 (Area of Outstanding Natural Beauty)

**Babergh Local Plan Alteration No.1**

- Policy LP4 (Villages)
- Policy LP17 (Criteria for Infilling and Groups)
- Policy LP18 (Layout and Design)
- Policy LP70 (Conservation Areas)
- Policy LP78 (Conservation Areas)
- Policy LP95 (Area of Outstanding Natural Beauty)

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

- Policy HS02 (Villages)
- Policy HS12 (Criteria for Infilling and Groups)
- Policy HS14 (Layout and Design)
- Policy CN01 (General Design)
- Policy CN02a (Conservation Areas)
- Policy CR02 (Area of Outstanding Natural Beauty)

**OBSERVATIONS**

15. PC – Refuse, following comments submitted:-
- Situation unchanged since last refusal in 1998;
  - Proposal would have a detrimental impact on the visual approach to the village, exacerbated by its height which would be greater than No.106;
  - Precedent would be created to build at the other approaches into the Nayland Conservation Area;
  - The new vehicular access opposite a busy junction would create additional traffic problems.
16. CHA – Comments to be verbally reported if available.
17. EA – Comments to be verbally reported if available.
18. Nayland with Wissington Conservation Society – Recommend conditions are attached to any planning permission to ensure that traditional materials are used.

19. Letters – Five letters have been received (four supporting and one objecting). The following comprises a summary of the supporting comments:-
- Dwelling would ideally fit into the row of dwellings in this part of Bear Street;
  - Proposed dwelling would not affect the amenity of other dwellings;
  - More houses are needed in Nayland;
  - The building plot is inside the village envelope;
  - The dwelling is attractive for the setting;
  - The dwelling is not detrimental to the AONB and blends with other properties in the area;
  - Great care has been taken in the plans to preserve the attractiveness of this area alongside the River Stour and AONB;
  - The dwelling has been designed to be in keeping with all the dwellings in the vicinity;
  - The dwelling will not be detrimental to the approach to the village but potentially enhance the area offering the opportunity for additional small to medium sized housing in the area.
20. The following comprises a summary of the objections and issues raised:-
- The dwelling will block outlook and lovely views currently enjoyed by near neighbour;
  - The dwelling will devalue objectors property;
  - Entrance to new property would be right opposite a busy junction, which on weekdays has parked cars all along the road.

### ASSESSMENT

21. The relevant policies in this case are ENV1, LP78 and CN02a, which seek to ensure that the character and setting of conservation areas will be protected and enhanced, and that new developments in conservation areas must be in harmony with their surroundings.
22. Also relevant to this case are policies ENV7, LP95 and CR02, which seek to ensure that development which would have a material adverse impact on the AONB will only be acceptable where an overriding national need for development is demonstrated.
23. Also relevant to this case are policies ENV3, LP18 and HS14, which generally seek to ensure that all new housing developments will be of a high standard of layout and design and the existing character of an area should be respected in the design and layout of any new housing.
24. The main issues to be considered in this case are:-
- Policy considerations;
  - Impact on the character and appearance of the conservation area and wider landscape;
  - Design;
  - Previous refusal of Planning Application B/98/00653/FUL.

### **Planning Policy Considerations**

25. The application building is sited within the defined built up area boundary for Nayland and therefore there can be no objection in principle to residential development on the site. Furthermore, PPG3 is clear in its aims to promote more efficient uses of previously developed land.

26. PPG15 is clear in its aims to preserve or enhance conservation areas from inappropriate development. Development Plan policies provide similar guidance when assessing applications for development within conservation areas.
27. The application site is located within a particularly prominent location within the Nayland Conservation Area as the site borders the edge of the built-up area boundary and conservation area, and is a site open to clear views into the conservation area from Bear Street, and from the A134. Policy CN02a states, amongst other things, that proposals for the erection of new buildings in such areas should preserve or enhance the conservation area or it's setting.

### **Impact on the character and appearance of the conservation area and wider landscape**

28. The site currently forms part of the side garden of 106 Bear Street. This part of the garden area does not contain any important natural features worthy of retention, and even though there is an open aspect to the site (being on the edge of the built-up area boundary and conservation area), the site plays little importance to the role in the overall character and appearance of the locality. Dwellings along this part of Bear Street are characterised by the dwellings being close to their adjoining boundaries (except No.100 Bear Street, although this has planning permission for a new dwelling in the side garden), therefore the spatial arrangement of the street scene would not be impacted upon if a new dwelling were to be incorporated into this part of the street.
29. Part of the site contains the existing conservatory to No.106 Bear Street. This conservatory is a later addition to the 1960s dwelling, and is constructed of white UPVC. The location of the conservatory on the western elevation of No.106 is highly visible to views into the conservation area. It is considered that this conservatory does not enhance or preserve the conservation area and its demolition would benefit the conservation area.
30. In the instance of this application site it is considered that the site is of a sufficient size to accommodate a dwelling without impacting upon the character and appearance of the conservation area.

### **Design**

31. The prominent location of the site within the conservation area and AONB, would mean the design of the new dwelling would need to be of a very high standard. It is considered that the size, mass and design of the proposed dwelling is inappropriate for its location. The proposed dwelling would be 1.4 metres taller than the existing dwelling at No.106, therefore this dwelling would be seen as a visually dominant feature in the street scene in an important location. The design of the garage, with attached utility room, is not an example of good design and is seen as an incongruous feature attached to the dwellinghouse.
32. The proposed dwelling would lend itself to its setting and surroundings more appropriately if a comprehensive landscaping scheme could be conditioned and implemented on the western boundary of the site. The western boundary is currently occupied by what appears to be a newly planted conifer hedge. The removal of this conifer hedge, and the planting of a substantial native mixed species hedgerow with tree specimens would help to integrate any new dwelling into its surroundings, however due to the size of the proposed dwelling, there would be insufficient space for the planting of a substantial vegetation belt on the western boundary.

### **Previous Refusal of Planning Application B/98/00653/FUL**

33. It is considered that this planning application has overcome the cramped over development of the site and the contrived boundary arrangement by demolishing the existing conservatory at No.106. By overcoming these issues, the spatial arrangements of the dwelling within the plot would not have an adverse impact on the appearance of the conservation area and AONB, but the size of the dwelling would limit the scope for planting on the western boundary and therefore the new dwelling would be exposed to views within the street scene.
34. The design of the current proposed dwelling would still neither enhance nor preserve the character or appearance of the conservation area.

### **Conclusion**

35. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made:-

### RECOMMENDATION

Refuse Planning Permission –

Reasons:

- Size, mass and design of proposed dwelling would neither preserve nor enhance the Conservation Area contrary to policies ENV3, LP18 and HS14.

### DECISION

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### ITEM 8

B/05/01963/FUL  
FULL

### HINTLESHAM - MILL FARM, PRIORY ROAD

Siting of 4 no. transportable holiday letting log cabins and conversion of outbuildings to 2 no. dwellings to be used as holiday let cottages. Installation of private sewage treatment plant.

Applicant: Mr A Bryce

Case Officer: Richard Collins

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### BACKGROUND

**A panel of members inspected the site on 14<sup>th</sup> December 2005 in order to assess the impact of the development upon the environment at the request of the Local Member.**

## SITE

1. The Mill Farm site is contained within Northlands Farm and presently includes disused farm meadows, derelict barns, and a renovated 2 bed cottage. The application site comprises two traditional timber framed barns (a main barn and a smaller barn – last used for cattle husbandry), attached by an open central cartshed. The dates of the barns are unknown, however they are present on an old OS map dated from 1926. The total area of the application site is approximately 6.5 hectares. The barns are in a detached position set away from the C17 Mill Farm Cottage (Grade II listed), and set in a valley when viewed from the access track leading to the site in a Special Landscape Area. The site is surrounded by mature vegetation to the south, and an existing pond to the north. The barns are currently redundant agricultural buildings in the countryside, and constructed of a mixture of weatherboarding and stone walling, with pitched unlined metal sheet and slate covered roofs.
2. The application site is accessible only by an access track off the Priory Road (U4420) which is an unclassified, unmade single track road which leads to the barns and Mill Farm Cottage. This track is approximately 1.3 miles from the access onto Priory Road. This track also forms the route for public footpath nos. 10A, 14 and 15, with no.15 running alongside the outbuildings and Mill Farm Cottage.
3. The proposed location for the four log cabins is to the north of the track, between the barns and the existing electricity pylon, approximately 200 metres from the barns. This land is agricultural land, however this land has not been used since the livestock was removed approximately four years ago.

## PROPOSAL

4. This application seeks permission for the siting of 4 no. transportable holiday letting log cabins and conversion of outbuildings to 2 no. dwellings to be used as holiday let cottages. The application is also seeking permission for the installation of a private sewage treatment plant. The applicant is part of a team investigating how to develop sustainable tourism as a product in Suffolk, and this scheme as submitted has been labelled the ‘Mill Farm Escapes’ project.
5. The main barn to the south-east of the complex and the central cartshed area would provide the following accommodation:-
  - Kitchen, dining room, living room, drying room, w.c., games/reading room, 4 bedrooms, 2 en-suites, and a bathroom.
6. The smaller barn to the north-west of the complex would provide the following accommodation:-
  - Kitchen, sitting/dining room, 1 bedroom and 1 bathroom.
7. The transportable log cabins are made from Latvian logs cut in Latvia and then transported. The 4 transportable log cabins are each measured with a ridge height of 3.9 metres, and are 6.1 metres in width by 14.5 metres in length. Each cabin would provide the following accommodation:-
  - Kitchen, sitting/dining room, drying room, 2 bedrooms, 1 en-suite and 1 bathroom.

8. The applicant has submitted a lengthy report in support of the application. The following comprises a summary of this report:-
- A need has been identified for visitor accommodation in the area and believe the low density scale envisaged with the scheme will be attractive to the discerning public who wish to stay at a quiet countryside location.
  - The log cabins can be easily removed and the land returned to its original use in the future if required.
  - The barns have a valued landscape and historic worth which they feel is important to be retained.
  - The location avoids any visual intrusion.
  - The project will encourage people out into the countryside to experience the natural environment.
  - The project will be providing a substantial contribution to the local community through employment creation, both during construction phase and domestic/cleaning staff, maintenance and office manager. As well as the direct impact there will also be the indirect impact on use of local shops etc.
9. The applicant has identified 5 key elements of the proposal, these are:
- The goal is to strive to minimise the negative impacts of tourism and maximise the positive influences on the local community, its economy and environment.
  - Preserve part of the District's vernacular, the barns are of traditional Suffolk design and if nothing is done to retain them they will soon be lost to decay.
  - The project does not impact on any neighbouring properties and cannot be seen by them or even from any of the highways.
  - The project will enhance the local area, with plans to put livestock back onto the land, coppicing seating areas on footpaths and opening up the countryside.
  - As a business the barns alone will not survive hence combining the cabins, as a use of land not permanent structures, to create a sustainable business and retain the barns for the future.

#### RELEVANT HISTORY

10. No planning history.

#### POLICY

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

11. PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. The Government's objectives for the planning system seek to ensure that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:-
- Making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
  - Contributing to sustainable economic development;
  - Protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
  - Ensuring high quality development through good and inclusive design, and the efficient use of resources; and,

- Ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

### **PPS7 – Sustainable Development in Rural Areas**

12. The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building.
13. The Government expects most tourist accommodation requiring new buildings to be located in, or adjacent to, existing towns and villages. Local planning authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives. The re-use and conversion of existing non-residential buildings for this purpose may have added benefits, e.g. as a farm diversification scheme.
14. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.
15. 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.

### **PPG21 – Tourism**

16. Tourism makes a major contribution to the national economy and to the prosperity of many cities, towns and rural areas. Its continuing growth generates a range of economic activity and new job opportunities. Because it often depends on a high quality environment, it can act as a positive force for environmental protection and enhancement.
17. In recent years leisure demands have changed markedly. Many people take several holidays a year, some of which may be short breaks, no longer just in the summer months. Much of this demand is for self-catering accommodation - whether new buildings (including mobile homes) or converted properties - which may be constructed to a standard that would equally support permanent residence in some comfort. But this accommodation may also be located in areas in which the provision of permanent housing would be contrary to national policies on development in the countryside or not in accordance with development plan policies, or both.
18. The planning system can respond to these changes in the holiday market without compromising policies to safeguard the countryside. The Government now believes that in exceptional cases holiday occupancy conditions can reconcile these two objectives. Indeed, conversions of redundant buildings into holiday accommodation where conversion to residential dwellings would not be permitted may reduce the pressure on other housing in rural areas.

## **PPG15 – Planning and the Historic Environment**

19. Any object or structure which is fixed to a listed building, or is within the curtilage and forms part of the land and has done so since before July 1948 - are also treated as part of the building for the purposes of listed building control. Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section, for alteration or demolition.
20. Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question.
21. The best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. But not all original uses will now be viable or even necessarily appropriate: the nature of uses can change over time, so that in some cases the original use may now be less compatible with the building than an alternative. For example, some business or light industrial uses may now require less damaging alterations to historic farm buildings than some types of modern agricultural operation.

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

22. The countryside can provide opportunities for recreation and visitors can play an important role in the regeneration of the economies of rural areas. Open spaces within rural settlements and accessibility to local sports and recreational facilities contribute to the quality of life and well being of people who live in rural areas.
23. In rural areas those sports and recreational facilities which are likely to attract significant numbers of participants or spectators should be located in, or on the edge of, country towns. Smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community. Developments will require special justification if they are to be located in open countryside, although proposals for farm diversification involving sports and recreational activities should be given favourable consideration. All development in rural areas should be designed and sited with great care and sensitivity to its rural location.

## **PPG4 – Industrial, Commercial Development and Small Firms**

24. In rural areas, applications for development necessary to sustain the rural economy should be weighed with the need to protect the countryside in terms of, for example, its landscape, wildlife, agriculture, natural resources and recreational value.
25. Special care should be taken in considering proposals to convert for commercial and industrial use buildings which are listed as being of special architectural or historic interest.

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

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

**Suffolk Structure Plan 2001**

- Policy ENV1 (Conservation of the Built Environment)
- Policy ENV2 (Re-use of Rural Buildings)
- Policy ENV3 (Design Standards)
- Policy ENV4 (The Countryside and Coast)
- Policy ENV8 (Special Landscape Areas)
- Policy ENV14 (Flood Protection)
- Policy ECON12 (Tourism)
- Policy ECON14 (Tourism)
- Policy REC3 (Recreation in the Countryside)

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

- Policy LP59 (Floodplains)
- Policy LP28 (General Economy and Employment)
- Policy LP93 (Countryside)
- Policy LP97 (Special Landscape Areas)
- Policy LP49 (Farm Diversification)
- Policy LP50-53 (Conversion of Under-used Buildings in the Countryside)
- Policy LP78 (Listed Buildings)
- Policy LP93 (Setting of Listed Buildings)
- Policy LP119 (Small – and Medium Scale Recreation)

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

- Policy EN05 (Floodplains)
- Policy EM01 (General Economy and Employment)
- Policy CR01 (Landscape Quality)
- Policy CR05 (Special Landscape Areas)
- Policy CR30 (Buildings in the Countryside)
- Policy CR31 (Buildings in the Countryside – residential (including holiday accommodation))
- Policy CN01 (General Design)
- Policy CN10 (Listed Buildings)
- Policy CR10 (Landscaping)
- Policy CR14 (Protected Species)
- Policy RE08 (Small – and Medium Scale Recreation)

**OBSERVATIONS**

27. Hintlesham PC – To be reported verbally if available.
28. Burstall PC – To be reported verbally if available.
29. The Archaeological Service – No objection.
30. CHA - To be reported verbally if available.
31. English Nature - To be reported verbally if available.
32. SWT - To be reported verbally if available.
33. EA - To be reported verbally if available.

34. HoES – To be reported verbally if available.
35. EDF Energy - To be reported verbally if available.

### ASSESSMENT

36. The relevant policies to this case are ENV4, LP93 and CR01, which seek to ensure that the landscape quality and character of the countryside will be protected. Proposals for prominent structures will only be acceptable if they are essential in the countryside, and that the location, siting, and design minimises adverse impact on the environment.
37. Also relevant to this case are policies ENV1, LP78, LP93 and CN10, which seek to ensure that the character and setting of listed buildings will be protected and enhanced, and that new developments affecting listed buildings must be in harmony with their surroundings.
38. Also relevant to this case are policies ENV2, LP50-53 and CR30-31, which seek to ensure that the conversion of traditional rural buildings will be supported for employment and tourism purposes where the building and the proposed use respect the rural setting, but holiday accommodation is to be considered only where employment uses are not forthcoming or are considered inappropriate.
39. Also relevant to this case are policies ECON14, REC3, LP119 and RE08, which seek to ensure that the development of tourist accommodation in the countryside may be acceptable where there is no material conflict with the protection of the environment.
40. Also relevant to this case are policies ENV8, LP97 and CR05, which seek to ensure that new development will not be acceptable which would have a material adverse impact on a Special Landscape Area.
41. The principal issues in the determination of this application are as follows:-
  - Policy Considerations
  - Alternative Use Exploration
  - Design and effect on setting of listed building
  - Impact on the wider landscape

#### **Policy Considerations**

42. Adopted and emerging Development Plan policies generally support farm diversification where, amongst other things, the proposal facilitates economic activity, has no detrimental effect on landscape characteristics, has no adverse impact upon residential amenity or the highway network and results in the satisfactory retention or restoration of traditional farm buildings. These policies reflect the aims of the Government as stated within PPS7 in supporting the re-use of rural buildings for economic purposes and for farm diversification in general.
43. The Adopted Local Plan policies relating to ‘conversions’ expand upon the more general policy in the Suffolk Structure Plan. Local Plan policy establishes that the re-use of redundant or under-used buildings in the countryside for residential purposes (including holiday accommodation) is always a last resort, and a range of preferred uses is listed within Policy LP51 and have to be investigated and ruled out before a residential use of the building is considered. In addition, the policy restricts the principle of a residential use to traditional buildings that are worthy of retention for their landscape, historic or group value. Although adopted policy does not rule out most of the preferred alternative uses from such buildings, it states that holiday accommodation will not be suitable.

44. The 'conversions' policies (CR30 and CR31) within the Second Alteration to the Local Plan state that the use of 'traditional' buildings for conversion into dwellings or holiday accommodation is acceptable. Although the requirement for any applicant to demonstrate that the 'preferred' uses are unsuitable before a residential use is considered remains within the policy, there is no such requirement for conversions to dwellings or holiday accommodation to be 'ruled out' in a similar way before residential development is favourably considered.
45. In this instance, the buildings are of historic interest and form a curtilage structure to a Grade II listed dwelling. The proposal for the conversion of the outbuildings to be used as holiday let cottages is considered to accord with the general aim of retaining buildings that make a positive contribution to the landscape by bringing about a viable and productive use for the building.
46. Adopted and emerging Development Plan policies for new buildings in the countryside are generally resisted as the landscape quality and character of the countryside will be protected for its own sake. For new buildings to be acceptable in the countryside and the SLA, they must not have a detrimental effect on the landscape characteristics of the area.

#### **Alternative Use Exploration**

47. The supporting documentation submitted with the application concludes that other possible uses have been examined for the site, however due to the remote location of the outbuildings the site is unsuitable for commercial uses. It is agreed that due to the sensitive location and access arrangements to the building, alternative non-residential uses would not be appropriate, therefore it is considered there would be little point in carrying out a marketing campaign for alternative non-residential uses.
48. In addition, and given the above, the buildings, due to its size and position, are not thought to be compatible with modern farming practices, and together with the close proximity to an existing dwelling, any realistic opportunity for this building to be used for business, agricultural, community or recreational purposes is severely limited. On this basis, it is agreed that the buildings are unlikely to be considered entirely suitable for any use other than residential/holiday let and as such, a marketing campaign has not been required of the applicant.
49. A B1 use could be accommodated in the buildings and not adversely impact on the existing dwelling and outbuildings, however, due to the condition and length of the access track to the buildings, it is considered that any alternative non-residential uses would be inappropriate.

#### **Design and effect on setting of listed buildings**

50. PPG15 states that buildings within the curtilage of listed buildings are themselves treated as part of the listed building for the purposes of listed building control. The setting and character of listed buildings must also be protected from inappropriate development. In this instance, the quality of the setting of the listed buildings comprise the cottage, the traditional farm buildings and the courtyard area in front of the outbuildings. It is considered that the principal elevation of this group of buildings is the north-west elevation as seen from the access track. If the log cabins were sited as proposed, this principal elevation would be severely interrupted, therefore detrimental to the visual setting of the outbuildings.

51. The proposals for the outbuildings require internal and external alterations to the buildings, primarily to the fenestration and access arrangements throughout the buildings. It is considered that this detailed design scheme is unacceptable. The design in an unsympathetic conversion, introducing unacceptable spatial changes to the buildings and unacceptable fenestration patterns and designs. Furthermore, the setting of the two barns is visually disrupted by introducing living accommodation into the open cartshed, through the introduction of large amounts of glazing and an increased roof pitch. A sympathetic conversion of this cartshed would lend itself to parking and storage facilities.

### **Impact on the wider landscape**

52. Policies in the Development Plan seek to ensure that the landscape qualities of Special Landscape Areas (SLA) are safeguarded. Policy RE08 also states that recreational uses and facilities will not be permitted if they introduce new buildings which would detract from the character of that particular tract of countryside. The development of the site through the siting of transportable log cabins, although set within a valley, and on sloping land, is considered to be an inappropriate form of development within the SLA. The log cabins would be clearly visible from the public footpath that runs along the access track, and are constructed in an untraditional form, and would be seen as an alien feature, therefore injurious to the wider landscape.
53. 41. In addition, the layout of the log cabins in an elongated linear form along the access track, represents an inappropriate design layout spreading the development along the track in the SLA.

### **Conclusion**

54. The application outbuildings make a positive contribution to the character and visual amenity of the area. Although a marketing campaign has not been pursued to investigate the 'preferred' alternative uses of the buildings, it is considered that the proposal offers the most appropriate re-use of the buildings. The restricted access and proximity of the buildings to the listed building limit any other viable alternative use, and does not have an adverse impact on the character of the locality. However, the application site is within a SLA and it is considered that the transportable log cabins would have a detrimental impact on the wider landscape, and the overall conversion of the outbuildings would create an unsympathetic scheme detrimental to the listed outbuildings, and therefore with regard to the relevant Development Plan policies, the following recommendation is made:

### **RECOMMENDATION**

Refuse planning permission – contrary to policies ENV1, ENV3, ENV4, ENV8, ECON14, REC3, LP93, LP28, LP97, LP78, LP93, LP119, EM01, CR01, CR05, CN01, CN10, RE08 – adverse impact on countryside and SLA, and character and setting of curtilage listed buildings.

### **DECISION**

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GREAT CORNARD - PHASE 1 CORNARD MILLS

The siting, design and external appearance of, the means of access to and the landscaping of Phase 1 of the development comprising 40 no. residential dwellings.

Applicant: Barratts

Case Officer: Richard Matthams

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BACKGROUND

This application is brought to committee at the request of a local Member.

SITE

1. The site the subject of this application encompasses an area of approximately 3.2 hectares (7.2 acres) of industrial land and is located between the River Stour and the Sudbury to Marks Tey railway line. It lies outside, but abuts, the defined built up area of the settlement and within the Stour Valley Special Landscape Area.
2. A complex of substantial industrial buildings, reaching 25 metres (80ft) in height covering approximately (102,250 sq.ft), previously, dominated the application site. These buildings which have been demolished housed the day-to-day operations of the factory which until recently operated as a pet food factory.
3. The only buildings that remain on site are the more historic mill buildings. These are constructed in gault brick, and date back to the C18, but have been much altered over the years and are not listed as being of special architectural or historic interest. Immediately to the south of the traditional mill buildings across, the mill pond, is the Mill House (Listed Grade 11), which is in separate ownership and is not included within the site the subject of these proposals.
4. The topography of the factory site is generally flat lying at approximately 25 metres (80ft) AOD. However, some of the site closest to the riverbank is lower within the River Stour flood plain.
5. The application site has approximately 500 metres (1,600 ft.) of river frontage, much of which has been planted with trees that are now well established and form a riverside woodland belt. Many of the trees are protected by a Tree Preservation Order (TPO No. BT 364, 181 & 142).
6. The Sudbury to Marks Tey branch railway line lies to the west of and parallel to Bures Road. It crosses Mill Tye at a point approximately 75 metres (240ft) from Bures Road. The site is accessed via an unmanned railway level crossing. I refer Members to paragraph 10.

## PROPOSAL

7. See report heading.
- The scheme represents the first phase of development in respect of the outline planning application and proposes the retention of the mill buildings to employment use and to redevelop the areas occupied by modern industrial buildings for new housing.
  - 40 residential units are proposed which include a courtyard arrangement (incorporating those existing buildings to be retained) of two and three bedroom apartments fronting the mill Pond and River Stour in the south-eastern part of the site. The remainder of Phase 1 development comprises a terrace of 10 one, two, three and four bed homes. The residential element of the proposals will be provided at an average density 45 dwellings per hectare. 40 residential dwellings are proposed in line with government guidance.
  - The provision of a parking area to cater for the buildings to be used for employment use.
  - There is currently no public access to the site. A significant area of landscaped public open space is proposed adjacent to the river which incorporates a riverside pedestrian footpath / cycleway.

## SITE HISTORY

8. 2003 - Outline planning permission granted for residential development. (B/03/01142/OUT)
9. 2005 - an application submitted to vary the terms of a condition attached to the outline planning permission to permit 116 dwelling in lieu of 90. However, the applicant has withdrawn this application for procedural reasons. (B/05/1747/FUL)

## RELEVANT SITE HISTORY

10. 2002 - Outline Planning Permission granted for a new rail halt (incorporating a requirement for the provision of 6 car parking spaces, B/02/1820/FUL)

## POLICY

### **PPG 3 Housing**

11. PPG 3 (published March 200) sets out current Government planning guidance in relation to the provision of new housing. The main thrust of this guidance is to create sustainable patterns of development. This is to be achieved in various ways such as:-
- Steering new development to locations where a range of facilities already exists so as to reduce reliance on the private car for journeys to work, school, shopping and entertainment.
  - Promoting mixed use developments.
  - Developing brownfield sites in preference to Greenfield sites.
  - Making efficient use of land by generally building at higher densities where compatible with local character.

## **PPG 4 Industrial and Commercial Development and Small Firms**

12. PPG 4 (published November 1992) sets out the Government's planning guidance relating to industrial and commercial development. It encourages local authorities not to put unnecessary obstacles in the way of industrial and commercial development and to promote urban regeneration.

Paragraph 15 states "it is generally recognised that it may not be appropriate to separate industry and commerce-especially small scale development from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale-particularly in existing buildings, which would not affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety and health impacts or excessive traffic generation.

Paragraph 21 states that "Many urban areas contain large amounts of land, once used for industrial purposes but now under-used or vacant. Getting this land back into beneficial use is important to the regeneration of town and cities. Optimum use should be made of potential sites and existing premises in inner cities and other urban areas, taking into account such factors as accessibility by public transport, particularly in the case of labour-intensive uses"

## **PPG15 Planning and the Historic Environment**

13. PPG15 (published September 1994) sets out extensive Government guidance on all planning matters relating to the conservation of the historic environment.

It reiterates the requirement of Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 which states that in considering whether to grant planning permission for development which affects the setting of a listed building, the local planning authority shall have special regard to the desirability of preserving its setting.

Paragraph 2.17 advises that the setting of a listed building should not be interpreted too narrowly: the setting of a building may be limited to obviously ancillary land, but may often include land some distance from it.

## **Suffolk Structure Plan 2001**

14. CS1 States that provision will be made for development which helps sustain the economic and social well being of Suffolk, subject to the usual environmental safeguards, but only where community facilities and infrastructure already exist or will be provided.
15. CS3 seeks to steer most housing developments to towns and large villages where a range of facilities exists.
16. CS9 seeks to secure appropriate levels of affordable housing on sites allocated for housing in local plans and on other sites that come forward for development.
17. ENV1 seeks to preserve the character and setting of conservation areas and listed buildings.

18. ENV3 requires all new development to be of a high standard of layout, design and landscaping, in order to conserve and enhance the special character of Suffolk.
19. ENV8 seeks to protect the landscape character of SLAs through the strict control of development.
20. ENV 14 advises that redevelopment will not be permitted which would impede materially the flow or storage of floodwater or increase the risk of flooding.
21. ECON3 Seeks to protect the loss of employment sites. Permission for residential redevelopment will only be acceptable where:-
  - Adequate employment land exist elsewhere;
  - Site is inaccessible or otherwise constrained so that employment development is unlikely.
  - Redevelopment of the site would assist urban regeneration; and
  - There is not material conflict with residential amenity or with policies for transport or protection of the environment.

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

22. LP3 - advises that within the built up area of towns, permission will normally be granted for new housing, subject to the usual environment considerations. However, where an undeveloped site makes a positive contribution to the quality of the townscape or is a playing field or other important recreation asset, its development will not normally be permitted.
23. LP7 - deals with groups of dwellings abutting the built up areas of settlements and indicates that such groups may be acceptable in certain villages subject to a number of criteria being met. However, it is made clear that such groups will not be permitted abutting the built up area of towns.
24. LP12 - seeks to secure affordable housing with housing schemes in excess of 1.2 hectares.
25. LP16-advises that housing densities need to vary according to location and site characteristics.
26. LP18 - seeks to secure high standards of layout, design and landscaping.
27. LP19 - advises that new housing development in excess of 20 non-specialist dwellings, at least 10% of the site to be laid out as public open space.
28. LP47 - seeks to prevent loss of employment sites to residential use, either by change or use or redevelopment, unless it can be clearly established that its retention for other forms of employment use has been fully explored.
29. LP59 - seeks to prevent increased risk of flooding by resisting new development in flood plains.

30. LP70 - seeks to protect the setting of listed buildings
31. LP97 - seeks to protect the landscape character of SLAs through the strict control of development.
32. Babergh Local Plan Alteration No.2.
33. ENO5 - updates LP59.
34. EN17 - Requires developer to carry out proper investigation and remediation of sites suspected of being contaminated.
35. EN21 - requires new developments on previously developed sites to recycle resultant waste materials where appropriate.
36. HS01 - repeats LP3.
37. HS08 - seeks to secure affordable housing on sites in excess of 0.5 hectare or where the site is capable of accommodating more than 15 dwellings. 20-35% of the total number of dwellings will be required to be in an affordable form, depending on the identified need.
38. HS11 - seeks to maximise densities by requiring densities of between 30-50 per hectare.
39. HS14 - repeats LP18
40. HS15 - updates LP19 by requiring not less than 10% of gross sites to be laid out as public open space.
41. HS18 - requires at least 20% of all dwellings on housing sites to be of two bedrooms or less design.
42. EM15 - seeks to protect employment sites from redevelopment of housing (updates LP47).  
CRO5 - seeks to protect the landscape of SLAs (updates LP97).

#### OBSERVATIONS

43. PC recommends refusal on the following ground:-
  - The plans do not indicate sufficient parking spaces for the employment element of the development.
  - The proposed density represents a gross over development of the site. The area available for building is limited by the presence of the underground mill race.
  - The proposed access is potentially dangerous.
  - A single entrance to the estate is likely to prove problematic for emergency vehicles. The cycle way along the river does not link up with any other cycle routes; the views of Suffolk County Council should be sought.
  - The Planning Authority must ensure that sufficient lighting in all areas of the development is provided.
  - The access bridge is constructed in corrugated iron hoops and therefore unsuitable for any vehicular traffic.

44. Adjoining LPA (Braintree DC)- makes the following observations:-
- The supporting information fails to fully assess the trip generation for vehicles driving to catch the train, in the absence of the railway halt at Great Cornard. It is a matter of concern that there are issues relating to the availability of car parking at Sudbury and Bures Station. It is accepted that the majority of cars meeting the train will travel to Sudbury Station, there will be an inclination by some to drive to Bures Station. This car park is currently at capacity and commuter parking in nearby streets causes problems. In the absence of a proposal for a new halt at Cornard, the TA should at least estimate the effect on parking, and if necessary ask that the application addresses this issue by means of a S106 Agreement.
45. CHA - state that the submitted details would satisfy the highway requirements of the outline planning permission; however, the layout should be amended to include a temporary turning head that should be retained until the permanent turning head on phase 2 is available for use.
46. Education - refer to the S106 Agreement under B/03/01142/OUT relating to the above development which provides for an education contribution for each open market dwelling.
47. Fire and Rescue Service-recommends that adequate provision is made for fire hydrants, water supplies and access for fire fighting appliances.
48. Archaeology - accepts the broad archaeological conclusion of the Historic Environment: Impact Assessment included in the application. This demonstrates that there will be a need for mitigation against archaeological loss.
49. EHA – views awaited.
50. Anglian Water-recommend that the following conditions are imposed, details of foul and surface water drainage, details of off-site drainage and that no buildings should be located within 15m of the boundary of an adoptable sewerage pumping station.
51. Suffolk Wildlife Trust- raises the following concerns:-
- The proposed mitigation is very brief and the issue of disturbance of this European protected species (otters) has been satisfactorily addressed.
  - No assessment has been made regarding the status of the principal holt, i.e. whether it is likely to be used for breeding.
  - Otters regularly use the pond, yet the creation of the otter sanctuary will deny access to this area.
  - The ecological report does not assess the impacts of noise during construction and post development when the houses are occupied.
  - The ecological report does not assess the impacts of lighting. The cycleway passes to the rear of the otter sanctuary and this will be lit.
  - There is inconsistency in that Bidwells report indicates that there will be an otter sanctuary created around the holts identified in the survey yet the ecological report indicates that the otter sanctuary relates only to Holt C, this being mitigation for the inevitable disturbance that will happen to the other holts at sites A and B inevitably, the otters are likely to find those sites unusable.
52. English Nature-objects to the application on the basis of lack of suitable mitigation for otter, lack of sufficient survey for bats and lack of a full impact assessment for badger.

53. Sudbury and District Group Ramblers Association - does not raise objection to the proposed development, however, are concerned that the cycle way / footpath along the riverside of the development will not be linked to the Cornard Riverside Walk. It is stated in the Landscape Visual Impact Assessment that it will be connected hopefully in the near future.
54. Colne-Stour Countryside Association-refers to the developers intention to fell the trees along the river bank on the north side and appreciates that these are bat-willows or poplars which has reached maturity and will suffer deterioration unless harvested. However, these trees do provide a screen when looking at the site from the southerly aspect and add to the attractiveness of the riverbank in general. The river bank on the north side should be replanted with suitable trees, for example oaks. The association notes that the applicants plans have some regard to replacing the trees felled, but believes therefore it should be a condition of granting planning permission, that the type and quality of trees selected, together with the density of planting should be agreed by such tree experts and professionals chosen by the Council. The developer plans to fell a tree by the level crossing subject to a TPO. It is suggested this tree be left in place.
55. Suffolk Preservation Society-makes the following objections:-
- The scheme will erode the districts distinctiveness. The Council's Residential Guidance Note 7 should be a major consideration in deciding the suitability of these two proposals.
  - The layout is car dominated.
  - Affordable housing into one ghetto beside the railway line.
  - Phase 1 is uncomfortable, particularly the angled block of social housing. The elevations of the new blocks are heavy, and with far too much vertical emphasis
56. Sudbury Society - raises no objection and is very satisfied with the proposal.
57. Letters - 2 have been received, objecting / making representation for the following reasons:-
- The occupiers of 104 Bures Road, Great Cornard object for the following reasons:-
- The proposed density of the proposed development is too high.
  - The proposed overall height of the flats will not be sympathetic to the setting.
  - The addition of roof terraces, while pleasant for the residents of the flats, will also cause privacy problems for residents of existing properties.
  - The suggestion of a village green area with playground facilities for young children in such close proximity to the river and mill pond would be inadvisable.
- The occupiers of the Mill House object for the following reasons:-
- Owners of the Mill House have no direct control over the mill pond, although they have historically looked after the sluice. This needs to be adequately maintained to prevent flooding.
  - RIPARIAN Responsibility - In this respect the Mill House already owns half the pond and has an interest in its maintenance.
  - The proposed management of the pond and greensward by an outside company would be particularly inappropriate.
  - The Greensward area was and still is a very important wildlife area, despite it flooding and it is hoped that whoever owns it will maintain this and it can then be enjoyed by everyone, but without public access. The owners of the Mill House want this area to be within their control.

- The Mill buildings should be retained for employment uses.
- The size and scale of the proposed new buildings overpower the original buildings.
- The main block of social housing is extremely close to the Mill House and will result in a loss of privacy.
- The Mill House and Mill are now in a unique position with all traces of 1940's to 200 warehouses removed and the former Mill buildings can now be seen in their correct setting. It would be a great shame if this was over shadowed by tall, large modern domestic flats and housing.

## ASSESSMENT

58. The main policy consideration is policy LP3 Babergh Local Plan (Alteration No.1) which states that “within towns, housing developments will normally be granted planning permission provided they are within the built up area as defined on the proposal map, have no materially adverse effects on residential amenity, the environment or traffic generation, or result in the loss of a viable employment site. There is no objection to the principle of residential development on the site given the existing outline planning permission B/03/01142/OUT.

59. The principal issues in respect of this application are therefore detailed only and relate to layout, design, access, parking, landscaping and impact on local ecology. These are dealt with as follows:

### **Layout, Design and Residential Amenity**

60. The scheme contains a mix of development including a courtyard arrangement (incorporating those existing buildings to be retained) of two and three bedroom apartments fronting the mill Pond and River Stour in the south-eastern part of the site. The remainder of Phase 1 development comprises a terrace of 10 one, two, three and four bed homes. The scheme is designed as an estate with development largely fronting onto one central estate road. The density of development equates to 45 dwellings per hectare and consequently meets density requirements of policy HS11 and the objectives of PPG3.

61. It is considered that the design and height has full regard to its riverside setting in a style that respects the historic buildings and surrounding area. The apartment development adjacent to the river fully encloses an internal landscaped courtyard with parking positioned below the building envelope. Riverside balconies and roof top terraces allow full enjoyment of the river and water meadows beyond.

62. The building has been broken down into individual vertical elements creating both a fragmented roofline and visual interest when viewed obliquely and existing buildings in the area have influenced its design.

63. The setting of the listed Mill House has been enhanced by clearing away the modern industrial buildings in the vicinity retaining and enhancing the original fabric.

64. The introduction of a mixed-use development on the main factory site will result in a significant enhancement of residential amenity. The principal dwelling affected by the proposed development is the Mill House. It is considered that overlooking resulting from the proposed new residential blocks will not be so detrimental to residential amenity that a refusal of planning permission is warranted.

### **Highway Safety and proposed Cycle way**

65. A great deal of public concern has been expressed about the inadequacy of the approach roads to the site to safely accommodate further commercial traffic. In addition, local residents and other interested parties have seriously questioned the adequacy of the access bridge. The applicant submitted a revised layout plan showing the full estate road, which includes a turning head. The Highway Authority has raised no objection to the scheme subject to the imposition of recommended conditions.
66. Outline planning permission B/03/01142/OUT provides for a cycle path within the development. The footpath / cycleway is proposed along the western boundary of the linear open space. This will extend the Cornard Riverside Walk and will allow public access through the site and to the Millennium Lock and the Stour Valley Trust Visitors Centre. The footpath / cycleway will also be used as an alternative emergency access.
67. Negotiations are currently being conducted between Babergh District Council and the Sudbury and District Angling Association to secure this link. The principle of providing this link was informally agreed some years ago. A further verbal report on this outstanding matter will be undertaken at the committee meeting.

### **Parking for Employment Uses**

68. The layout provides for parking to the Mill Buildings but does not meet current parking standards. The applicant is therefore proposing a landscaped parking area to the east of the site for the Rail Halt, Weighbridge and the Mill Buildings. Delivery parking only will be provided within the vicinity of the employment buildings. This will assist with the retention of the Mill Building as an employment use.

### **Protection and Management of the wildlife and habitats**

69. Outline planning permission B/03/01142/OUT provides for a management Strategy for the protection of wildlife and their habitats within the development. Negotiations are currently being conducted between all parties involved to ensure that the proposed development does not prejudice the current situation and provide for an acceptable scheme of management and mitigation. A further update will be undertaken at the meeting.

### **Nature Conservation Areas**

70. There will be two areas of the Site that will be managed for nature conservation, which will not have public access.

### **Trees**

71. Outline planning permission B/03/01142/OUT provides for Landscaping details to be submitted. Negotiations are currently being conducted between all parties involved to ensure that the proposed development does not prejudice the current situation and provide for an acceptable scheme of management and mitigation. A further update will be undertaken at the meeting.

### **Flooding**

72. The Environment Agency, which is responsible for advising on such issues, confirmed at the outline planning application stage that the Flood Risk Assessment is acceptable and raises no objections to the development on flooding (or any other grounds).

## **Other Issues**

73. The issue of maintaining the sluice and ownership of the Greensward and Mill Pond is a private matter between the occupiers of the Mill House and the applicant. Therefore this is not material to the determination of this application.
74. Braintree District Council's comments relate to the outline application and therefore do not concern this reserved matters application.

## REASON FOR APPROVAL

The proposed development is considered to be in accordance with the provisions of adopted and emerging Development Plan Policies ENV3, TP, 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

Subject to the receipt of any view from the Environment Agency and the satisfactory resolution of all outstanding matters above, the Head of Planning Control shall be authorised to approve the submission of reserved matters subject to the following conditions:-

- Standard Time Limit Condition;
- Landscaping (hard and soft including surface finish of access road and parking areas) and Landscape maintenance;
- Finished ground floor levels relative to existing and proposed finished ground levels;
- GPDO rights removed for new openings or extensions within the roof spaces of the dwellings;
- Service details, including, routes of service pipes and cables, location and depths of soakaways etc.

Otherwise

B.

- Refuse planning permission. Reasons (as may be appropriate);
- Any as appropriate should the outstanding issues not be satisfactorily resolved.

## DECISION

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CAPEL ST. MARY – DRIFTWAY, THE STREET

Submission of details under Outline Planning Permission B/03/01723/OUT - Erection of 9 no. dwellings (existing 4 no. dwellings to be demolished) and alterations to existing vehicular access.

Applicant: Thorcross Builders Ltd.

Case Officer: Clare David

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BACKGROUND

**The site of this application was considered by Development Committee on the 4<sup>th</sup> February 2004 wherein it was resolved to grant outline planning permission following the securing of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 relating to the provision of affordable housing. The details of the Section 106 were subsequently amended by virtue of a Development Committee resolution on 24 November 2004. Members requested that the application for reserved matters approval be referred to Development Committee.**

SITE

1. The application site comprises an area of land measuring approximately 0.44 hectares, situated to the south of Olivers Cottage (a Grade II Listed Building) and No.103 The Street (a site which is currently being redeveloped). The site is currently served by a single access and formerly supported a terrace of 4 no. two-storey properties and a detached garage. The site is wholly within the defined built-up boundary of the village. There are no other planning constraints that directly affect the site.

PROPOSAL

2. The outline planning application sought planning permission for the erection of 9 no. dwellings following the demolition of the existing 4 no. dwellings. Details of the means of access were included for determination. All other matters were reserved (i.e. siting, design, external appearance and landscaping). An indicative block plan was submitted with the planning application in order to provide detail of the access and to demonstrate potential layouts. The layout drawings (excluding the vehicular access) were submitted for illustrative purposes only and did not fall to be considered as part of the application.
3. The current application for reserved matters includes the details of siting, design and external appearance. The site layout substantially follows that illustrated by the indicative drawing submitted at outline stage. The proposed development comprises 2 no. single storey dwellings with detached garaging on plots 1 and 9 and 7 no. detached dwellings with either attached or integral garaging.

RELEVANT PLANNING HISTORY

4. 2004 - Outline planning permission granted for the erection of 9 no. dwellings. (B/03/01723/OUT).

5. 1995 – Planning permission granted for the erection of single-storey extension (existing single-storey extension to be demolished) (B/95/00046/FUL).
6. 1977 – Planning permission granted for the erection of five stables (B/77/486).
7. 1977 – Planning permission refused for the erection of five stables (B/77/8).
8. 1975 – Planning permission granted for the erection of a double garage (B/75/925).
9. 1971 – Planning permission refused for residential development (W/9244).
10. 1970 – Planning permission granted for alterations to dwelling (W/8779).

## POLICY

### **PPG3 (Housing)**

11. 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.

### **PPG15 (Planning and the Historic Environment)**

12. Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.
13. The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed nor immediately adjacent to a listed building. Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building. A proposed high or bulky building might also affect the setting of a listed building some distance away, or alter views of a historic skyline. In some cases, setting can only be defined by a historical assessment of a building's surroundings.

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

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

**Suffolk Structure Plan 2001**

- Policy ENV1 (Conservation areas and listed buildings);
- Policy ENV3 (Design Standards)
- Policy CS1 (Distribution of New Development)
- Policy CS3 (Housing Developments)

**Babergh Local Plan Alteration No.1**

- Policy LP4 (Housing Development in Villages)
- Policy LP5 (Villages)
- Policy LP16 (Housing Densities)
- Policy LP17 (Criteria for Infilling & Groups)
- Policy LP18 (Layout and Design)
- Policy LP79 (Setting of Listed Buildings)
- Policy LP146 (Parking)

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

- Policy HS02 (Housing in Villages)
- Policy HS03 (Housing)
- Policy HS08a (Affordable Housing);
- Policy HS11 (Housing Densities)
- Policy HS12 (Criteria for Infilling and Groups)
- Policy HS14 (Layout and Design)
- Policy HS18 (Housing Needs)
- Policy CN10 (Development affecting listed buildings and their settings)
- Policy TP18 (Parking)

**OBSERVATIONS**

15. PC – Recommend approval.
16. Housing Enabling Manager – the information provided with regard to the type and location of the affordable unit is acceptable however there has been no agreement with the developer to date as to how the affordable unit will be managed in the future
17. CHA – No objection subject to the imposition of standard planning conditions.
18. SCC (Fire and Rescue) – No objection.
19. EA – No objection.
20. Letters – One letter received from a local resident that advises that the writer does not wish to raise any objections.

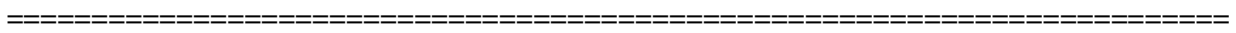
ASSESSMENT

21. The main issues to consider in the determination of this application are:-
- Layout, density and design
  - Residential amenity
  - Setting of nearby listed buildings
  - Highway safety
  - Provision of affordable housing
22. 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, PPG3 advocates higher densities of development, where appropriate. In this instance, the proposal amounts to development of approximately 20 dwellings per hectare. Although this figure is below the minimum density standards as defined by PPG3, the density level is considered appropriate for the site and its setting in this particular instance.
23. The layout currently under consideration is substantially unaltered from the illustrative layout submitted at the time of the outline application. The spacing of the development, coupled with the use of varying ridge heights and staggered building lines is considered acceptable. Furthermore, the design of the individual dwellings is deemed to be appropriate and utilises a range of traditional architectural features and building materials.
24. The applicant has provided sections through the site to demonstrate the relationship of the proposed buildings in relation to surrounding site levels and property. It is considered that the development will not result in any adverse impact on residential amenity.
25. Similarly the sections which have been provided together with the site layout are satisfactory in so far as there will be no adverse impact on the setting of nearby listed buildings.
26. The CHA have offered no objection to the proposal. The means of access was of course determined at the time of the outline planning permission.
27. The Section 106 that was entered into at the time of the outline planning permission required the details of the siting and design of the affordable unit to be agreed before the submission of the first reserved matters application. This has been complied with. The agreement then goes on to require that no market units are occupied until an agreement has been concluded with a Registered Social Landlord (RSL) for the construction and subsequent transfer of the affordable unit to the RSL and that the affordable unit will be available for rent. No more than five dwellings are to be occupied until the affordable unit has been completed and transferred to the RSL. The applicant has been reminded of the need to liase with the Housing Enabling Manager in order to be advised on the appropriate course of action with regard to reaching an agreement with an RSL.

RECOMMENDATION

Approve reserved matters

DECISION



## WHERSTEAD – FARM BUILDINGS AT WHERSTEAD HALL, PEPPERS LANE

Conversion and change of use of former agricultural buildings to farm retail outlet, with ancillary café and children's play facility, plus a plant nursery and office. Alterations to vehicular highway and construction of passing bays, parking and servicing areas.

Applicant: William Paul & Sons

Case Officer: Clare David

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**A panel of Members visited the site on 14 December in order to assess the application in the light of recent amendments proposed to the emerging Local Plan by the Inspector and also to assess the potential environmental impact of the proposal. Since the original report was presented to Members on 7 December, revised drawings and additional information have been received from the applicant. The following represents the original report with the updated and the additional information included in *bold italic type*.**

SITE

1. The application site comprises a range of former agricultural buildings as follows:-
  - A cattle shed of 1152 sq m (12400sq.ft). Constructed of concrete blocks with timber cladding above and a sheet roof (Barn 5 – as annotated by the application drawings)
  - A range of smaller traditional buildings of 242 sq. m. (2600 sq ft). Constructed of red brick and black weatherboarding with pantiled roof (Barns 2,3, and 4 – as annotated by the application drawings)
  - A cart shed of 69 sq. m. (740 sq. ft). Constructed of black weatherboarding and with a pantiled roof (Barn 6 – as annotated by the application drawings)

A further barn (Barn 1 as annotated by the application drawings) to the south of Barns 2-6 is not included within the application site.
2. The site is accessed via a single track that is privately owned by the applicant and which joins with the B1456 to the south of The Strand. The track is also a public footpath (Public Footpath No. 40) and is crossed by a further two Public Footpaths (nos. 8 and 10). Public footpath No 40 continues in a westerly direction past the application site and emerges at Wherstead Park (the former TXU Offices). A pair of semi detached residential properties are located to the northern side of the junction with the Class B road and are within the ownership of the applicant. A further residential property exists to the north of the access track (opposite the proposed parking area). This property is also in the ownership of the applicant. Wherstead Hall itself, which is sited to the south -west of the application buildings, is a grade II listed building.
3. The site lies outside of the defined built up area and is entirely within an Area of Outstanding Natural Beauty.

## PROPOSAL

4. This planning application seeks permission for the conversion and change of use of the agricultural buildings described at paragraph 1 as follows:-
- Barn 5, the largest of the buildings, is proposed to accommodate the farm retail outlet (to be known as the Suffolk Food Hall); the plant nursery and ancillary café and children's play facility. The conversion of this building includes the provision of a red brick plinth; the recladding of the walls with black weatherboarding; reroofing with a terracotta tile panel system; the insertion of glazed roof sections and ridges; the creation of glazed gable features (*the revised drawings omit reference to the creation of these gables and propose instead glazed screens*); the insertion of windows and doors (*the revised drawings reduce the number and position*); and the insertion of a mezzanine floor (to accommodate part of the ancillary café area) (*the revised drawings illustrate the mezzanine floor in a different position and omit the proposed balcony area*). In addition, an area of land to the north east of Barn 5 is to be enclosed by a 1.8 m high close boarded fence/2.5 m high green wire mesh fence in order to provide an outside display area for the plant nursery (*the revised panels show a reduction in the extent of close boarded fencing and replacement with post and rail fencing with traditional field gate*).
  - Barns 2,3 and 4 are to be refurbished and altered and are to be used as retail sales areas in connection with the plant nursery.
  - Barn 6 is to be refurbished and altered and is to be used as office space in connection with the Suffolk Food Hall and the plant nursery and ancillary operations.

It should be noted that the application as originally submitted included the creation of a self-contained residential unit at first floor within Barn 6. This particular element of the scheme has been withdrawn and is now proposed to be office space.

5. The hours of operation are proposed to be 9am to 6pm on weekdays and 9am to 5pm on Saturdays, Sundays and Public Holidays.
6. The applicant has submitted a supporting statement to accompany the application and explains the proposal as summarised:-
- The Government is currently encouraging farming businesses to diversify. The Suffolk Food Hall proposal represents a diversification project for the tenant farming partnership of William Paul & sons and would create an important route to market for the farm produce. It will be managed and maintained by the family and will be an integral part of the farm operations allowing investment in the farming business.
  - The proposal is to convert existing redundant buildings (redundant for approx. 15 years) to a farm shop and plant nursery. The farm shop will be called the Suffolk Food Hall and will incorporate a butcher and baker as well as selling locally grown fruit and vegetables. Bourne Garden Centre will also relocate from its current site because it needs more space and wishes to grow its own plants. In addition there will be a café, children's play area and demonstration areas.
  - The farm shop will primarily act as an outlet for produce from the farm but will include produce from local producers including another family holding and will act as a centre for food produced and processed in Suffolk.
  - The Suffolk Food Hall will aim to educate people about the quality of local food and demonstration areas will also be included within the scheme.

- The proposal does not involve the erection of any new buildings.
- The existing Bourne Garden Centre Site has an average of 340 visits per week. It has three lorry deliveries per week. The impact on the local road network would be minimal. The Food Hall is anticipated to have three lorry deliveries per week and twelve transit sized vans per week. It is anticipated that the Food Hall and plant nursery would generate approx 600 visits per week.
- The application incorporates improvements to the access with the B1456 and the creation of passing bays as suggested by the County Highway Authority.
- The Food Hall will sell farm produce and it is not considered that the proposal will have an adverse impact on the viability of nearby stores.
- The proposal will reduce the number of trips by consumers by creating greater shopping opportunities on the peninsula.
- The proposal will enhance the landscape characteristics of the site by refurbishing and converting the existing cattle shed (Barn 5) into a more traditional style of barn and by introducing additional planting (including plants grown for sale by Bourne Nursery). There will be no negative impact on the AONB or the listed building at Wherstead Hall.
- The car parking is laid out to minimise its visual impact.
- The current farming operations employ the four farming partners and six full time employees. The other family holding employs 16 full time employees. The proposed Food Hall would employ 25 people.
- There are currently no shops in Wherstead, Freston and Woolverstone and the Food Hall would provide a useful service to the local community. It is within walking distance of a number of villages and the Eon offices that employ around 1000 people as well as the Peninsula Business Park and Valley Farm Offices. The site is connected by a number of public footpaths and it is hoped that the Buzabout bus would make the Food Hall one of its regular stops as well as the commercial bus services that pass the site.
- The proposal is sustainable not only in being accessible by mean of transport other than by the car but by providing an outlet for local produce and thereby reducing 'food miles' to the consumer. A home delivery service would also be offered.

7. The applicant has also submitted a further two letters to expand on the originally submitted information. The additional information is as follows:-

- The proposed plant nursery is intended as a new larger location for an existing business. The business is best described as a nursery rather than a garden centre.
- The owner of Bourne nursery is a plantswoman who has 14 years experience.
- Bourne Nursery sells plants and related products; it does not sell garden furniture, barbeques, housewares etc like other brand name garden centres do.
- 65 % of the 2004 turnover was from plants with the remainder from pots, compost and garden hardware items.
- The nursery also carries out contract works supplying plants for some prestigious new developments in Ipswich and for shops and offices
- It is proposed to utilise 2 acres of land at Wherstead Hall Farm to grow plants for the nursery. It is anticipated that 30% of plants would be grown on site.
- A further 3 fulltime and two part time staff would be needed by the nursery were it to relocate and expand at Wherstead
- The Paul family farms produce the following goods and there would be no need to bring in other produce from other farms:-

- a) Onions (1800 tonnes)
- b) Garlic
- c) Carrots (3000 tonnes)
- d) Potatoes (3500 tonnes)
- e) Hedgerow foods – blackberries, mushrooms, chestnuts etc.
- f) Pork (8500 pigs) a further 300 rare breed pigs are also reared and are currently loss making as there is no demand from supermarkets
- g) Beef (400 head of cattle per year)
- h) Lamb (300 a year)
- i) Game – venison 60 fallow, 10 roe, and 40 muntjac; partridge 1500; pheasants 2000; rabbits unlimited; hares 300; pigeons unlimited; wild duck 200; wild geese 50 and woodcock 50
- j) Cereals
- k) Free range eggs

- In the event that planning permission is granted the Food Hall would also offer space to a butcher and baker and possibly a fishmonger. It is also intended that the café kitchens would cook food for sale in the Food Hall.
- Local produce would be sourced from Suffolk, Essex and Norfolk
- Demand for local produce is outstripping supply (90% of consumers would like to purchase local produce but only 30% do)
- The nearby farm shops in Wherstead are on the A137 and B1456 which attract a different set of travellers/traffic
- Jimmy's farm is a tourist attraction first and a farm shop second – the current proposal is to sell home grown produce

8. *A further letter has been received from the applicant that seeks to address the reasons for refusal recommended in the original report to Development Committee.*
9. *The applicant advises that there are no village shops in Wherstead, Freston and Woolverstone, which are the nearest villages to the site. Further afield, Chelmondiston offers Orwell Stores (a newsagents and convenience store); Laws Cottage (a Chinese Takeaway); P. Hollingsworth (a grocers, butchers and off-licence); and His and Hers (a unisex hairdressers). Shotley has a MoT garage and a post office. Finally, Holbrook has a Co-op Supermarket; a video store and newsagents; a post office; Ren Leys (a hairdressers) and a tea shop. All these shops sell convenience goods to their local village inhabitants and operate alongside the expanded Co-op. Chelmondiston and Shotley are some distance from the Co-op, as would the Suffolk Food Hall be, and the Co-op sells the same items as the shops in Chelmondiston and Shotley and is therefore a far more direct competitor with these shops than the Food Hall would be, which would sell quality home produced and local food and so is an entirely different market place. The shops in Chelmondiston, Shotley and Holbrook would not be forsaken in favour of the Food Hall as the centre of Ipswich is only 2 miles away and the Tesco Store at Copdock only 3.5 miles away from the application site. None of these shops have objected to the application.*
10. *It is the applicant's view that when considering the sustainability of rural communities; allowance has to be made for travel by car. The site is immediately adjacent the Orwell Bridge and has good access from the Class B road. The proposal would result in the reduction of food miles and would not stock goods that were in direct competition with shops on the peninsula.*

11. The applicant has also submitted a structural report on the suitability of the buildings for conversion. The comments of the Building Control Manager are awaited on this report and members will be updated verbally.

## HISTORY

12. There is no recent planning control history relevant to the site. Records show that the cattle shed and Dutch barn (the latter does not form part of the current application) were granted planning permission in 1968 and 1970 respectively.

## POLICY

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

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

### **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.

### **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.
- The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building.

- Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses.
- Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas.
- A supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside. Planning authorities should encourage the re-use or replacement of existing buildings where feasible, and have regard to the amenity of any nearby residents or other rural businesses that may be adversely affected by new types of on-farm development.
- The replacement of redundant agricultural buildings as opposed to their conversion should be considered where this would result in a more acceptable and sustainable development.

### **PPG 13 – Transport**

- Outlines the Government’s drive to reduce the need for car travel.

### **PPG 15 - Planning and the Historic Environment.**

- States that Local Planning Authorities have an obligation to protect the setting of listed buildings and areas of landscape designation. Views into and out of such sites are a material consideration and the setting of a listed building can quite often be viewed over long distances.

### **PPG21 – Tourism**

- Tourism makes a major contribution to the national economy and to the prosperity of many cities, towns and rural areas. Its continuing growth generates a range of economic activity and new job opportunities. Because it often depends on a high quality environment, it can act as a positive force for environmental protection and enhancement.

### **Suffolk Structure Plan 2001**

- Policy ENV1 (Conservation of the built environment)
- Policy ENV2 (Re-use of rural buildings)
- Policy ENV3 (Design standards)
- Policy ENV4 (Countryside)
- Policy ENV7 (Conservation of designated landscapes)
- Policy ECON1 (Employment development)
- Policy ECON 4 (Small scale employment)
- Policy ECON 9 (Towns, local centres and villages)

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

- Policy LP28 (Employment)
- Policy LP49 (Farm diversification)
- Policy LP50 – LP52 (Conversion of underused buildings in the countryside)
- Policy LP54 (Shops)
- Policy LP79 (Setting of listed buildings)
- Policy LP93 (Countryside)
- Policy LP95 (AONB's)
- Policy LP146 (Parking)

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

- Policy EM01 (Employment)
- Policy SP07 (Farm shops)
- Policy CR01 (Countryside)
- Policy CR02 (AONB's)
- Policy CR29 (Farm diversification)
- Policy CR30 (Conversion of underused buildings in the countryside)
- Policy CR36 (Shops)
- Policy TP18 (Parking)
- Policy CN01 (General design)

14. *Members had deferred consideration of this application at the last meeting of the Development Committee to allow a site inspection in light of recent changes to the Local Plan. The Inspector's report into the Public Inquiry in 2005 concludes that Policy HS09T should be reinstated into the Local Plan. This Policy proposes the creation of a Country Park and had been deleted from the First Draft of the Local Plan, the proposal included 60 houses with the provision of a Country Park of 46.7 hectares. The Inspector concludes that even without the housing there may be opportunity within the plan lifetime to secure alternative public or private funding and considers the Country Park to be of more than local significance, benefiting the residents of Ipswich probably more so than of Babergh. The Country Park now consists of 29.78 hectares including the provision of a hotel with the potential for conference facilities. The Inspector does not recommend allocating the Bourne Hill site for housing.*

### OBSERVATIONS

*The following observations are those previously reported to Committee as a result of the original submission.*

15. PC – No objection.
16. CHA – No objection subject to standard conditions.
17. EA – No objection subject to standard conditions and advisory notes.
18. SCC (Archaeology) – No objection and no need for any archaeological mitigation.
19. Suffolk Wildlife Trust – It is noted that the supporting statement indicates that a bat survey has been commissioned with English Nature. This should be completed before the application is determined.

20. Suffolk Coast and Heaths Project – Wish to comment on the application. (at time of writing the report no comments have been received).
21. English Nature – the application will not affect the Orwell Estuary SSSI and is unlikely to have a significant effect on the Stour and Orwell Estuaries SPA and Ramsar Site. English Nature has not been commissioned to undertake a bat survey. An initial presence and absence survey for bats has been completed and evidence of bats was found in several of the buildings. English Nature has advised that the applicant should take further advice from a qualified bat consultant, before planning permission is determined preferably. (At the time of writing the report no survey has been received).
22. SPS – there is no justification for a residential unit. The scale of the proposal is inappropriate for the site and in the countryside. The developments appear to be contrary to the development plan and in its current form appears unacceptable.
23. SCC (Fire) – No objection.
24. HoES – No objections. Advice should be sought with regard to the suitability of the layout and structural standards of the buildings to meet food safety requirements that will apply to the range of food preparation and sales that could take place on this site.
25. Footpaths Officer – footpaths 40, 8 and 10 affect the site.
26. Letters – 24 of support. The main points of these letters are summarised:-
  - The proposal will strengthen the Wherstead business community.
  - Employment in agriculture on the peninsula has reduced and the proposal will create jobs.
  - Smaller producers cannot bargain with the major supermarket chains and this proposal will provide an outlet for local producers. It is an excellent reuse of redundant farm buildings.
  - It will provide a useful service to local people it will reduce trips out of and in to the peninsula.
  - The proposal will enable Bourne Garden Centre to grow more of their own plants.
  - The Government is currently promoting rural businesses as a means of regenerating the rural economy. The proposal is exactly the type of initiative that the Government has in mind in so far as it enhances local community, provides jobs, re uses redundant buildings and encourages sustainable local tourism.
  - It would provide consumers with a real alternative to supermarket shopping.
  - The proposal would significantly reduce food miles and would therefore be sustainable.
  - The proposal complies with policies SP07, CR29 and CR30.
  - Local food production is extremely important to Suffolk's rural economy and to tourism
  - The proposal would complement the existing activities at Jimmy's Farm.
27. ***The revised drawings are the subject of a reconsultation exercise and Members will be updated verbally of any responses received.***

## ASSESSMENT

28. The principle issues in the determination of this application are as follows:-

- Policy considerations
- Highway considerations
- Impact on the AONB
- Impact on the setting of the listed building
- Residential amenity

### **Policy Considerations**

29. Policies of the development plan seek to restrict development in the countryside to that which is essential for the efficient operation of agriculture. However, policies also recognise the changing circumstances of agricultural operations and development plan policies generally support farm diversification where, amongst other things, the proposal facilitates economic activity, has no detrimental effect on landscape characteristics, has no adverse impact upon residential amenity or the highway network and results in the satisfactory retention or restoration of traditional farm buildings. These policies reflect the aims of Government as stated within PPS7 in supporting the re-use of rural buildings for economic purposes and for farm diversification in general. Emerging policy SP07 provides specific guidance in relation to proposals for farm retail shops and states (inter alia) that proposals will be permitted provided there is no material adverse impact in relation to the viability of nearby village shops, highway safety, residential and visual amenity and landscape character. In addition, proposals are required to provide an adequate level of car parking. The policy also makes clear that the buildings involved should be suitable, with preference being for traditional buildings which are well related to the village and to existing farm buildings in terms of siting, scale, design and materials.
30. Other Development Plan policies presume in favour of employment generating uses provided there is no material conflict with residential and environmental amenity or highway safety. Similarly, policies exist to encourage and direct tourism and recreation uses into appropriate and sustainable locations.
31. On the other hand Development Plan policies also refer to the real need to protect the vitality and viability of town and village centres and seek to protect existing community facilities. The farm shop policy (SP07) is clear in that such shops will be permitted only where the viability of nearby town or village shops will not be adversely affected.
32. The scale of this proposal is such that it cannot be defined as a farm shop in its truest sense. The applicant has provided information regarding the types and source of goods and produce to be sold. A large proportion of the raw products are to be sourced from the family farm holding on the Shotley peninsula. Similarly, however, a large proportion will be imported from another family holding at Broxstead. In addition, the proposal also includes the relocation of an existing plant nursery/garden centre currently located just within the Ipswich Borough Council boundaries at Bourne Bridge. The countryside policies of the development plan specifically exclude garden centre operations as being appropriate development in the countryside. The nursery part of the proposal intends to grow a proportion of the plants for sale from the Wherstead Hall site. However, some of the goods sold will be garden hardware items such as garden tools, pots etc. and some of the produce will be continued to be sourced from other nurseries in the vicinity. The relocation of this business might well encourage trips from customers based in Ipswich that visit the current site. This in itself will be unsustainable. The proposal also includes the provision of a café and children's play facility, again this does not fall within the range of activities that would be expected within a farm shop but could be argued to be part of a farm diversification scheme. The applicant has confirmed that these uses are intended to be ancillary activities to the retail outlet and are not envisaged to be trip generators in themselves.

33. The question of sustainability is also an important consideration and is a theme that runs throughout government guidance notes and statements and within the policies of the development plan. It is envisaged that the proposal s will generate 600 customer trips per week (based on the existing figures experienced at Bourne Nurseries). There is currently no other means of accessing the site other than the car, although the applicant has advised that it is intended to liaise with the local commercial and community bus services to stop at the site. It is not clear from the information provided to date whether the buses will stop within the site or on the Class B road. If the latter is the case then the stop will be a minimum distance of 320 metres.
34. The type and scale of the development is thus considered to be in an unsustainable countryside location. The proposal would result in the provision of approx 1460 sq. m of retail floor space in the open countryside contrary to government advice and development plan policy. Insufficient evidence has been provided to demonstrate that such a development would not have an adverse impact on the viability of local village shops.

*The applicant has provided additional information since the last report to Development Committee was prepared and which has been referred to earlier in this report. The applicant lists the shops and services available on the Shotley Peninsula and states that the nature of goods and produce to be sold from the Suffolk Food Hall would not result in direct competition with these stores. The concern here is that the draw of the Suffolk Food Hall may be such that those residents of surrounding villages such as Freston, Wherstead and Woolverstone, which do not have the benefit of village stores, may well visit the Food Hall in favour of travelling to Chelmondiston, or Holbrook resulting in the possible closure of those shops, leaving even the larger villages on the peninsula without convenience stores. No evidence has been supplied as to how the shopping patterns of local resident would be affected by the current proposal.*

#### **Highway Considerations.**

35. The application includes details to improve the standard of visibility at the point of access to the Classified B road and the formation of passing bays along the access track are also proposed. Parking and servicing areas are also included. The County Highway Authority raises no objection to the development subject to the improvements being undertaken in advance of the use commencing. No objection has been raised in relation to the capacity of the Classified B road being capable of accommodating the increased number of car journeys. In addition, no objection has been raised with regard to the use of the track/public footpath by additional vehicles, other than those which currently access the farm and residential properties.

#### **Impact on the AONB**

36. The application buildings are visible within the landscape of the AONB and currently form a group of agricultural buildings viewed against a backdrop of mature trees. The proposal is to refurbish and alter these buildings introducing large areas of glazing to the elevations and roofscape along with enclosures and hardsurfaced areas, outdoor display and storage areas and parking and servicing areas. Even with the existing and proposed landscaping/planting it is considered that the scale of the proposal and its associated alterations would not be conducive to the special landscape qualities of the AONB. There is no justification for a development of this scale within the AONB and no mitigation measures that would negate the impact of the development to an acceptable level.

**Impact on the setting of the listed building**

- 37. The Council has an obligation to protect the setting of listed buildings. PPG 15 advises that the setting of listed buildings can often be viewed over long distances. The setting of the listed building known as Wherstead Hall currently comprises the range of agricultural buildings viewed against the backdrop of mature trees. The proposal will undoubtedly significantly alter the setting of the listed building introducing numerous enclosures, outdoor display and storage areas etc. It is thus considered that the scale of the proposal would result in an adverse impact on the setting of the listed building.

*It is not considered that the revisions overcome the concerns previously reported to Development Committee. The proposed alterations to Barn 5(in particular) the parking and servicing areas; enclosures etc are all considered to be detrimental to the setting of the listed building which currently consists of the main house and a group of simple agricultural buildings.*

**Residential Amenity**

- 38. The likely loss of residential amenity is to come in the form of noise and disturbance from vehicular traffic. It is not considered that the two properties at the junction of the access with the Classified B road will be adversely affected by this proposal as these properties are in very close proximity to the existing highway and associated traffic levels. The properties known as Wherstead Lodge and Wherstead Hall situated in closer proximity to the farm buildings will however experience a loss of residential amenity should planning permission be granted. The HoES however has not raised this as a concern and indeed the occupants of Wherstead Lodge have written in support of the proposal.
- 39. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made: -

RECOMMENDATION

Refuse Planning Permission -

The development is considered to be contrary with PPS 6, PPS 7, PPG 13, PPG 15 policies ENV1, ENV4, ENV7, ECON 9, LP49, LP50 –52, SP07, CR01, CR02, CR29 and CR30 in so far as the proposal would introduce a scale of development that is inappropriate in this unsustainable countryside location and detrimental both to the special landscape qualities of the AONB, the countryside in general and the setting of the listed building and insufficient evidence has been submitted to demonstrate that there will not be an adverse impact on village stores and facilities in the locality

DECISION

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**BENTLEY – LAND AT KILBOURN, 5 HAZEL SHRUB ROAD**

Erection of detached two-storey dwelling and detached garage/office (following demolition of existing dwelling, poultry houses and associated buildings), together with landscaping and tree planting.

Applicant: Mr and Mrs S Faiers

Case Officer: Clare David

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**This application is referred to the Committee at the request of the local Member.**

SITE

1. The site is located in the countryside to the south of Bentley, some 600 metres beyond the built-up area boundary. It is within the proposed Dodnash Special Landscape Area.
2. Kilbourn is a bungalow built in the 1940s with subsequent extensions. It occupies a roadside plot within a holding of 4.45 hectares previously comprising a chicken farm. The bungalow is within a well defined curtilage surrounded by hedges along the roadside and within the holding.
3. Within close vicinity there are seven other dwellings of varying designs ranging from a bungalow, cottages and two-storey height.
4. Being a bungalow of modest unassuming appearance behind a good roadside hedge, the impact of Kilbourn is slight. Likewise the farmyard buildings are single-storey range structures with little presence to roadside view.

PROPOSAL

5. This application seeks permission to replace the bungalow with a two-storey house, together with a detached garage and store incorporating a first floor office/studio. Demolition of the poultry buildings is also included in the description, although the plans show one building at the entrance is to be retained for tractor and machinery storage. (Building size 16 metres by 11.8 metres).
6. The siting of the house is proposed to be 18.5 metres from the position of the current bungalow, further away from the road. The house shows a ridge height of 8.2 metres, a length of 17.5 metres, and a width of 9.0 metres. The garage/office building shows a height of 7.2 metres, a length of 9.9 metres and width of 6.4 metres.
7. The proposed house is 227 sq. m. The bungalow Kilbourn is 100 sq. m. The resultant increase in dwellinghouse size is 125%.
8. The poultryhouse building shown to be removed are stated to be approximately 632.6 sq. m.

9. Included in support of the application is a Design Statement from the Architects. A summary of the points raised are as follows:-

- The property was purchased by the applicant in early 2005. Up to 10 years ago it had been a chicken farm.
- The bungalow is typical post war smallholding design of part rendered and brick walls, asbestos slate roof, and mix of windows.
- The function fulfilled by the bungalow is now surpassed by other considerations, not least the contribution that buildings can contribute to landscape quality and tradition.
- The site is a brownfield site visually detrimental to the area.
- The style and type of the bungalow would today be resisted by the Council. Replacement/substantially altered dwelling would be a preferable option.
- Local Plan Policy HS17 allows for extensions. Kilbourn is greater than the 75 sq. m. which defines a small house with its 11 acres and 825 sq. m. of associated buildings.
- Extensions could be applied for to provide a substantial house. A house nearby 'Ruseley' has been extended by two-storey additions.
- Kilbourn is relatively close to the eastern boundary and the adjacent lane. To extend there would potentially impact on neighbouring properties.
- Policy HS05 allows, in its intention, the replacement of dwellings which are close to the end of useful life. Kilbourn is such a dwelling.
- Local Plan Alteration No. 2, Item 3.36b allows for significant enlargement when the existing property is very small or where the extent of the site enables a larger dwelling. On 11 acres a larger dwelling would be in proportion.
- There are other examples identified in Bentley of replacements.
- Kilbourn bungalow is to be kept as the applicants' home during building works for its replacement.
- The design is to be traditional "Arts and Crafts" style with handmade clay plain tiles, and good quality hardwood windows. The height will be comparable to 'Ruseley' opposite.
- The demolishing of the poultry houses will remove the "blot on the landscape". Planting can be carried out, in agreement with the Landscape Officer.
- The area of the existing house is approximately 1077 sq. feet. The proposed house is 2444 sq. feet (227 sq. m.). The increase is 125% in area, which although not termed modest, is less than the other examples referred to.
- These figures do not include the garage and office. The area of the poultry houses, etc. being demolished amounts to 632.6 sq. m. (6810 sq. feet). There is in effect a net reduction in building floor on the site of 302 sq. m. (3255 sq. feet).
- The applicant is to work from home in the proposed office.

## HISTORY

10. 1954 – Permission granted for additions.
11. 1979 – Permission granted for single storey extension conservatory.

## POLICY

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

12. Advice in this Statement is to strictly control new housing (including single dwellings) in the countryside.

## **Suffolk Structure Plan 2001**

- Policy ENV3 (Designs to reflect site characteristics)
- Policy ENV4 (Essential Countryside development)
- Policy ENV8 (Special Landscape Area impact)

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

- Policy LP8 (Replacement dwellings in the countryside)
- Policy LP18 (Design and character)
- Policy LP97 (Special Landscape Areas)

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

- Policy HS05 (Replacement dwellings in the countryside)
- Policy HS14 (Design and character)
- Policy CR05 (Special Landscape Areas)
- Policy CN01 (General Design)

## OBSERVATIONS

13. PC – Recommend Approval.
14. CHA – No objection subject to standard conditions.
15. EA – Recommend standard response regarding foul drainage.
16. Letters – Three letters received from local residents supportive of the proposals to improve the site and removal of buildings. No objections raised to the house type.

## ASSESSMENT

17. The prime policies of relevance to this application are LP8 and HS05 which refer to the replacement of dwellinghouses in the countryside.
18. Both policies set out the criteria assessment, including that there should only be a modest change in the size of the building, and that it is of appropriate scale, appearance and character for its relationship to its setting.
19. Supporting text 3.36b to Policy HS05 states that generally “increases in the overall floor area of 30 – 35% (including permitted developments) will be considered to be significant”.
20. This proposal entails the replacement of a single storey height bungalow by a two-storey house, significantly increased by 125%, and built on part of the smallholding grounds alongside, but outside of the curtilage enclosure of tall hedges which contain the current property.
21. The effect of the scheme will be to introduce a dwellinghouse of prominence into a countryside setting where the existing bungalow has little impact due to its low height, size and roadside hedgerow screening. This effect would not be mitigated by further landscaping of the boundaries sufficient to screen the replacement building being of substantial bulk in comparison with the existing bungalow.

22. The proposed development is in the Dodnash sector of countryside where Special Landscape Area status is applied, and notwithstanding that the application includes the removal of most of the old farmyard buildings, the policies cited above are not reconciled by the size and scale of the house exceeding the significant difference between the modest sized bungalow it replaces.
23. In view of the above, the replacement dwelling would be of a scale excessively beyond the remit of the policy, and will bring about a noticeable change to the locality by dint of the taller and generally much bigger building. This effect will have an adverse effect on the character and appearance of the countryside where house building is strictly controlled, conflicting with the aims of Policies LP8, HS05, LP97, CR05, CN01 and ENV8.
24. Given the identified conflict with the Development Plan policies, the following recommendation is made.

### RECOMMENDATION

Refuse planning permission:-

- The proposed is contrary to the provisions of the Development Plan Policies LP8, LP97, HS05, CR05, CN01 and ENV8 in that it would introduce a scale and size of building inappropriate for the countryside location within the SLA, entailing a building of excessive size and appearance for the bungalow and its impact in the countryside to which it replaces. Furthermore, the siting is not within the perceived curtilage grounds to the bungalow Kilbourn contained by established hedgelines, thereby compounding the encroachment of the residential curtilage into the countryside.

### DECISION

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**GREAT CORNARD – 48 CATS LANE**

Erection of 11 No. single storey dwellings in three terraces and one pair of semi-detached (existing bungalow and outbuildings to be demolished).

Applicant: Flintfield Homes Ltd

Case Officer: Deborah Board

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**BACKGROUND**

This application is a resubmission following the refusal of application 05/01233/FUL on 23<sup>rd</sup> September 2005. As part of the consideration of the previous scheme a panel of members visited the site on 24<sup>th</sup> August 2005.

**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. The application seeks full planning permission for the erection of 11 dwellings in total. These are split into four discrete groups within the site area. The first terrace of three units addresses the frontage of the site to Cats Lane. The three further blocks are proposed to the rear, two groups of terraces and one pair of semi detached dwellings. All the dwellings proposed in this instance are bungalows. 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 represent a density of just over 32 dwellings per hectare.
3. The application is accompanied by a short planning statement, a soil stability report a structural report on foundation proposals and an ecological survey and report. 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.
- 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.

#### **Ecological Survey and Report (Results and Recommendations)**

- A presence/absence survey was begun on 6<sup>th</sup> June 2005 and continued through to mid October 2005;
- The survey suggests that a small population of reptiles, slow worm and common lizard, are resident on the site;
- Overall the site is of low ecological interest;
- All site clearance works should be undertaken with extreme caution;
- The condition of the site, survey results and an extremely warm autumn would indicate that the local reptile population may still be highly mobile;
- Full site clearance should go ahead before development and all machine operatives briefed to ensure that should a hibernating reptile be discovered that work ceases immediately and an ecologist is notified;
- Open south facing basking areas should be created, maintained and improved during development, in order to replace reptile habitat lost to the development;
- The south facing slope to the back of the property appears suitable and judicious scrub removal should be undertaken for this purpose;
- Given the proximity of the application site to a known reptile reserve a green corridor to this slope should be maintained during and after development to allow various populations to move between the sites;
- All the tree and scrub clearance should be undertaken using hand tools and outside of the bird nesting season.

## HISTORY

4. 1960 – Planning permission granted for the erection of a bungalow and construction of additional vehicular access. Application number S/2268/M refers.
5. 1962 – Planning permission granted for the erection of eight garages with construction of vehicular access. Application number S/62/00045/M refers.
6. 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.
7. 2005 – Application for full planning permission for Erection of 4 (no.) two-storey terraced dwellings and 7 (no.) single-storey dwellings in two terraces (existing dwelling and outbuildings to be demolished). The application, reference B/05/01233/FUL, was refused by members for three reasons, which are summarised as follows:
  8. It was considered that the terrace of 4 (no.) two-storey dwellings proposed to the north-west (front) boundary of the site would be of serious detriment to the amenities of the occupiers of the existing dwelling at No.50 Cats Lane by dominating over and reducing sunlight to the private amenity area of that dwelling, and would be out of character with the existing single storey dwelling fronting Cats Lane to the south west.
  9. Given the nature of the site and steep slopes to the north and east particularly it was considered that the dwellings proposed to the rear of the site were sited too close to the boundaries of the site and that there is significant risk of instability being increased as a direct consequence of the proposed development, to the detriment of the safety and amenity of those in the area contrary to published Government Planning Guidance as set out in PPG14 - 'Development on Unstable Land'.
  10. The absence of 10% of the application site as open space or a financial contribution in lieu of that provision contrary to policy HS16 of the Second Alteration to the Babergh Local Plan (Second Deposit Draft).

## POLICY

### **PPG3 – Housing**

11. 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.
12. 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**

13. 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.
14. 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 which should be taken into account when deciding a planning application.
15. 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.
16. 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.
17. 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.

18. The handling of individual applications for development on land, which 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.
19. 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**

20. 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.
21. 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.
22. 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)
- ENV19 (Conservation of Ecological Assets)
- 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)
- LP101 (Nature Conservation)

#### **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

23. Great Cornard Parish Council – recommend that the application be refused. Also comment that the ecological survey is insufficient and make the following points:-
- The site is bounded by steep embankments, which have to be seen to appreciate the size and gradient;
  - They would give an overbearing aspect to any properties built on top;
  - The construction of some the embankments makes them difficult to build on;
  - The site contains a number of mature trees which have been suggested for a TPO;
  - The proposals represent an over development of the site;
  - Concerns about the additional traffic entering Cats Lane as this is a busy and congested local short cut;
  - Provision for dealing with surface and foul water drainage should be made as the site is considerably higher than surrounding properties; and
  - The proposed boundary fence will be insufficient to prevent loss of privacy to neighbours.
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. 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.
27. SWT – comments awaited.

28. SCC (Fire and Rescue) – comment that access to building for fire appliances and fire fighters should comply with Building Regulations. Suffolk Fire and Rescue appliances are 3.25m in height and consideration must be given to this and a minimum carrying capacity of 15 tonnes for hard standing is required.
29. Environmental Services – no objection to the proposed development but recommend advisory notes be attached to any planning permission regarding the presence of landfill gas and the appropriate mitigation.
30. Two 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:-
  - 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.
  - 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.
  - 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.

## 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 main issue to consider is whether the revised scheme addresses in full the reasons for resisting the previous submission.
  - (i) The issues considered central to the outcome of the development are;
  - (ii) Density and impact upon the character of the area.
  - (iii) Impact upon residential amenity.
  - (iv) Design issues.
  - (v) Highway safety.
  - (vi) Slope stability.
  - (vii) Trees.
  - (viii) Protected species.
  - (ix) Affordable housing.
  - (x) Public open space provision.

### **Density and impact upon the character of the area**

- 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.

## **Impact upon residential amenity**

- The key policies to consider are ENV3 of the Suffolk Structure Plan 2001, policies LP3, LP17 and LP18 of the Babergh Local Plan, Alteration No.1 and emerging policies HS01, HS12, HS14 and CN01 of the Babergh Local Plan, Alteration No.2 (Second Deposit Draft version). These state that within the built up area of towns, housing developments will normally be granted planning permission provided they have no materially adverse effects on residential amenity or the environment. The key issue to consider here being whether the changes made to the frontage treatment of the scheme, namely the replacement of four two-storey terraced dwellings with three single storey bungalows accords with the provisions of these policies and renders the application proposals acceptable.
- The previous scheme proposed four two-storey dwellings along the frontage of the site. The first reason for refusal of the previous scheme referred to this and in particular the relationship of the proposals to number 50 Cats Lane. The concern with the two-storey form proposed was that it would be overbearing in relation to number 50 and adversely impact on the amenities currently enjoyed by that dwelling. The revised proposals now seek permission for a development solely of bungalows. Therefore the relationship between the application proposals and number 50 would be significantly improved. In particular the height of the bungalows proposed would be lower than the existing two-storey house at number 50. Therefore the application would no longer dominate this dwelling or lead to loss of light and amenity to this property. Further this form of development would provide a smooth transition from number 50 and into the continuing bungalows to the south west.
- The rear of the application site is on raised ground in comparison to its neighbours. As such, as per the previous scheme, no two-storey development is proposed to the rear of the site. Therefore, if finished floor levels and means of enclosures for garden areas are secured via appropriately worded planning conditions, it is not considered that single storey development proposed 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.

## **Design issues**

- The key policies pertinent to the consideration of the design elements of the proposals are ENV3 of the Structure Plan, LP17 and LP18 of the Babergh Local Plan Alteration No. 1 and HS12 and HS14 of the Babergh Local Plan Alteration No. 2 (Second Deposit Draft). These policies seek well designed layouts that provide an appropriate scale, density, form, parking and garden provision.
- The constraints of the site pose issues when considering the design and layout of the site. The broad principles established in the submitted layout, namely, single storey development and a courtyard approach to the rear are sound. The layout incorporates adequate parking, 150% overall, with garden sizes suitable to the 2 bed dwellings proposed and both private and usable in layout for future occupiers.

- The agent has submitted amended plans that address aspects relating to the detail of the site layout proposed. In particular:-
  - The terrace of three dwellings on the frontage to Cats Lane have been handed the same way and aligned to respect and continue the built frontage of number 50. This creates a strong built frontage to the site within the street scene;
  - The pair of semi detached dwellings has been slightly repositioned, without compromising the relationship with number 46 Cats Lane, to allow a strong view into the site from Cats Lane;
  - The integration of the parking into the layout has been improved. Where possible it has been tucked between or adjacent to dwellings and the surface treatments proposed would reduce its prominence in the layout. This can be secured through imposition of an appropriate condition;
  - Detailing of the flank elevations of plots 3 and 4.
- The details of landscaping and boundary treatments would need to be the subject of suitably worded conditions in order to secure provision and retention in appropriate locations and layout within the site. Particularly sensitive is the south boundary, with number 46 Cats Lane and the North Boundary with 50 Cats Lane and 1 Cornish Court.

### **Highway safety**

- Policy LP146 of the Babergh Local Plan, Alteration No. 1 and policy TP18 of the Babergh Local Plan, Alteration No.2 (Second Deposit Draft version) and TP9 of the Structure refer to parking provision and highway issues for new developments.
- 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 28 above.

### **Slope stability**

- Evidence in the form of the engineer's 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.

- The previous scheme cited this issue as a reason for refusal. The content of the information presented by the applicants remains unchanged and as before it addresses the requirements of PPG14.

### **Trees**

- 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 one of the previous applications for development at this site. None of the trees were considered worthy of protection at that time. The applicant does propose to retain site features where the development permits and it is considered appropriate to seek the submission of a detailed landscaping scheme and associated maintenance schedule.

### **Protected species**

- An ecological survey has been submitted with the application outlining survey methodology to establish the level of protected species population on the site and a proposed mitigation strategy, the conclusions of which are summarised at paragraph 4. 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.

### **Affordable housing**

- The site is situated within a town (Sudbury, combined with Great Cornard) 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.

### **Public open space provision.**

- In accordance with the guidance of Circular 05/2005 (Planning Obligations) and emerging policy HS16 of the Second Alteration to the Local Plan it is considered reasonable and necessary to require 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.

### REASONS FOR APPROVAL

- 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.

B. Upon completion of the obligation the Head of Planning (Control) be authorised to grant planning permission, subject to the following conditions –

- Materials to be submitted (including re-use/re-cycling of materials arising from the demolition works);
- Landscaping (hard and soft including surface finish of access road and parking areas) and Landscape Maintenance;
- Proposed boundary treatments;
- Finished ground floor levels relative to existing and proposed finished ground levels;
- As recommended by the Highways Authority – improvements to the access, provision of visibility splays and the provision of parking/manoeuvring areas;
- As recommended by Suffolk Wildlife Trust;
- 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,

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

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

DECISION

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