



2002-2003
Neighbourhood Renewal
2004-2005
Supporting People

E258

BABERGH DISTRICT COUNCIL

DEVELOPMENT COMMITTEE

1 FEBRUARY 2006

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

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R J Watson
Head of Planning (Control)
1 February 2006

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 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 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

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

ITEM 1

B/05/01995/DPA
DISTRICT PLANNING APPLICATION-FULL

SUDBURY-REAR OF NOS. 2-8 AND FRONT OF NOS. 10-16, HILLSIDE ROAD

Application under Regulation 3 of the Town and Country Planning General Regulations 1992-
Construction of new vehicular access

Applicant: Babergh District Council

Case Officer: Richard Matthams

The application is reported to the Development Committee because the site falls within the ownership of Babergh District Council.

BACKGROUND

Planning permission has already been granted for similar development.
(05/ 1116/DPA). It has been necessary to change the alignment of the access across the verge to avoid clashes with the water and gas supplies.

SITE

1. The application site is located between two terraces of modern two-storey dwellings that are perpendicular to Hillside Road. Also the site is situated within the defined built up area of Sudbury.

PROPSOAL

2. The proposal is for an access from Hillside Road crossing the footpath and the subsequent vehicular access serving the properties.
3. The vehicular access will run alongside the existing SCC footpath serving the frontages of No's 10 to 16 Hillside Road and will utilise land from the rear gardens of No's 2 to 8 Hillside Road.
4. The access is to be laid out to CHA specifications.

RELEVANT HISTORY

5. 2002-construction of lays-byes for general parking-approved b/02/170/DPA
6. 2005-construction of new vehicular access and parking bays 05/1116/DPA

POLICY

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

Babergh Local Plan (Alteration No.1)

- LP141, LP143 (Road Improvements)

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

- CNO1 (Design)

Suffolk Structure Plan 2001

- ENV3 (Siting and Design)

OBSERVATIONS

8. TC- Approve
9. CHA – Approve subject to conditions
10. Letters- None received

ASSESSMENT

11. It is considered that the access will not have a detrimental effect on Hillside Road.
12. The access will be of an appropriate design, scale and materials in accordance with policy.

REASON FOR APPROVAL

13. The proposal is considered to be in accordance with policy CN01 by reason of it's scale, design, materials and relationship to the existing dwelling. The proposal is not considered to have a negative impact on highway safety so as to justify refusal of planning permission.

RECOMMENDATION

Grant permission subject to the following conditions:

As recommended by Highways.

LAWSHALL – VINE COTTAGE, HIBBS GREEN

Erection of detached two-storey dwelling with attached garaging and construction of new vehicular access (following demolition of existing two-storey dwelling and associated outbuildings).

Applicant: Mr and Mrs A Plummer

Case Officer: Gemma Pannell

SITE

1. The site is located in the countryside in the Hibbs Green area of Lawshall outside the defined built up area boundary. There are no other constraints which affect this site.
2. Vine Cottage is a two storey rendered dwelling which has fallen into disrepair located in the south east corner of a 1.31 hectare site, which is screened by mature trees and hedging fronting the road. Within the application site are a number of dilapidated outbuildings (with a total floor area of 165 sq. m.)

PROPOSAL

3. This application seeks permission to replace the existing two storey dwelling with a two-storey house with an attached garage and store incorporating a office/studio. Demolition of the existing outbuildings is also included within the description.
4. The siting of the house is proposed behind the position of the current house further away from the road, within the footprint of the existing outbuildings on the site.
5. The proposed dwelling, which is designed in a L-shape, has a ridge height of 7.2 metres, a length of 19.6 metres, and a width of 9.0 metres (at its widest point). The attached garage/office building has a height of 6.7 metres, a length of 12.6 metres and width of 7.4 metres.
6. The proposed house is 236 sq. m, with the attached garage being 42 sq m and the room over 33 sq m, giving a total of 311 sq. m. The existing house is 159 sq. m. The resultant increase in floor space is 96%.
7. The outbuildings shown to be removed are stated to be approximately 165 sq. m.

HISTORY

8. None

POLICY

9. PPS7 (Sustainable Development in Rural Areas) - 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)

Babergh Local Plan Alteration No. 1

- Policy LP8 (Replacement dwellings in the countryside)
- Policy LP18 (Design and character)

Babergh Local Plan Alteration No. 2 – Second Deposit Draft

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

OBSERVATIONS

10. PC – Object for the following reasons:

- No reason for this dwelling to be demolished to allow a modern property to be built
- The outbuildings are included in the plan of the floor space allowance
- There is evidence on a map dated 1611 that there was a property on this site

11. CHA – Standard Conditions

12. Letters – 2 letters of support received stating that the proposed property will enhance the area

ASSESSMENT

13. The principle policies of relevance to this application are LP8 and HS05 which refer to the replacement of dwelling houses in the countryside. 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.
14. 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”.
15. This proposal entails the replacement of a modest two storey dwelling with a larger two-storey house, significantly increased by 96%. The effect of the scheme will be to introduce a dwelling house of prominence into a countryside setting where the existing property has little impact due to its size and roadside hedgerow screening.
16. Notwithstanding that the application includes the removal of most of the old outbuildings, the policies cited above are not reconciled by the size and scale of the house exceeding the significant difference between the modest dwelling it replaces.
17. 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.

18. Given the identified conflict with the Development Plan policies, the following recommendation is made. However, this proposal has similarities with an application considered at the previous meeting of this committee (application B/05/01971 – paper E232 item 12); a decision to grant permission in this case would be consistent with that earlier decision.

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.

DECISION

ITEM 3

B/05/02083/DPA
District Planning Application

GREAT CORNARD – OPEN SPACE BETWEEN 28 & 50 REDE WAY AND 21 & 40 HARTEST WAY.

Creation of footpaths across open space with paved focal points at path intersection and recessed lighting in path surface.

Applicant: Babergh District Council

Case Officer: Gemma Pannell

The application is being reported to committee, as the Council is the applicant

SITE

1. The application site is an area of public open space (0.3 hectares) which lies between properties within Rede Way and Hartest Way in Great Cornard. The estate has been subject to the Anglia Estate Improvement Works and improvements costing £4m were carried out to the houses on the Anglia Estate between 1998-2002 and external improvements to the estate costing £1m over 4 years are nearing completion.

PROPOSAL

2. See above description; a statement received from the applicants advised that the project aims to enhance an area of open space within the Anglia housing estate. The development of this project has involved Les Bicknell, an artist experienced in working with communities the local residents, and the Anglia Estate Improvement Group, made up of District and Parish Councillors, residents, Council officers and other interested groups.

3. As part of the wider improvement programme for the estates the residents have raised a number of issues regarding accessibility and personal safety of the space. A number of streetlights located in the area do not provide adequate light to walk through the area at night and feel safe. The low bushes and shrubs have become areas which are used for anti-social behaviour and gatherings.
4. The proposal will be a model for using arts to enable benefit in the Babergh District Council. It is the first project of its kind in the district, which places such importance on the art, the creative process and the outcome in order to enhance the local environment for a social benefit.
5. The scheme involves a number of footpaths routes across the area of open space, with 'focal points' where the footpath routes leave the existing footpaths, and where they intersect. Flush-fit recessed lighting will be inset into the paths.
6. The footpaths would be tarmacadam, incorporating different aggregates within the upper surfaces, and the focal points would incorporate flat paving designs in a variety of paving materials, incorporating engraved and/or sand blasted text and/or illustration. One focal point will be developed as a resting place, with two large stones as informal resting/seating.

HISTORY

7. 1965- Planning permission granted for residential development (S/65/446/M refers)

POLICY

8. Babergh Local Plan Alteration No. 2
 - CN01

OBSERVATIONS

9. PC – To be reported if available
10. CHA – No objection to the proposed development, however the proposed footpaths would not be considered for adoption by the Highway Authority. The applicant will be responsible for the future maintenance of the footpaths and lighting.
11. HoLCS – Footpath No. 9 runs along side Hartest Way adjacent to the development site. There are no other recorded Public Rights Of Way which affect the open space land subject to the proposals.

ASSESSMENT

12. Policy CN01 states that new development proposals will be required to be of appropriate detailed design and construction materials for the location and proposals must pay particular attention to existing and proposed hard and soft landscaping and should create interesting and attractive public and private spaces in and around the development. This proposal will establish an attractive area of public open space to the benefit of the residents of the Anglia Estate.
13. At present the area of open space has a number of trees and low bushes within a turfed area of grass. The area has pathways running around the periphery of the land and a number of houses either face or back onto the area.

14. It is considered that the proposal will benefit the local residents of Anglia Estate and continue to improve the area in line with the investment that has already taken place. There are no objections to the paths, lighting or focal points which have been well designed in conjunction with residents and other partnership groups.

REASON FOR APPROVAL

The proposed footpaths will be of benefit to the local community and are well designed and incorporate a good range of materials, creating an interesting area of public open space in accordance with Policy CN01 of the Babergh Local Plan Alteration No. 2 (Second Deposit Draft).

RECOMMENDATION

Grant Planning Permission

DECISION

ITEM 4

B/05/02112/ROC
Removal of Condition

LONG MELFORD - BLACK LION HOTEL, CHURCH WALK

Removal of condition 03 attached to Planning Permission B/89/00767 – to allow the parking area to be used as garden/patio area.

Applicant: Ravenswood Hall Hotel Ltd

Case Officer: Gemma Pannell

This application is referred to committee at the request of the Local Member.

SITE

1. The Black Lion Hotel is a Grade II listed building located at the junction of Westgate Street and Church Walk, Long Melford and fronts Melford Green. The site is within the Long Melford Conservation Area and Special Landscape Area.

PROPOSAL

2. The application seeks removal of Condition 03 attached to planning permission B/89/00767 which was for the erection of a single storey extension. The condition stated that “the five additional parking spaces shown on the approved drawing no. 8956/3A shall be constructed and laid out to the satisfaction of the Local Planning Authority before the extension hereby permitted is occupied and shall thereafter be retained and made available at all times solely for the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.”

3. A supporting statement has been submitted by the applicant's agent and is summarised below:
- The area of the proposed additional car parking spaces is through a small archway with large wooden gates that open inwards and not fully.
 - Cars driving into the proposed spaces would have to drive past the windows of a formal dining area, through another narrow gap into an attractive walled garden.
 - A car park in this position would be completely out of keeping with the Hotel.
 - Our client proposes to landscape the area over which the cars need to drive and also the area upon which they would park.
 - The patio will be turned into an arboretum and the walled garden will also be cultivated to provide additional seating in the heart of the Hotel grounds.
 - Cars driving through the Hotel, to the rear of neighbouring houses and parking clearly in their vision, would be detrimental to the character of the Hotel and the area.
 - Our clients appreciate that parking is a problem in the area. However, the condition only provides for car parking for five cars which is going to make little difference.
 - The creation of the car parking spaces would involve significant construction work, including the removal of the gates, the removal of a wall and the removal of flower beds within the walled garden.
 - Repeated access to the car parking spaces is likely to damage the stone surface to the patio and the alleyway leading to the road.
 - The disruption that this will cause and the attractiveness of the eventual car park will be far more detrimental to the Hotels neighbours than the non-compliance with the current condition attached to the planning application.
 - The provision of the five car parking spaces at the rear of the hotel will mean that two or three spaces at the front of the hotel will be lost, in order to provide access to the rear.
 - It is our client's intention to create an additional two parking spaces at the front of the hotel by removing two metal bollards in front of the entrance of the hotel.

HISTORY

4. 1976 – Planning permission granted for extensions and alterations to form a function room. (B/76/00473 refers)
5. 1979 – Listed Building Consent granted for demolition of outbuildings.
6. 1985 – Planning permission and Listed Building Consent granted for Internal and external alterations, erection of single storey rear extension.
7. 1989 – Planning permission and Listed Building Consent granted for erection of single storey extension to Hotel. (B/89/00767 refers)
8. 2005 – Planning permission refused for removal of condition 03 attached to planning permission B/89/00767. (B/05/00887/ROC refers).

This application was refused on the advice of Suffolk County Council Highway Department who objected to this application for the following reasons “The implications of this application is that visitors to the public house will be obliged to park on the surrounding streets.”

POLICY

9. **Planning Policy Guidance 13: Transport**

- Paragraph 49. The availability of car parking has a major influence on the means of transport people choose for their journeys. Some studies suggest that levels of parking can be more significant than levels of public transport provision in determining means of travel (particularly for the journey to work) even for locations very well served by public transport. Car parking also takes up a large amount of space in development, is costly to business and reduces densities. Reducing the amount of parking in new development (and in the expansion and change of use in existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices. At the same time, the amount of good quality cycle parking in developments should be increased to promote more cycle use.
- Paragraph 52. Policies in development plans should set maximum levels of parking for broad classes of development. Maximum standards should be designed to be used as part of a package of measures to promote sustainable transport choices, reduce the land-take of development, enable schemes to fit into central urban sites, promote linked-trips and access to development for those without use of a car and to tackle congestion. There should be no minimum standards for development, other than parking for disabled people.
- Paragraph 54. For individual developments, the standards in Annex D should apply as a maximum unless the applicant has demonstrated (where appropriate through a Transport Assessment) that a higher level of parking is needed. In such cases the applicant should show the measures they are taking (for instance in the design, location and implementation of the scheme) to minimise the need for parking.

10. **Suffolk Structure Plan**

- T7 – Parking

11. **Babergh Local Plan Alteration No.**

- LP146 – Parking

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

- TP18 – Parking

OBSERVATIONS

13. PC – To be reported verbally if available.
14. CHA – To be reported verbally if available
15. Letters – 1 letter of support the contents of which are summarised below:
 - The western boundary of the garden area at the rear of the Black Lion is shared with my garden along its entire length. I would rather have a garden full of jolly revellers than motor vehicles pumping clouds of exhaust fumes over me while I am enjoying my garden.

16. Letters – 3 letter of objection the contents of which are summarised below:

- If the five parking spaces were made available for staff parking it would help considerably since they park in Church Walk for a long time and leave late which causes disturbance after 11pm.
- Concerned about vehicles parked at the front of the hotel as these can restrict visibility for traffic using the junction.
- The original planning grounds whereby this condition was imposed remain valid and should be paramount.
- The cost of reinstating the car park is not a material planning consideration.
- Highway safety
- Visual impact on vehicles parked on Melford Green
- Intrusion of noise generated by occupants of Hotel's rear garden on amenity of neighbouring gardens in Church Walk and Westgate Street.

ASSESSMENT

17. The principal policy in considering this application is policy LP146 which states that all proposals will be required to make provision for the parking of vehicles in accordance with the standards adopted by the District Council at that time. . It is considered that given the advice contained within PPG13 and the changes that have occurred to the Suffolk Parking Standards since the original application was considered in 1989, with regard to a shift from minimum parking standards to maximum parking standards that this condition is no longer relevant.
18. It is also considered that the lack of parking at the Black Lion Hotel will encourage people to find alternative means of transport by walking or cycling or by taxi.
19. Although nearby residents have raised concerns regarding the parking of vehicles within Church Walk, as this area benefits from unrestricted parking it is not considered that the provision of five no. spaces at the Black Lion Hotel would mitigate the parking problems faced by residents. Also given the restricted nature of the access through an archway to the rear of the Black Lion it is likely that the spaces would not be easily accessible and as such people would be discouraged from using them and would be likely to continue to park in the surrounding area.
20. Following the application that was refused under delegated powers in 2005 the applicant has taken advice from Suffolk County Council Highway Department and discussed the concerns that were raised within the previous application. It has been negotiated that two additional spaces will be provided at the front of the hotel and therefore the loss of the five parking spaces at the rear will have a nil impact (as three spaces would be lost to provide access to the rear and two additional spaces are being created), Therefore it is considered that subject to the highway departments agreement the previous reasons for refusal have been overcome.
21. The issue of the marquee on the site is being pursued separately through the enforcement legislation. It is the aim of the Local Planning Authority to secure the removal of this marquee and it is hoped that this action will be successful.

REASON FOR APPROVAL (subject to agreement from Suffolk County Council)

The proposal is considered to accord with PPG 13: Transport and policies LP146 and TP18 of the Babergh Local Plan in that it allows for the maximum number of parking spaces and it is considered that it will not impact adversely on highway safety.

RECOMMENDATION

Grant Planning Permission

DECISION

ITEM 5

B/05/02081/FUL
FULL

ACTON – TOTS, BARROW HILL

Applicant: Waterson Homes

Case Officer: Deborah Board

BACKGROUND

1. The application is a resubmission following the refusal of B/05/00760/FUL an application for 10 units. The site also has extant outline permission for the development of 6 residential units reference B/03/02071/OUT.

SITE

2. The application site supports a detached single-storey dwelling on a generous plot of approximately 0.19 hectares. The site is within (but on the edge of) the defined built up area boundary of the village.

PROPOSAL

3. The application seeks full planning permission for residential development of the site for 8 residential units. Of this three are proposed as two bed units and five are proposed as three bed units.
4. Access is to be taken from Barrow Hill into the site with parking and turning area to the rear.

HISTORY

5. B/03/01573/OUT – Application for outline planning permission for the erection of five dwellings (existing bungalow to be demolished) withdrawn by the applicant.
6. B/03/02071/OUT - Outline - Erection of 6 No. dwellings (existing dwelling to be demolished), Granted.

7. B/05/00760/FUL - Erection of 5 No. 2 bedroom dwellings and 5 No. 3 Bedroom dwellings with associated garages/parking and new vehicular access, Refused.
8. Members considered the development to be unsatisfactory and that it failed to meet adopted and emerging Local Plan policies in that:
 - It constituted over development of the site by virtue of the number of dwellings proposed, the layout of the site, the design and form of the buildings, and allotted garden sizes and that whilst PPG3 supports high-density developments (i.e 30-50 dwellings per hectare), paragraph 54 states that this should be without compromising the quality of the environment;
 - It did not reflect or respect the existing character of the area. Barrow Hill (and surroundings) is characterised by relatively low-density development in a linear form, and represents a transition between the higher-density residential areas elsewhere in the village and the countryside;
 - It would put at risk the existing boundary hedgerows (and the oak tree protected by TPO BT 380) to the detriment of the wider landscape, because those dwellings close to the edge of the site bounding open countryside, would not co-exist with those hedgerows and tree, and;
 - It would adversely affect residential amenity, by creating overlooking of and a dominant relationship with existing dwellings in Gotsfield Close;
 - Barrow Hill is a narrow, classified road with no footways, and joins the High Street with sub-standard visibility. It does not therefore form a suitable access route to serve the additional vehicular and pedestrian movements that would be generated by this proposal;
 - In addition the site access and parking provision shown on the site layout drawing were considered sub-standard for the proposed development.

POLICY

PPG 3 (Housing)

9. PPG 3 promotes the redevelopment of previously developed land for new housing development and states that Local Planning Authorities should seek to achieve an efficient use of land seeking greater densities of development at places with good public transport and service provision.
10. 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.

- 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.

PPG17 – Planning for Open Space, Sport and Recreation

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.

- 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.

Suffolk County Structure Plan 2001

- ENV3 (Design Standards)

Babergh Local Plan (Incorporating Alteration No. 1)

- LP4(Housing development in villages)
- LP5 (identifies Acton as a ‘Village’)
- LP16 (Housing densities)
- LP17 (infilling or groups of dwellings)
- LP18 (layout and design).

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

- EN21 (Requires the re-use/recycling of materials)
- HS02 (New Housing Development in Villages)
- HS03 (Identifies Acton as a Village)
- HS08a (Affordable Housing)
- HS11 (Density)
- HS12 (Infilling)
- HS14 (Layout and Design)
- HS16 (Provision of Open Space)
- 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

11. Acton Parish Council’s observations of the proposals are as follows:

Density and Impact on Residential Amenity

It is neither practical nor acceptable to build eight dwellings on this site. A density of 42 units per hectare, which this is, is completely unacceptable on the edge of a village where neighbouring houses are well spaced out and in linear form. Just as was the case with the previous application, the present application is contrary to Policies LP4 and LP17 of the Babergh Local Plan, Alteration No. 1 and Policies HS02 and HS12 of the BLP Alteration No. 2 (Second Deposit Draft) in that it will have a significant impact on residential amenity, and that it does represent over-development to the detriment of the environment, the character of the locality, residential amenity and highway safety. The proposal is certainly of a scale, density and form, which is out of keeping with nearby dwellings.

The proposal is also contrary to policy CN01 of BLP Alteration no. 2 (Second Deposit Draft) in that it does not fit at all with the scale and form of adjacent existing development. Whilst the design submitted could fit well into the centre of a large sustainable village or small town it is not suitable for the edge of Acton in an area where development fades out into the countryside and on a highway which is totally inadequate for the number of dwellings it currently serves.

12. To make it practical to build homes to a density of 40+ per hectare requires the provision of additional facilities, which simply do not and cannot exist in Barrow Hill, Acton.

Road Conditions

Whilst it is accepted that the applicant has attempted to improve upon the previous application and has agreed with the county highways to kerb the area between the access to the “Tots” site and the entrance to Gotsfield Close, it is a fact that there is no footpath at all for the length of Barrow Hill, nor is there any roadside verge. For the majority of its length the road is bordered by grass banks, very steep in places. There is no possibility of ever getting a footpath. Barrow Hill is not suitable for even more traffic and more pedestrians.

The site layout does not allow for any visitor parking within the site and two of the dwellings have only one parking space each. It is simply unreasonable to assume that in a rural area which has no public transport service whatsoever after 6.15 pm people will not be travelling by car. It is inevitable that vehicles will either be parked in Barrow Hill or, what is more likely, will be parked in Gotsfield Close. The residents of Gotsfield Close certainly regard this as being “detrimental to their environment and residential amenity” as envisaged in Policies HS02 and HS12 of the BLP Alteration No. 2 (Second Deposit Draft).

Barrow Hill is very narrow. It is used by agricultural vehicles which take up the full width of the road. Vehicles from Acton Hall farm use this road (and then cut across the fields to the B1115) rather than going through the High Street since the road there was narrowed by the installation of a pedestrian refuge at Queensway. Experience shows that parking vehicles on the roadside is not a viable option.

There is a vehicular access from No. 10 Barrow Hill immediately opposite the proposed site entrance. It is envisaged that there will be conflict between the two entrances.

There is a public right of way from the church, churchyard and village hall entering on to Barrow Hill via steps opposite the entrance to the site, beside No. 10. This is a well used path and again it is anticipated that there will be conflict between vehicles and pedestrians.

Drainage

Drainage from the site will be a problem.

Sustainability

This cannot be classed as “sustainable” and emerging Policy HS03 of Babergh Local Plan Alteration No. 2 must therefore apply and a group of 8 dwellings is contrary to that policy.

Layout

The parish council is concerned to know what provisions have been made for wheelie bins. There seems to be no place for them to be left for collection and they cannot possibly be left on the roadside at Barrow Hill. This is a problem which has been created by the developer’s attempt to squeeze more houses on the site than can comfortably be accommodated there.

General Comments

The reasons for the District Council’s refusal of Application B/05/00134/OUT re No. 2 Barrow Hill apply equally to the “Tots” site.

It is accepted that the developer has made efforts to address the problems highlighted by the parish council and other objectors in relation to Application No. B/0500760/FUL/GD but the new proposal is still unacceptable. It is the parish council’s opinion that there should be no increase on 6 dwellings.

The parish council finds this proposal totally unacceptable and urges most strongly that it should be refused for the detailed reasons set out above.

13. Suffolk Wildlife Trust – Common Lizards, Slow Worms and Grass Snakes have been recorded adjacent to this site. Suggest that the site be assessed for the presence of reptiles and if present mitigation will be required prior to development in order to comply with the Wildlife and Countryside Act 1981.
14. Housing – Acton is a village with a high level of housing need. The delivery of two affordable housing units on the site would be essential to go towards meeting this need. This should be in the form of two 2 bed 4 person houses (one for rent and one for shared ownership).
15. Environment Agency – refer to standard advice for residential development and that the applicant should be sent a copy should the committee be minded to approve the application.
16. Suffolk Preservation Society – the terrace development is welcome but note that it does not contain any sustainability features. The houses are poor in design and retrospective in approach reflective of the 21st Century.

17. There have been 14 neighbour representations received with the main points being:
- The proposal does not have enough car parking;
 - This will lead to dangerous parking problems on Barrow Hill;
 - Impact on sunlight and privacy of residents in Barrow Hill and Gotsfield Close;
 - Access for rubbish collection will be difficult and this will lead to bins being left on the street;
 - Impact of the unit over the 4 bay garage will be considerable on 24 Gotsfield Close and this would box the garden in;
 - Windows from the terrace will overlook gardens of neighbouring dwellings;
 - The proposal is out of character in Barrow Hill;
 - The development is at the top end of the advice of PPG3;
 - This is not a brownfield site but a rural plot in a rural location;
 - Infilling should be 1-3 dwellings only in this location;
 - Over development of the site;
 - No provision for visiting traffic or delivery vehicles;
 - Concerned about safety;
 - There is no footpath to the parking spaces;
 - Density is too intense;
 - No wall or fencing between the site and properties in Gotsfield Close;
 - The site is only suitable for 3 or 4 houses;
 - If people are crowded in like battery hens then they will behave like them;
 - The proposal will lead to noise and nuisance;
 - Concerned about drainage – the ditch that fronts the site is important to take the excess water from the hill;
 - There should be no more houses than that approved under the outline planning permission.

ASSESSMENT

18. The existing dwelling known as ‘Tots’ (and its curtilage) is situated within the built up area of the village and has not been identified as an important open space for visual and/or recreational amenity. In light of this, there is no fundamental policy objection to the principle of the residential development of this site. The issues considered central to the outcome of this application are;
- i. The principle of development, density and impact upon the character of the area
 - ii. Design Issues
 - iii. Impact upon residential amenity
 - iv. Impact upon highway safety
 - v. Trees
 - vi. Protected species
 - vii. Legal Agreement.

The principle of development, density and impact upon the character of the area.

19. Extant local plan policies allow for groups of up to five dwellings to be erected within the built up area of an identified village (Policy LP4). Policies emerging within the Second Alteration to the Local Plan restrict housing development to a maximum of three dwellings within the built up area, unless the village is a ‘larger’ village.

20. The emerging Second Alteration to the Local Plan does not define Acton as a ‘larger’ village (Paragraph 3.39 of the Plan). Furthermore, Policy HS03 defines the village as being ‘unsustainable’. In light of this, housing developments of up to three dwellings would be permitted by policies within the Second Alteration and the proposal for 8 at ‘Tots’ is therefore contrary to emerging Policy HS03. The Council’s adopted Local Plan (Alteration No.1) would enable a group of up to five dwellings to be provided at the site and the site has extant outline permission for six dwellings on site.
21. Government Guidance within PPG3 and emerging policy HS11 requires land to be developed at densities between 30 and 50 dwellings per hectare. The proposal for 8 dwellings at ‘Tots’ represents a density of approximately 42 dwellings per hectare and is therefore in accordance with this guidance and policy. Any proposal at the site for less than six dwellings would equate to a density below the minimum threshold of 30 dwellings per hectare (5 dwellings would be 26 per hectare) and be contrary to Government Guidance and emerging policy. Clearly there is a conflict between HS03 and HS11 and there is a balance to be struck with the scheme before members being considered on its merits.
22. Therefore the key issue is whether the provision of an additional two units (the difference between existing approval and the current proposal.) will be materially worse in principle sufficient to justify resisting the proposals on this ground. In particular is there any demonstrable harm that would result from allowing two more units on site, such as an inappropriate density, inadequate garden provision, inadequate car parking, symptomatic of a cramped development.
23. The proposals represent a density that achieves the aims of both local policy and PPG3 (Housing). PPG3 is clear that development at higher densities should not be at the expense of the quality of the environment that is created. The application proposal provides garden areas between 50-100 square metres in area that are useable and private and apportioned appropriately according to dwelling size. Further 175% parking provision is achieved. This provision falls within the guidance of the Suffolk Advisory Parking standards, when considering a development of two and three bedroom units.
24. Acton is defined as unsustainable within emerging policy HS03. However, the site is located within the settlement boundary and thus within reach of those facilities that do existing the village. Further the site has a permission in place for development for 6 units, which accepts the principle of residential development in this location, and thus its is questionable whether it can be argued that an increase in 2 units renders the site unsustainable.
25. Having considered the above it is not possible in planning terms to argue that the proposal represents a cramped form of development. Clearly the proposal conflicts with LP4 and HS03 but is within the spirit of HS11 and PPG3. However, being contrary to policy in itself is not a ground for refusal, there must be demonstrable harm to the locality from allowing a development of 8 units on site and members must be mindful of the existence of outline permission for 6 units as a material consideration also. It has been established that the proposal is not a cramped form of development and consequently it is considered, mindful of planning history and the concerns expressed by Acton Parish Council and the lower density development nearby, that the application site can adequately accommodate 8 small dwellings (at a density of 42 dwellings per hectare –as advised within PPG3 and required by Policy HS11) without detriment to the character of the area.

Design Issues

26. 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.
27. The design approach to the site has provided a terrace of six dwellings to the site frontage. This is set back from the road by three metres providing setting to the development and a footpath for the proposed dwellings. The provision of a frontage group of terraces has the effect of creating a frontage to the street scene and defining the public and private areas of the site in an effective manner and allows the parking associated with the development to be tucked out of sight. To the rear of the site parking is provided in a mixture of garaging and spaces in the courtyard area that is created. In the south east corner of the site a single storey bungalow is proposed whilst the final unit of accommodation is proposed above the garage block located to the west boundary of the site.
28. The position of the bungalows and garage blocks and the use of appropriate materials for surfacing and boundary treatments will allow the area to the rear of the site to be a pleasant space in its own right.
29. The dwellings types proposed, with the exception of the bungalow, have elements of vernacular form and details. The end units of the terrace blocks act like cross wings and terminate the terrace with an active elevation where appropriate. The east boundary of the site is that to the open countryside beyond. Here the design has left at least a 2m buffer to the dwellings proposed. Again this allows the buildings to have a setting and also respects the rural edge of the village by allowing existing landscaping to be retained, maintained and supplemented.

Impact upon residential amenity

30. 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 housing developments will normally be granted planning permission provided they have no materially adverse effects on residential amenity or the environment.
31. There are two dwellings that share a boundary with the application site; these are 24 and 25 Gotsfield Close. These dwellings would relate to Plot 1 of the proposal and also Plot 7 (garage with flat over).
32. Plot 1 is a three bed house and would be 8.6m in height with a toilet and stair window facing 25 Gotsfield Close. The resulting back to side distance from the new dwelling to this property would be 12m and conditions can be imposed to ensure that no additional windows are added to the flank elevation of plot 1 and the windows proposed are obscure glazed. Therefore this relationship is considered acceptable.

33. The garage block, with two bed flat above would be located 2m from the application site boundary with approximately half the footprint running along the boundary with 25 and similarly with 24. The distance between the plot 7 garage building and both dwellings would be about 12 metres and the building would have a height of 7.8m. The only openings in elevations facing 24 and 25 would be roof lights and a door. Neither property would have a building running the full length of the boundary and the openings can be controlled to prevent overlooking. The scale and form of the unit is of a garage block and set off the boundary, hence not overbearing, and overall it is considered that it cannot be resisted on grounds of loss of residential amenity to neighbouring dwellings from overlooking or loss of light.

Impact upon highway safety

34. Following the refusal of the previous scheme for 10 units the applicants have undertaken further work on the provision of access to the site. These changes include the widening and kerbing of Barrow Hill southwards from the site access to the junction to Gotsfield Close with a minimum road width of 4.5m. The County Highways Authority has indicated that this is acceptable to them and the formal response will be provided as a verbal update to the committee. A Grampian condition is recommended to ensure that the applicant undertakes these works.

Trees

35. There is one TPO tree on the site and this is located within the hedgerow along the east boundary of the application site. The previous application had a layout that placed buildings in close proximity to this tree. The current submitted layout does not do this by use of a frontage terrace and a bungalow in a larger plot to the rear. The crown spread of the tree is larger than the applicant has indicated. A revised plan correcting this has been requested from the applicant for committee. Notwithstanding this the positions of the buildings within the revised proposal are not in close proximity to the tree.

Protected species

36. Suffolk Wildlife Trust has indicated that there may be protected species adjacent to the application site. This does not confirm that there is definitely species on the application site but rather that they may be present adjacent. The applicant has not undertaken any survey work or proposed a mitigation strategy. Therefore a precautionary approach is recommended with suitably worded conditions are recommended that would ensure the submission of such information.

S106 Legal Agreement

Affordable housing

37. Policy HS08a of the Emerging Second Alteration to the Local Plan requires 1 in every three dwellings proposed in the smaller villages to be affordable housing operated by a registered social landlord.
38. In accordance with HS08a housing have requested the delivery of two affordable housing units on the site would be essential to go towards meeting this need. This should be in the form of two 2 bed 4 person houses (one for rent and one for shared ownership). The applicant has agreed to this provision.

Public open space provision

39. Policy HS16 requires payment of contributions towards the provision/maintenance of public open space away from the site (where this is not required or cannot be accommodated at the site).
40. As this is a small site the applicant has agreed to provide a contribution towards provision/maintenance of open space

Education

41. The proposal does not fall within the threshold where an education contribution is required.

REASONS FOR APPROVAL

42. The proposed development is considered to be in accordance with the provisions of adopted and emerging Development Plan policies ENV3 of the Suffolk County Structure Plan 2001; LP5, LP16, LP17 and LP18 of the Babergh Local Plan Alteration No. 1 and EN21, HS02, HS08a HS11, HS12, HS14, HS16, HS18, CN01, TP18 of the Babergh Local Plan Alteration No.2 (Second Deposit Draft) 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 locality.

43. RECOMMENDATION

- A. 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 and the provision of two units of affordable housing.
- 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 – including retention of east boundary buffer;
 - Finished ground floor levels relative to existing and proposed finished ground levels;
 - As recommended by the Highways Authority;
 - As recommended by Suffolk Wildlife Trust;
 - GPDO rights removed for new openings or extensions within the roof spaces and flank elevations of the dwellings;

- Removal of GPDO rights Classes A-E for plots 1-6;
- Services details, including, routes of service pipes and cables, location and depths of soakaways etc);
- Control of openings to Plots 1 and 7;
- Grampian condition for works to highway;

Otherwise,

44. Refuse planning permission. Reasons;

- No provision of affordable housing. Contrary to Policy HS08a
- Inadequate provision for public open space being contrary to Policy HS16 and PPG17.

DECISION

ITEM 6

B/05/02120/DPA
DISTRICT PLANNING APPLICATION

BILDESTON – LAND ADJACENT TO ARTISS CLOSE

Application under Regulation 3 of the Town & Country Planning General Regulations 1992 – Construction of underground gas storage.

Applicant: Orbit Housing Association

Case Officer: Deborah Board

The application is reported to the Development Committee because the site falls within the ownership of Babergh District Council.

SITE

1. The application site is a small area, 11m by 3m, located within the development previously approved under reference B/05/01250/FUL for 15 dwellings on the wider site.

PROPOSAL

2. The proposal seeks full planning permission for the installation of underground gas storage facility to accommodate six two thousand litre propane storage tanks. The tanks would be placed on a concrete base 11m by 3m.

SUPPORTING INFORMATION

3. The application is accompanied by supporting information that sets out the details of the installation of the tanks, in particular the regulation equipment and the over pressure system control mechanism.

HISTORY

4. B/01250/FUL - Erection of 15 No. dwellings. Construction of new vehicular access, as amplified by agents memo dated 05/08/05 and additional plan regarding footways received by the Local Planning Authority on 08/09/05, Granted 21.10.2005

POLICY

5. **Suffolk Structure Plan 2001**

- ENV3 (Design Standards)

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

- LP18 (Design criteria)

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

- 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

8. PC – to be reported if available
9. Suffolk County Council (Highways) – no objections raised but recommend that if permission is granted that it is subject to a condition requiring access to be via Artiss Close only.

ASSESSMENT

10. Policies ENV3 of the Structure plan and LP18 of Babergh Local Plan, Alteration No. 1 and CN01 of Babergh Local Plan, Alteration No.2 (Second Deposit Draft version) are most pertinent to the application. In summary these policies seek development that is of an appropriate scale, form and detailed design for its location.
11. In this instance the development proposed would not be visible within the street scene, being underground, and is not excessive in its scale, and as such there would be no harm in this regard.

REASONS FOR APPROVAL

Having regard to the pattern of existing development in the area and the relevant provisions of the development plan, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

RECOMMENDATION

Grant Planning Permission

DECISION

ITEM 7

B/05/02087/FUL
FULL

BURES - CONVERSION AND ALTERATIONS TO LYNTON LODGE TO FORM 2 NO. DWELLINGS.

Applicant: Mr and Mrs N Drake

Case Officer: Deborah Board

SITE

1. The application site is located 170m off Nayland Road south of the main built up area of Bures St. Mary. The site is located outside of the defined built area boundary but within the Conservation Area and Special Landscape Area.
2. Within the application site is the existing single storey dwelling Lynton Lodge. To the south of this are a group of outbuildings associated with the dwelling, a workshop, garage and shed. Beyond this to the south is the dwelling Nether House and to the east Nether Hall.
3. The site can be viewed at distance from the north and west and the boundaries are presently demarcated by low post and wire fencing. Access to the site exists from Nayland Road and this access also leads to both Nether House and Nether Hall.

PROPOSAL

4. The application proposal seeks full planning permission for the conversion, through subdivision, of the dwelling Lynton Lodge to form two dwellings. The existing dwelling is four bed and the proposal would form two two bed units. The proposal would further involve the subdivision of the residential curtilage associated with Lynton Lodge to form two garden areas for the new dwellings. This would be achieved through the erection of a 2m wall running north south through the site. The two existing accesses to the front and rear of the site will be utilised to provide independent access and parking to each unit.

Planning statement

5. The applicant has provided a supporting statement with the application submission. This asserts that the proposal is in accord with the policies of the development plan and national planning guidance and in summary the main points are:

- Lynton Lodge is already in residential use;
- The property can be readily converted without additional extensions;
- The site is within walking distance of all facilities within Bures village;
- Technically the proposal would not involve a change of use;
- The proposal would assist in meeting the need for small dwellings in Bures;
- The proposal would not result in the loss of employment or community uses; and
- The additional unit would be provided in a sustainable manner.

HISTORY

6. B/79/00081/FUL - Conversion of barn to single-storey dwelling with double garage, Granted
7. B/00/00290/FHA - Retention of erection of workshop for domestic use, Granted

POLICY

PPS1

8. PPS1 sets out the Government's approach to the planning system and one of its key strategies is to achieve sustainable patterns of development and one of the key aims is to shape new development patterns in a way which minimises the need to travel.

PPS7 (Sustainable Development in Rural Areas)

9. Paragraphs 3, 15, and 18 are especially pertinent to the application proposals:
 - “3. Away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling. These centres (which might be a country town, a single large village or a group of villages) should be identified in the development plan as the preferred location for such development.”
 - “15. Planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.”
 - “17. 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.”

“18. 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, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.”

PPG 3 (Housing)

10. 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.

Suffolk Structure Plan 2001

- ENV1 (Conservation of the Built Environment)
- ENV2 (Re use of Rural Buildings)
- ENV3 (Design Standards)
- ENV8 (Conservation of Designated Landscapes)

Babergh Local Plan, Alteration No. 1

- LP4 (New Housing in Villages)
- LP50 - 53 (Change of Use of Buildings in the Countryside)
- LP78 (Development within Conservation Areas)
- LP93 (Development in the Countryside)
- LP105 (Extensions or Alterations to Existing Buildings in the Countryside)
- LP146 (Parking Provision)

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

- HS02 (New Housing in Villages)
- HS03 (Identification of Sustainable Villages)
- HS04 (Countryside)
- CR05, CR06 (Special Landscape Areas)
- CR30, CR31 (Conversion of Buildings in the Countryside)
- CN01 (New Development)
- CN02a (Alteration, Extension or Change of Use of Buildings within the Conservation Area)
- TP18 (Parking Provision)
- *please note that details or extracts of policies are no longer included in reports - see page 4 of these papers.*

OBSERVATIONS

11. Bures St. Mary Parish Council – no objections to the proposal
12. SCC (Highways) – any permission granted should be subject to a condition requiring the parking and turning areas to be laid out and retained
13. SCC (Archaeology) – no objection to the development and do not believe any archaeological mitigation is required

14. Environment Agency – no objection - standing advice regarding small residential development, recommend that this is passed direct to the applicant.
15. There has been one neighbour representation received with the main points being:
 - The access to the properties is covered by a clause in deeds;
 - Water supply – this should be updated if another dwelling is added in the locality.

ASSESSMENT

16. The main issues to consider when assessing the application are:
 - Whether the proposal is an appropriate form of development in this location, with particular regard to sustainability;
 - The principle of the change of use/subdivision;
 - The relationship of the proposal to neighbouring dwellings;
 - The impact of the proposal on the Conservation Area and Special Landscape Area; and
 - Whether the proposal has provided adequate provision for parking and amenity.

Whether the proposal is an appropriate form of development in this location, with particular regard to sustainability

17. The main issue when considering the appropriateness of the proposal is whether the creation of two units in this location, rather than one, would result in a development in this location that is wholly unsustainable and consequently harmful to the countryside by allowing a proposal that would increase the need to travel.
18. Key policy considerations are CR30 and HS03 Babergh Local Plan Alteration No. 2. One of the criteria listed within Policy CR30 relates to the location of a building to be converted relative to public transport infrastructure, urban centres and whether the use represents sustainable development.
19. Bures St. Mary is identified as a sustainable village within policy HS03 of the Babergh Local Plan Alteration No. 2. This means that the village has a primary school; good journey to work/public transport; good shops; community and leisure facilities and a variety of employment opportunities.
20. The application site is within walking distance of the village envelope and the services and public transport links available in Bures. It is considered that as the site is not remote from the main village envelope it cannot reasonably be argued that the site would be un-sustainable for the form of development proposed. Overall to allow the application proposal would be neutral in terms of sustainability. The occupation of a four bed family house could easily involve 3 or 4 vehicles and two smaller units typically result in 2 vehicles per household.
21. Therefore the proposal would be a sustainable option in this location and would not conflict with the aims of emerging policy or national planning guidance.

The principle of the change of use/subdivision

22. The key policy considerations are those policies that refer principally to the change of use of rural buildings and development in the countryside, namely ENV2 of the Suffolk Structure Plan 2001 and policies LP50- 53, LP93 and LP105 of the Babergh Local Plan Alteration No. 1 and policies CR30, CR31 and HS04 of the Babergh Local Plan Alteration No. 2 (Second Deposit Draft).
23. These policies set out situations where the reuse of building will be acceptable and the criteria that proposals for change of use will be judged against. Some of the policies refer more specifically to redundant vernacular buildings or listed buildings and clearly the application is neither of these. More specifically the policies ordinarily only recommend a residential re use where the building is historic, traditional or vernacular.
24. The application proposal is for a material change of use from one dwelling to two dwellings, however, it is important to note that in this instance the dwelling already exists and thus consideration is not of the principle of residential use on site but of the subdivision of an existing use.
25. Lynton Lodge is a building in sound condition and the plans submitted indicate that conversion to two independent residential units could be achieved without alteration, as the building is already suited to residential use. The only physical external changes would be the enclosure required to divide the garden areas and the provision of a decking area to plot 1. Given that these additions could be made by the present occupier as permitted development it is considered that they would not effect the appearance of the building within in setting sufficiently to be harmful.
26. Imposition of appropriate conditions regarding boundary treatment and removal of permitted development rights will ensure that this situation is maintained.

The relationship of the proposal to neighbouring dwellings

27. The physical appearance of the dwelling would not alter substantially, some windows are to be substituted for doors and two windows made larger. However these changes would not adversely impact on the amenities enjoyed by the dwellings to the south.

The impact of the proposal on the Conservation Area and Special Landscape Area

28. Policy ENV8 of the Structure Plan states that development will not be acceptable which would have a material adverse impact upon a Special Landscape Area whilst ENV1 refers to the Conservation of the built environment and the need to preserve and enhance the character of conservation areas. These aims are reinforced through Local Plan policies LP78 of the Babergh Local Plan Alteration No.1 and CR05, CR06 and CR02a of the Babergh Local Plan Alteration No.2.
29. The proposal is considered acceptable against the background of these policies. The proposals would not to lead to unacceptable levels or types of traffic or problems of road safety; would not adversely impact on the character of the area, the residential use being consistent with the existing residential character; the external changes proposed are minimal and would be sympathetic to the building.

Whether the proposal has provided adequate provision for parking and amenity.

30. Parking standards are set out in policies LP146 of the Babergh Local Plan Alteration No. 1 and TP18 of the Babergh Local Plan Alteration No. 2. which would require 2 spaces per dwelling in this instance.
31. The subdivision of the dwelling proposed would provide adequate garden areas for each of the new dwellings. This garden area would also be well located offering privacy and a quality amenity area for each unit.
32. The application proposal would utilise existing access arrangements to provide an access for each plot and associated parking and turning. The highway authority raises no objection to the arrangements proposed and the parking is considered acceptable, with provision of two spaces per unit being achieved.

REASONS FOR APPROVAL

33. Having regard to the pattern of existing development in the area and the relevant provisions of the development plan, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

RECOMMENDATION

Grant Planning Permission subject to conditions–

- As recommended by the County Highways Authority – parking and turning areas;
- Boundary treatment details to be submitted;
- Removal of permitted development rights Classes A-E.

DECISION

HADLEIGH - 38 BENTON STREET.

Retention of garden shed, and raised steps and decking area.

Applicant: Mr Danny Grimsey

Case Officer: Richard Collins

This application is presented to Development Committee as the applicant is related to a Member of the Council.

SITE

1. The application site comprises the rear garden area of No.38 Benton Street and is wholly within the built-up area boundary of Hadleigh and is located within the Hadleigh Conservation Area.

PROPOSAL

2. The application seeks planning permission for the retention of a garden shed, steps and decking area and was submitted following investigation of a complaint to the planning enforcement team. The garden shed was erected approximately in April of last year.
3. The garden shed measures 6 metres in length, and 5.1 metres (including veranda and steps down to garden) in width, with a maximum ridge height of 2.55 metres. It is constructed of timber (stained in an ochre colour) with a mono-pitched felt roof. Planning permission is required in this instance due to the cubic volume of the proposed outbuilding exceeding 10 cubic metres, within a Conservation Area.
4. The planning application also seeks retention of some raised steps and decking area erected without planning permission approximately 3 and a half years ago.

HISTORY

5. 2003 – Erection of single-storey rear extension (Granted – B/03/00898/FHA).

POLICY

6. 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.
7. 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.

8. 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.**

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

Suffolk Structure Plan 2001

- ENV1 (Conservation of the Built Environment)

Babergh Local Plan (Alteration No.1)

- CN78 (Conservation Areas)
- LP20 (Extensions to dwellings)

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

- CN02a (Conservation Areas)
- CN01 (Design Standards)
- HS17 (Extensions to dwellings)

OBSERVATIONS

10. PC - Recommend Refusal on grounds of style and size of garden shed. The building is considered to be more akin to a summer house rather than a garden shed.
11. Letters – One letter of objection has been received from No. 42 Benton Street objecting to the proposal and the comments are summarised as follows:
 - The size of the building is more akin to a cricket pavilion than a garden shed.
 - The structure is only 50-100mm from the edge of the objectors raised patio and about 2 metres from her house and patio doors. As the patio is raised above the structure, the structure is close to the brick wall forming the patio and the objector will be able to gain access for repair or preventative work.
 - The structure has been positioned behind the objectors property out of sight of No.38 and on the flood plain in a conservation area.
 - The structure is neither elegant nor designed to be in keeping with the conservation area.
 - The building has been made of a much more substantial design than that in a shed or summer house with large amounts of insulation material installed which suggests that the building will have a different use to that of a simple garden shed.

- There are concerns over the use of the building and concerns that the building could be used for either people or storage of materials used as a business premise.
- Clearly this is not a simple garden shed and the objector asks the committee to refuse permission and ask for the structure to be removed.
- Since the construction of the shed the building and the surrounding area have not been maintaining leading her to believe the eyesore will only get worse.

ASSESSMENT

12. The relevant policies in this case are ENV1, LP78, LP20, HS17 and CN02a, which seek to ensure that the character and setting of conservation areas will be protected and enhanced; that new developments in conservation areas must be in harmony with their surroundings; and extensions are in keeping with their site and setting and do not have an adverse neighbour impact.
13. The main issues to be considered in this case are:
- Impact on the character and appearance of the conservation area;
 - Residential amenity.

Impact on the character and appearance of the conservation area

14. The building is located in the rear garden area of No.38 Benton Street, and can not be viewed from any public vantage points into or within the Conservation Area. With this in mind, it is difficult to conclude that the building fails to preserve or enhance the Conservation Area, and therefore on balance it is your officers opinion that the design of the building is acceptable in the Hadleigh Conservation Area. Similarly, the steps and decking area cannot be viewed from any public vantage points and therefore are considered acceptable.

Residential Amenity

15. Due to the orientation of the rear garden, the building is situated behind the raised patio area of No. 42 Benton Street (the majority of the garden area to No.38 is situated behind No.42). As a result the garden shed is visible from No.42, but at a lower level and is not visually intrusive or dominant from views from No.42.
16. The comments made by the Town Council and the objector regarding the size of the garden shed have been noted. However, the size, scale and form of the building are appropriate to the site and its setting in this instance, having regard to the extensive size of the site and the nature of surrounding development.
17. The garden shed is situated approx. 50mm away from the boundary of No.42 (i.e. 50mm away from the wall containing the raised patio area) and the objector has mentioned the difficulty of maintenance work to this wall. This is not a reason to refuse the application, and to maintain this wall would require the objector entering the applicant's property. This is a civil issue and not one for the Local Planning Authority to become involved.
18. For the above reasons it is considered that the retention of the garden shed would not reduce the residential amenity of the occupiers of No.42, and is therefore acceptable.

19. Similarly, the steps and decking have been in situ for approximately 3 and a half years, and are considered acceptable having taken into account the criteria of the aforementioned policies.

Conclusion

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

REASONS FOR APPROVAL

It is considered that having regard to those policies outlined in paragraph 9, the development seeking retention would not adversely affect the character and appearance of the conservation area, and would not reduce the amenities enjoyed by occupants of neighbouring property.

RECOMMENDATION

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

DECISION

ITEM 9

B/05/02163/FUL
FULL

SHOTLEY – 14 QUEENSLAND.

ERECTION OF 2 NO. SEMI-DETACHED BUNGALOWS (FOLLOWING DEMOLITION OF THE EXISTING BUNGALOW).

Applicant: Suffolk Housing Society

Case Officer: Richard Collins

BACKGROUND

The application site is in the ownership of Babergh District Council.

SITE

1. The application site is located to the western side of Queensland, with a frontage width of 23.9 metres and a depth of 36.2 metres and encompasses an area of approximately 0.09 hectares. The site currently supports a block built bungalow of a similar design to other properties within Queensland. The site is wholly within the built-up boundary for the village.

PROPOSAL

2. This planning application seeks permission for the erection of 2 no. semi-detached bungalows (following demolition of the existing bungalow).

3. The proposed bungalows have a maximum ridge height of 5.5 metres with brickwork and pantiles to be agreed at a later date with the Local Planning Authority should permission be granted. The bungalows measure 7.5 metres wide and 9.8 metres deep.
4. The bungalows will mirror those bungalows approved directly next door to the site (B/04/02259/FUL refers) and adjacent the site on the eastern side of Queensland (B/05/01544/FUL refers).
5. The bungalows would provide the following accommodation and have an overall floor area of approximately 64.9 sq. metres:
 - Lounge/dining room, hall, kitchen, 2 bedrooms and 1 bathroom
6. A planning statement has been submitted in support of this application. The following comprises a summary of the points raised: -
 - Suffolk Housing Society is a preferred Partner of the Council for the provision of affordable housing.
 - These applications are part of an on-going programme for the renewal of block built bungalows which has the agreement of the Council.
 - The existing bungalows are generally coming to the end of their useful life and stand on generous plots of land.
 - Proposals take account of curtilage car parking and private amenity space.
 - The principle of increasing residential density has been achieved by considering adjacent properties and preventing overlooking.
7. The proposal is part of the Council's regeneration scheme designed to replace its stock of unmodernised block built bungalows, and the existing dwellings contain varying levels of asbestos and are poorly insulated due to their poor structure.

HISTORY

8. No relevant history.

POLICY

9. 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.

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.1

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

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS02 (Housing Development in Villages)
- Policy HS03 (Villages)
- Policy HS12 (Criteria for Infilling and Groups)
- Policy HS14 (Layout and Design)
- Policy CN01 (General Design)

OBSERVATIONS

11. PC – To be reported if available.
12. CHA – To be reported if available.
13. EA – To be reported if available.
14. Letters – None received.

ASSESSMENT

15. The relevant policies in this case are ENV3, LP18 and HS14, which requires all new housing development to be of a high standard of layout and design and respect the existing character of the area.
16. Also relevant are policies LP17 and HS12, which seeks to protect existing residential amenity.
17. The main issues to be considered in this case are the impact of the proposal on the amenities of the adjoining residents and the character of the site and its surroundings.
18. The application site is entirely within the defined built up area boundary for the village and therefore there can be no objection in principle to residential redevelopment of this site. Furthermore, PPG3 is clear in its aims to promote more efficient uses of previously developed land.
19. The application proposes the demolition of a block built bungalow and subsequent replacement with a semi-detached pair of 2 bedroom bungalows. The proposed dwellings are sited in such a position as to respect the existing building line of neighbouring property. As such, and in light of the proposed overall size and style, it is not considered that the proposed development will result in any material harm to either the site or its surroundings.

CONCLUSION

20. It is clear that the proposed design of the dwellings differs to most of the existing surrounding development. Clearly it would not be appropriate to replicate the block built bungalows today, as noted above. The demolition of the existing property gives the opportunity to introduce new buildings of an enhanced visual appearance and it is the view of officers that the proposed scheme will result in a significant improvement to the overall visual amenity of the area.
21. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendations are made -

RECOMMENDATION

22. The Head of Planning (Control) be authorised to grant planning permission subject to the following conditions: -
 - Materials
 - As recommended by CHA
 - Boundary treatment
 - Removal of PD Rights for enlargements, alterations and outbuildings

DECISION

ITEM 10

B/05/02130/FHA & B/05/02131/LBC

HADLEIGH – 40 GEORGE STREET

B/05/02130/Fha – ERECTION OF REAR CONSERVATORY

B/05/02131/LBC – Erection of rear conservatory. Insertion of window to rear elevation (following removal and blocking up of existing window in rear elevation).

Applicant: Mr and Mrs Quinlan

Case Officer: Alison Taylor

BACKGROUND

These applications are reported to Development Committee as the applicant is a Member of Babergh District Council.

SITE

1. The application site is located on the south side of George Street and is a Grade II listed building. The site lies wholly within the built-up area boundary for Hadleigh and within the Hadleigh Conservation Area.

PROPOSAL

2. The applications seek listed building consent and planning permission for the erection of a rear conservatory and insertion of window following removal and blocking up of an existing window in the existing one-and-a-half storey rear extension.
3. The proposed conservatory wraps around an existing one-and-a-half storey rear extension and is 3.1 metres wide, a maximum of 6 metres deep and with a ridge height of 3.2 metres and a floor area of approximately 12.9 square metres.
4. It is proposed to construct the conservatory with a painted brick plinth and rendered dwarf walls to match the existing extension with painted timber windows and a glazed roof.

RELEVANT HISTORY

5. 1967 – Listed building consent granted for rear extension – S/66/770/H
6. 1970 – Listed building consent granted for alterations – S/69/751/H
7. 1978 – Planning permission granted for first floor rear extension – B/78/603
8. 1978 – Listed building consent granted for alterations and first floor rear extension – B/LB/45/78

POLICY

PPG15 (Planning and the Historic Environment)

- 9.. Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted.

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 ENV1 (Conservation Areas)
- Policy ENV3 (Design Standards)

Babergh Local Plan Alteration No.1

- Policy LP20 (Extensions)
- Policy LP70 (Conservation Areas)
- Policy LP78 (Listed Buildings)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS17 (Extensions)
- Policy CN02a (Conservation Areas)
- Policy CN10 (Listed Buildings)
- Policy CN01 (General Design)

OBSERVATIONS

11. TC – To be reported if available.
12. SCC Archaeology – Site lies within the Area of Archaeological Importance and therefore has very high archaeological potential. Any permission granted should be subject to a condition to ensure an adequate record is made of any archaeological finds or features.
13. Letters – None received.

ASSESSMENT

14. Local Plan policies LP78 and CN10, seek to ensure that extensions to listed buildings should preserve the historic fabric and character of the building, and be of appropriate scale, form, siting and materials to harmonise with the existing building and its setting.
15. This thatched Grade II listed building has an existing one-and-a-half storey rear extension, approved in 1967, the proposed works are confined to this modern extension. The proposed wrap-around conservatory, by virtue of its location on the existing unsympathetic extension is not considered to result in a significant adverse impact on the character of the listed building.
16. It is not considered that the proposed conservatory would have any adverse impact on neighbouring amenity or the character and appearance of the Hadleigh Conservation Area by virtue of the existing rear boundary fencing.
17. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made -

REASON FOR APPROVAL

Planning Permission and Listed Building Consent is granted because the proposal is in accordance with PPG15: Planning and the Historic Environment, policies LP20 and LP78 of the Babergh Local Plan (Alteration No. 1) and Policies HS17 and CN10 of the Second Deposit Draft of the Babergh Local Plan (Alteration No. 2) having had regard for other material considerations.

RECOMMENDATION

Grant Planning Permission and Listed Building Consent subject to conditions:

- Materials
- Fenestration details
- Colouring of joinery
- Archaeology

DECISION

ELMSETT – LAND TO THE REAR OF 2 MILL HOUSE, WHATFIELD ROAD

Erection of 2 no. dwellings and garages. Construction of new vehicular access as amended by plans received 13/10/2005 and 5/1/2006.

Applicant: Heatherfields Ltd

Case Officer: Alison Taylor

SITE

1. The application site is set back approximately 6 metres from Whatfield Road which has a width of 24 metres and a depth of 32 metres. The site encompasses an area of approximately 0.08 hectares and lies within the built up area boundary for the village.

PROPOSAL

2. This planning application seeks permission for the erection of two dwellings and garages and the construction of a new vehicular access.
3. The dwellings provide the following accommodation at ground floor level:
 - Plot One: Lounge, study, cloaks, utility and kitchen/dining room.
 - Plot Two: Lounge, study, cloaks, kitchen and dining room.
4. The following accommodation is at first floor level:
 - Plots One and Two: 4 bedrooms (1 with en suite facilities) and 1 bathroom.
5. The overall floor area (excluding the single garages) of Plot One is approximately 169.9 square metres Plot Two is approximately 169.6 square metres.
6. Plot One: The dwelling measures approximately 11.1 metres at its widest part, 8.3 metres along the frontage, and has a maximum depth of 12.6 metres. The maximum ridge height of the dwelling is approximately 7.8 metres with the chimney extending to approximately 9.8 metres in height.
7. Plot Two: The dwelling measures approximately 10.4 metres at its widest part, and has a maximum depth of 11.9 metres. The maximum ridge height of the dwelling is approximately 7.8 metres with the chimney extending to approximately 8.8 metres in height.
8. It is proposed to construct the dwellings with a red brick plinth and render, with clay pantiles.
9. Two letters have been submitted in support of the application. The following comprises a summary of the points raised: -
 - The layout has been revised to form linked garages between the properties allowing more space to the side boundaries. The length of the rear wing of plot one has been

reduced and the fenestration altered to provide a 'front elevation' to Whatfield Road.

- In respect of the overall ground cover of plots 1 and 2, comparisons with house plots approved adjacent to No. 1 Mill Lane and the Elmsett Mill site have been carried out. The building footprint of Plot 1 proposed is the same as that approved for the 'Gate House' on the corner of Whatfield Road/Mill Lane, whilst that of Plot 2 is comparable to units A and B approved next to No. 1 Mill Lane. The proposals are very much in the middle of the building footprint to site area percentages of the adjacent development.
 - By re-planning the houses and linking them a less 'cramped' appearance to the layout has been achieved.
 - 1.8 metre high close boarded fence on the northern boundary of the site abutting Elmsett Lodge would be constructed if required.
10. The application has been subject to amended plans since original submission. The amended plans form the basis of the application and involve the reduction in depth of the dwelling in Plot One, the relocation of the garage and additional fenestration and porch detailing to the north east elevation. The garage of Plot Two has been set back from the front of the dwelling. Amended plans have also been received which increase the width of the site access to accord with CHA requirements.

HISTORY

11. 2003 – Outline planning application withdrawn for erection of 2 No. dwellings – B/03/00267
12. 2004 – Outline planning permission granted for erection of 2 No. dwellings and construction of new vehicular access – B/04/00224 – This application included approval for the siting of a pair of semi-detached dwellings with detached garages.

POLICY

PPG3 (Housing)

13. 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, 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.

14. 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 LP4 (Housing Development in Villages)

- Policy LP5 (Villages)
- Policy LP17 (Criteria for Infilling & Groups)
- Policy LP18 (Layout and Design)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS02 (Housing in Villages)
- Policy HS03 (Villages)
- Policy HS12 (Criteria for Infilling and Groups)
- Policy HS14 (Layout and Design)
- Policy CN01 (General Design)

OBSERVATIONS

Original plans

15. PC – Feel that these dwellings are far too cramped on this site. There is no room between the dwellings for maintenance work and consider that there is only room for one dwelling.
16. EA – No objection.
17. SCC Fire - Recommend imposition of standard access and fire fighting guidance.
18. Letters -One received. The following comprises a summary of the objections and issues raised: -
 - Proposal is an over development of this sight and will have substantial impact on Elmsett Lodge and other houses within the curtilage of this site.
 - The siting of the two dwellings is within a few feet of a number of 70 foot tall trees and development as presently proposed must have substantial effect on the root structure of these trees.
 - Planning permission has been granted for a cartlodge near to the site and if this was built it would amount to a massive over development in that corner of the site.
 - There is an ancient hedge adjacent to the proposed site splay and this would be required to be removed but should be nurtured rather than destroyed.
 - The proposed sight splay opens onto a narrow road (Whatfield Road) which also has a dangerous bend within 30 metres either side of the proposed entrance. Permission has already been granted for another development within a few feet of this, presenting considerable road hazards throughout the whole length of this section of road.

Amended Plans (Design)

19. PC – Wish to draw attention to original comments on the outline application: ‘The parish council has no objection in principle to the application. In order to have housing stock available for first time buyers, the properties should not be larger than 75sqm internal floor space so policy HS17 can be applied’. The revised plans are marginally different and our comments remain that the properties do not compare favourably with the remainder of the development, are far too cramped and allow little space for maintenance. If this application is approved please repeat all the conditions of the previous outline permission including the footway provision.

20. CHA – Recommend imposition of standard highways conditions and a footway should be provided along the frontage of Whatfield Road to join the proposed footpath within application B/05/00381/FUL.
21. Letters – One received. The following comprises a summary of the additional objections and issues raised: -
 - The proposal shows an access and sight lines that clearly cross the objector’s land and the appropriate notice has not been served.
 - Inappropriate development for the rural area.
 - Unacceptable overlooking due to the arrangement of the houses and windows.

Amended Plans (Site Access)

22. PC – To be reported if available
23. CHA – As previous, access to be laid out in accordance with amended drawing No. 3641/02/D
24. Letters - One received. The following comprises a summary of the additional objections and issues raised: -
 - The design is inappropriate on this particularly sensitive site.
 - If approved, a condition requiring a minimum 1.8 metre high close boarded fence on the western boundary should be imposed.
 - If approved the condition of the roads should be monitored regularly during the building process, at present this is presenting considerable problems.

ASSESSMENT

25. Policies LP17, LP18, HS12 and HS14 are most relevant to this application. Policies LP17 and HS12 state that planning applications for 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.
26. The proposed dwellings are sited within the defined built up area boundary for Elmsett and the principle for two dwellings and garages was approved under B/04/00224/OUT, therefore there can be no objection in principle to residential development on this site. 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.
27. The main issues to be considered in this case are the impact of the proposal on the amenities of neighbouring residents and the character of the site and its surroundings.
28. Amended plans were received following officer concerns of the cramped appearance of the two dwellings and the excessive depth of the dwelling on Plot One, particularly in relation to its appearance from Whatfield Road. It is considered that the amended plans satisfactorily address these concerns by centrally locating the garages and stepping them back from the front of the dwellings, creating greater visual separation. The reduction in length of the kitchen/dining room, the relocation of the garage and the addition of fenestration and porch detailing to the north east elevation of Plot One create an improved design which is considered to adequately address Whatfield Road.

29. It is not considered that the proposal represents over development of this site as the plot size and footprint of the proposed dwellings is comparable to those dwellings approved on the adjacent Elmsett Mill site. The design, materials and layout of the proposed dwellings is considered to adequately reflect the character of surrounding development.
30. Overlooking from the proposed dwellings to Elmsett Lodge is not considered to be a justified reason for refusal. Three approved dwellings (plots 13-15 Elmsett Mill) to the immediate east of the application site also adjoin the boundary of Elmsett Lodge and all three properties have windows at first floor level facing towards the property and its rear garden land. Mature boundary hedging exists along the length of the affected boundary and a 1.8 metre high close boarded fence with mixed hedge will be erected along that boundary as part of this application. The application site is level with the front garden of Elmsett Lodge and it is not considered that the proposed dwellings would result in a significant adverse impact upon residential amenity.
31. The construction of a new vehicular access at this location has already been approved under B/04/00224/OUT and will be subject to the recommendations of the Highway Authority. Amended plans have been submitted in consultation with the Highway Authority increasing the width of the access to 11 metres, solely within the applicant's property. The visibility splay will cross the objector's land but is not considered to result in any adverse impact by virtue of the existing CHA requirements imposed on the objectors access in 2002, ensuring clear visibility. The loss of the existing frontage hedge for the access is regrettable but new mixed hedgerows are proposed to all internal boundaries.
32. The triple-bay cartlodge referred to by the objector has been approved (but not erected) within the curtilage of Elmsett Lodge and is located approximately 20 metres from the proposed dwellings. The impact of this cartlodge, if constructed, is not considered to have a significant impact on the visual amenity of the locality by virtue of the presence of the dwellings approved to the immediate north east.
33. The siting of the proposed dwellings is outside the canopy of the trees which are located just inside the objector's boundary and it is not considered that the construction of the dwellings would have a significant adverse impact upon the root structure of the trees that refusal of planning permission could be warranted. The trees are located to the north of the application site, a minimum of 9 metres from the proposed dwellings, so no loss of light is envisaged.
34. 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 the erection of 2 no. dwellings and garages and construction of a new vehicular access, is considered to be in accordance with the provisions of policies LP4, LP17 and LP18 of the babergh local plan (alteration no.1) and emerging policies HS02, HS12, HS14 and CN01 of the babergh local plan (alteration no.2) - second deposit draft. Having regard to the pattern of existing development in the area it is considered that subject to compliance with the conditions attached to this permission and owing to siting, scale and fenestration layouts, the proposed dwellings would not reduce the amenities enjoyed by occupants of neighbouring property, would not result in the loss of any significant trees and are acceptable in terms of highway safety and convenience.

RECOMMENDATION

Grant planning permission subject to the following conditions:-

- Materials as detailed within the application
- Details of floor, eaves and ridge levels to be agreed
- Landscaping
- As recommended by CHA

DECISION

ITEM 12

B/05/02015/OUT
OUTLINE

POLSTEAD – Part OS 3458, Stoke Road

B/05/02015/OUT – erection of agricultural workers dwelling and agricultural buildings.

Applicant: Mr C D and Mrs P G Hopkins

Case Officer: Mrs Clare David

BACKGROUND

SITE

1. The application site is located on the north side of Stoke Road. The site lies outside any defined built-up area boundary and just outside the Dedham Vale Area of Outstanding Natural Beauty. The site of the proposed dwelling is located approximately 210 metres back from the access and is 31 metres wide and 31 metres deep, encompassing an area of approximately 0.1 hectares. The site of the proposed agricultural buildings is located approximately 100 metres back from the access and is 37 metres wide and 80 metres deep, encompassing an area of approximately 0.29 hectares.

PROPOSAL

2. See report heading; the application is in outline form with all matters reserved. An illustrative block plan of the agricultural buildings is submitted, but does not form part of the application as such. This indicates a covered crush and isolation pen and dispensary (7.7m by 7.7m), two covered cattle yards (both 55.4m by 12.3m), straw/machinery store (36.9m by 12.3m), workshop (21.5m by 7.4m), cartlodge (9.2m by 5.5m), concrete silage pad (25m by 25m) and woodchip corral (36.9m by 18.5m).
3. One letter has been submitted in support of the application. The following comprises a summary of the points raised: -
 - The first phase of the new farmstead (this application) is for a dwelling with floor space of 400 square metres, two covered cattle yards and a straw/machinery store.

- If outline planning permission is granted for Phase 1 then an application for Phase 2 will immediately follow.
 - The three agricultural buildings, which are the subject of the application, are the principal ones required for the holding.
 - A plan is enclosed showing the land, which the applicants propose to purchase, and which will form their holding at Polstead and which measures 76.89ha (190 acres).
 - The applicants have lived and farmed at Bakers Hall Farm, Colne Road, Bures since 1988. The farm is 285 acres, the applicants own 240 acres and rent 45 acres. When they purchase New House Farm they intend to sell Bakers Hall and 200 acres and to retain the 45 acres that are rented and 40 acres that they presently own.
 - In 1992 the applicants established a mixed herd of pedigree South Devon cattle and a commercial herd. This has subsequently been converted to pedigree South Devon cattle only.
 - Bakers Hall is not ideal – it is divided by a main road and crossed by a lot of public footpaths. The insurers would like the footpaths fenced but there is resistance from the Highways Authority to this. The soil type is rather stony and gets into the feet of the cattle causing problems. There have been security problems with cattle being stolen and let out. For these reasons the applicants have been looking for a new farm for some time and New House Farm seems ideal for their purposes.
 - Planning permission was granted in 1996 to erect a new farmhouse at New House Farm, that permission has now lapsed and there is no dwelling on New House Farm available for purchase or any suitable dwellings in the vicinity. In addition the land, which the applicants propose to purchase, does not have any buildings on it.
 - The intention is to erect a range of high quality buildings designed specifically for the breeding of South Devon cattle and will create a model farm.
 - The covered cattle yards and straw/machinery store will have galvanised steel structural members, 2 metre high concrete stock wall panels with Yorkshire boarding above, measuring 4.25 metres in height.
 - The workshop and cartlodge will be constructed on traditional lines with a timber frame and cladding and pantile roof.
 - The applicants envisage a house with a kitchen, three reception rooms, a farm office, utility/laundry room, plus the usual offices on the ground floor and four bedrooms each with an ensuite bathroom on the first floor. This is very comparable in size to traditional farmhouses on farms in this area.
 - The site chosen for the new farmstead is at the centre of the farm and abuts an established plantation in a field with good hedgerows and trees. It is adjacent to a larger field that will be subdivided with new hedgerows to make it more suitable for cattle breeding.
 - This application is fully supported by the Acorus report and can be described as the relocation and reorganisation of a farming business which has been established for the past 17 years and which can be expected to continue into the foreseeable future.
4. The applicant's agricultural justification for the proposed development is set out in a detailed report produced on his behalf by an agricultural consultant. The report concludes that:
- The proposed farmstead relates to a relocation albeit with reorganisation of an existing farm business and has been conceived on a sound basis. The unit will represent a full time entity and with the size of the farm and numbers of livestock, there will clearly be a functional need for a permanent on site residence.
 - Based on current prevailing market prices the proposals are commercially viable and so far as can be predicted there is no reason why this should not be sustained in the future.

- The applicant's clearly have the relevant agricultural knowledge and expertise and they have clearly demonstrated a firm commitment to the business in the form of significant capital investment that will be required in setting up the new farmstead.
 - The holding is of a size to allow a certain amount of flexibility to allow for other farm enterprises if required so as to maintain or enhance financial sustainability.
 - There are acknowledged benefits, not least to the environment, through a totally organic farming regime and on this basis together with the fact that the criteria in PPS7 are met, we feel that the application should be viewed favourably.
5. Members may inspect the full supporting statements at this office on prior arrangement with the case officer.

RELEVANT HISTORY

6. None.
7. Members will note that outline planning permission was granted for an agricultural workers dwelling in 1996 on a parcel of land to the south-east of New House Farm (B/96/00664). Reserved matters approval was given in 1999 (B/99/00837). A material start was subsequently made on site however as the conditions of the relevant permissions had not been discharged the Council has determined that the works were unauthorised and as such the planning permission is no longer valid.

POLICY

PPS 7 – Sustainable Development in Rural Areas; extracts from Annex A – Agricultural, Forestry and Other Occupational Dwellings.

8. One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. There will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.
9. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing: -
- There is a clearly established existing functional need, for example, if workers are needed to be on hand day and night, to deal quickly with emergencies that could otherwise cause serious loss of crops or products.
 - The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement.
 - The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

10. In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.
11. New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain.
12. If a new dwelling is essential to support new farming activity whether on a newly created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure that can be easily dismantled, or other temporary accommodation. Temporary permissions should not be granted where permanent dwellings would not be permitted.

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

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

Suffolk Structure Plan 2001

- Policy CS3 – Location of housing development
- Policy ENV3 - Design standards
- Policy ENV 4 – Landscape quality and character of the countryside
- Policy ENV 6 – Agricultural dwellings
- Policy ENV 7 – Areas of Outstanding Natural Beauty

Babergh Local Plan Alteration No.1

- Policy LP18 – Design of new housing
- Policy LP93 – Landscape quality and character of the countryside
- Policy LP95 - Areas of Outstanding Natural Beauty

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS04 – Housing in the countryside
- Policy CR01 – Protection of the countryside
- Policy CR02 - Areas of Outstanding Natural Beauty
- Policy CR10 – Landscaping of new development in the countryside
- Policy CR24 – Agricultural dwellings
- Policy CN01 - General Design

OBSERVATIONS

15. Polstead Parish Council – Object. No existing functional need for livestock facility, the land currently being in arable use. Access to the proposed buildings is unsuitable, being sited on a bend in a small lane. Visibility splays at this location could require removal of established hedgerows. The size of the proposed dwelling does not appear to be commensurate with the stated requirements of livestock husbandry. The application suggests a house of 400 square metres to support two stock persons (and their two sons) tending a suckler herd of sixty cattle and fifty-five calves.

The Financial Budget Statement includes £37,330 attributed to subsidies. It appears that these subsidies are attached to the land only, not livestock, and their inclusion in a financial statement supporting a proposed livestock operation is questioned. There does not appear to be any necessity for on-site residence in order to realise these subsidies, which represent approximately 70% of the projected net profit. What, if any, is the guarantee that these subsidies will continue even in the short term.

16. Shelley Parish Council (Adjoining Parish) – There are very strong objections from several residents of Shelley. It is felt that simply because a purchaser buys an area of land without a house on it that it should give them a right to build a house on it. If approved it could create a precedent. It has been noted that the New House Farmhouse and farm buildings were only sold last month and the applicant could have purchased them.
17. CHA – Recommend refusal. The site adjoins the C727 with sub-standard visibility. Dangers would be created by the introduction of an access at this location.
18. EA – No objection subject to standard advisory comments.
19. HoES – No adverse comments.
19. SPS – Object. Appears to be completely the wrong site for this type of development. Represents development in the open countryside in an isolated rural site, contrary to Local Plan policies and PPS7. Concerned about the detrimental impact the proposal would have on the adjacent AONB and its setting.
20. Letters – Nine letters of objection received (from seven objectors). The following comprises a summary of the objections and issues raised: -
 - I purchased one of the lots that came up for sale as part of the New House Farm estate and within the sale prospectus there was ample opportunity to acquire a farmhouse and buildings to support a cattle farm. How can an application be made on a greenfield site for what appears to be a similar premises?
 - No clearly established existing functional need at Polstead.
 - No justification for a relocation of the existing herd from Bures to a greenfield site.
 - This is an abuse of the planning system with the original house and farm buildings being sold only in November 2005.
 - Falls well short of complying with PPS7 annex a policies 3(i), (iii), (iv), (v), 5, 6, 8 and 9.
 - Contrary to Local Plan policies HS04, CR23 and CR24.
 - The size of the dwelling is excessive and contrary to guidelines.
 - The access is very poor and dangerous.
 - The applicant's do not currently own any of the land.
 - Reasons given for relocating the farm are flawed. The applicant can erect boundary fencing along any public footpath as long as he leaves the regulation width and provides suitable crossing for fences, ditches etc. There are also a number of footpaths that cross the land the applicants propose to purchase.
 - The soil type at Bakers Farm may be stony but as a neighbouring farmer, all the land the applicant is proposing to buy is stony and full of flints. If the existing site is unsuitable why are they expanding their suckler cow unit and fairly recently erected modern cattle yards, storage buildings and fencing.
 - No documentary evidence provided of security problems.
 - The agricultural appraisal is incomplete as it only assesses the proposal against PPS7 Annex A Policy 3 and 15.

- No evidence of the past profitability of Bakers Hall Farm has been submitted. The evidence provided suggests only a very modest house could be supported on this unit.
- The Acorus report paints a rosy picture. The Agricultural Budgeting and Costing book November 2005 suggests a sales value of only £607, not an average of £800.
- Will have a massive landscape impact on the area and will be visible from all the surrounding lanes particularly in winter.
- Policy 9 of PPS7 states that it is the requirement of the enterprise, rather than the owner or occupier, that is relevant to determine the size of the dwellings. Therefore references to other comparably sized farmhouses near the area are irrelevant.
- Planning permission was obtained in the 1990s for a farmhouse for the existing need because they had cattle in the farm buildings, they then purchased the original farmhouse in the farmyard, satisfying the need and the planning permission was therefore allowed to lapse.
- There is no need to relocate in order to gain organic status, you can elect to have any land entered into the organic scheme.
- Relocation cannot be justified on expansion grounds. The proposal is to purchase 190 acres at Polstead and to retain 80 acres of the existing holding so is therefore a reduction of 10 acres in total. Organic farming is a more extensive system so even on the same area of land there would have to be a reduction in livestock numbers.
- The Council's consultant has failed to comment on most of the relevant PPS7 policies in his report.
- The conclusion in the Council's consultant's report for Bower House Tye (B/05/01837/OUT refers) is that the proposal fails to meet the criteria for a new permanent agricultural dwelling because the applicant has yet to purchase the property, and there is therefore no existing functional need. It is incomprehensible that he does not apply the same criteria and hence reach the same conclusion in this application where the existing business is on another holding several miles away.

ASSESSMENT

21. Planning Policy Statement 7 and policies ENV6, LP93, HS04, CR01 and CR24 are most relevant to the determination of this proposal.

The application seeks outline planning permission for the erection of an agricultural workers dwelling and agricultural buildings. All matters are reserved for future approval. However, in the agent's covering letter accompanying the submission of the application and dated 16 November 2005 he describes the proposed dwelling and buildings (see paragraph 2). The letter describes a dwellinghouse of 400sq metres, which compares to the 420 sq metres of the applicant's current property at Bakers Hall, and a number of agricultural buildings. The latter include buildings with a total floor area of 1353.68 sq.metres.

22. Established planning policy seeks to prevent the erection of any new dwellings in the countryside unless there is an agricultural case based upon the need of a key worker to live on the site. The applicants have submitted evidence to support the application in accordance with the advice given in PPS7. An independent chartered surveyor and rural planning consultant was instructed to provide an appraisal of the evidence submitted by the applicants against PPS7 - Annex A, on behalf of the Local Planning Authority. The appointed consultant visited the proposed site and the existing farm at Bures in December 2005.

23. The consultant's detailed report has now been received, which comprises background information upon the existing farming operations at Bures and the intended operations at Polstead. It then goes on to appraise the functional and financial needs of the proposal. The full report can be viewed by arrangement with the case officer, however the salient points are summarised as follows: -

Background.

The applicant's have jointly farmed Bakers Hall Farm since 1988. Mr Hopkins is a solicitor in London while Mrs Hopkins runs the farm on a daily basis with some part time assistance. The farm was initially operated as an arable enterprise but then the applicants set up a herd of South Devon suckler cows. A total of 42 suckler cows are presently kept with 24 new and replacement heifers being kept to increase the herd to 60. No arable crops are now being grown. Although not a registered organic farm the system has been based upon these principles. The intention is to become fully organic if the business relocates to Polstead.

The main reasons for moving are given as being the poor soil quality at Bures; the land being severed by a road; the numerous footpaths that traverse the site; and the liability to drought.

The applicants intend to operate a fully organic beef cattle operation based on 60 cows if the move to Polstead occurs. The land at Polstead is fairly level, better quality soil. The land is within the DEFRA Environmentally Sensitive Area and would also attract benefit from the Entry Level Organic Scheme.

Appraisal – the decision to move.

The appraisal is based on two main issues. Firstly, whether permission should be given for a new set of agricultural buildings on bare land at the location proposed; and secondly whether permission for a new dwelling should be provided.

The report advises that Bakers Hall is too small to be operated as an independent arable unit. The cattle industry has historically not been particularly profitable unless value can be added. The applicants have been successful in establishing a pedigree herd and joining the ESA scheme.

The move to Polstead seems logical if the land is more suitable for grazing livestock. Going fully organic will also add value.

Building up a new unit from scratch will be very costly but can mainly be covered by the sale of the farmhouse and land at Bakers Hall. An added advantage would be the opportunity to build a set of specialist buildings. From an agricultural point of view and without taking into account the applicant's personal circumstances the decision to move is considered to be soundly based.

Appraisal – a new dwellinghouse.

On the assumption that the Council would consider the establishment of a new livestock farm at the site, the report then goes on to look at the functional need and financial suitability of the proposal in accordance with PPS7 advice.

Functional Need

Annex A advises that functional need arises when it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Where livestock, particularly breeding stock, are concerned there is a need for constant supervision. The report concludes that if a new enterprise were to be established at the site as proposed a functional need would arise for a responsible person to live within sight and sound of the livestock when housed (e.g. when in calf) this amounts to approximately 5 months of the year. For the remainder of the year the cattle graze outside and less supervision is required but must still be maintained.

The report also concludes that the proposed operations would result in a maximum number of 180 cattle being housed during the winter months. It is calculated that the theoretical labour demand for the enterprise would amount to 476 standard man days (one stockman would provide 300 days). The operations would thus require 1.5 agricultural workers.

Period of establishment, profitability and future prospects.

The business can be considered as a relocation of an existing business rather than a new start.

Although not the applicants sole income it is understood that the farming operations at Bakers Hall have run at a profit. Farm accounts have not been made available to establish profitability in the last three years as Annex A requires.

The evidence presented by the applicants consultant relating to costs and benefits are considered to be realistic and if all assumptions are achieved then the return is seen as realistic and accurate as possible when predicting the future of agriculture this far ahead.

Fulfilment of need by an existing dwelling.

It is understood that Newhouse Farm with an existing steading and a small amount of land has already been sold. An assumption is made that the price of this would not have allowed the applicants to achieve their aim and buy sufficient land for the enterprise as well, although this must have been an option to consider in the early stages.

There are no other dwellings near enough to the present proposed site to fulfil the need.

Conclusions.

The move would offer a better situation for a livestock enterprise than the present farm. There will be a functional need for a responsible person to live within easy reach of the livestock when housed. There are no other houses able to fulfil the need. Although an established business there is no evidence available at the time of writing the report as to the recent or current profitability of the business. The proposed relocated business appears viable and future prospects appear good, based on a realistic budget prepared by Acorus and the applicants.

The contents of the report are noted and the assessment is thus based on the following: - impact on landscape; functional need (including the need for a dwelling commensurate with the functional need and the availability of other suitable dwellings to meet the need); financial need (the proven profitability of the business for a period of three years and its future viability and sustainability); and, other material planning considerations (including highway safety issues).

Landscape Impact

The proposal would have significant adverse visual impacts upon the qualities of the character of the countryside. Despite existing woodland and hedgerow planting and the possibility of introducing further planting, the site is considered to be visually unacceptable, as it is isolated from existing buildings and extremely prominent within the landscape setting. The site is not within the AONB but is within extremely close proximity and would be clearly visible from views into and out of the protected area. The extent of the buildings proposed would be detrimental to the visual qualities of the area and could not be mitigated against in order to make the development acceptable.

The Functional Need

The report commissioned by the Council concludes that there would be a functional need for one full time and one part time worker to be within easy reaching distance of the livestock when housed e.g. for 5 months of the year. The advice offered by PPS7 is that new permanent dwellings should only be considered where there is an existing established enterprise. There is evidence that the operations at Bakers Hall are viable and have been established for 18 years, although not providing the sole or main source of income, and that there might be advantages in relocating to Polstead in so far as soil quality and so forth, however, this does not over-ride the fact that there is no existing enterprise at the site of the application itself. In such instances it is normal practice to consider the grant of a temporary planning permission to allow time for PPS7 tests to be clarified. The application is for a permanent dwelling. Furthermore, if there were an existing enterprise, the Council's consultant advises a functional need would arise for 1.5 workers. This does not in your officer's opinion equate to the need for the proposal to be for the erection of a 400 sq metre dwellinghouse with four bedrooms – all en-suite. Furthermore, there is insufficient evidence available to date to conclude that the existing dwelling at Newhouse Farm could not have addressed the functional need. PPS 7 advice is that local planning authorities should assess carefully whether any dwellings or other buildings suitable for conversion have recently been sold from the farmland concerned. Such a sale could constitute a lack of evidence of agricultural need. The circumstances here are that the land associated with Newhouse Farm has been sold off in smaller lots and no clear evidence has been provided that the existing dwelling could not have addressed this need.

The Financial Test

The report concludes that the existing operation has been in existence for 18 years and has been profitable during that time, although not the sole source of income for the applicant's. It is also considered that the forecasts for the relocated business, benefiting from ESA payments and Organic grants are both reasonable and realistic. However, the accounts for the last three years have not been produced and as such there is insufficient evidence to demonstrate that the business has been profitable for the last three years. Neither has evidence been supplied to ensure that the operations would be sustainable given that Mr Hopkins is intending to take retirement in order to relocate the business.

Other Planning Considerations.

The CHA raise highway objection to the proposal on the grounds that the proposed access joins the classified road with sub standard visibility to the detriment of highway safety.

RECOMMENDATION

Refuse planning permission :-

- The development would result in a new dwelling in the countryside that has not been proven to be essential for the efficient operation of agriculture contrary to PPS7, ENV4, ENV6, LP93, CR01 and CR24
- The proposed access would provide sub standard visibility to the detriment of highway safety.

DECISION

ITEM 13

B/05/01837/OUT
OUTLINE

POLSTEAD – Part OS 2713, LAND NORTH OF BOWER HOUSE FARM

B/05/01837/OUT – Erection of an agricultural workers dwelling.

Applicant: Bower House Farms Ltd

Case Officer: Mrs Clare David

BACKGROUND

The application is called in by a Member

SITE

1. The application site is located on the west side of the A1071, approximately 170 metres to the north of Bower House Farm. The site lies outside any defined built-up area boundary and is triangular in shape measuring 44 metres by 44 metres by 60 metres deep, encompassing an area of approximately 0.18 hectares.

PROPOSAL

2. See report heading; the application is in outline form with only the means of access included, all other matters are reserved.
3. Five letters have been submitted by the agent in support of the application. The following comprises a summary of the points raised: -
 - This is a compact agricultural unit of almost 240 ha (590 acres). The applicant has also agreed to rent an additional 15 ha (37 acres) adjoining Bower House Farm making a total 264 ha (653 acres).
 - The applicant currently farms as a sole trader with a holding of 10 ha (25 acres) adjacent to Bower House Farm and has agreed terms to purchase Bower House Farm subject to planning permission being granted to erect a farmhouse as currently there is no dwelling on the holding and he lives almost 5 miles away.

- The proposal is to erect a traditional two-storey farmhouse of 280 square metres with rendered walls, red brick plinth and plain clay roof tiles in a location immediately adjoining the farmyard.
- The holding was assembled in stages by way of separate transactions over the last 30 years. The last dwelling associated with the farm was sold over 20 years ago.
- From 1989, Michael Baker on behalf of HC&P Baker Ltd has managed Bower House Farm and lived in Bower House until six years ago. This was his own private house and not associated with the farm. Some 10 years ago he bought New House Farm, Polstead and managed the two farms as a single agricultural holding while living in Bower House. Six years ago he purchased New House farmhouse and sold Bower House but continued to farm the two holdings as a single agricultural unit.
- Both Bower House Farm and New House Farm are for sale by their two separate owners HC&P Baker Ltd and Michael Baker, who is retiring from farming.
- Both farms are close together and were easily farmed as one entity.
- William Baker lives adjacent to Bower House Farm and took responsibility for the conservation aspects, on most days walking some part of Bower House Farm.
- Michael Baker and William Baker have provided an almost continuous presence on Bower House Farm, in addition to one full time employee. As a result of the sale they will no longer have any involvement and as a consequence of these changes in ownership there is a need for someone to live on this large and highly productive holding.
- Recent history of the dwellings associated with Bower House Farm:
 - 1976 Mr Gales sold the farm and house to a pension fund (retaining the other property The Chace). Bower House was occupied by various farm managers and employees working at Bower House Farm.
 - 1983 Edward Baker Ltd bought farm and house.
 - 1984 Bower House sold to Michael Baker (employee of Edward Baker Ltd) and farm managed by Cyril Thompson who lived in Boxford on the very edge of the farm. As 2005 is 21 years since 1984 the statement in the report that the last dwelling associated with the farm was sold over 20 years ago is correct.
 - 1989 Bower House Farm bought by Mr and Mrs Hugh Baker (HC&P Baker Ltd) and farmed by their son Michael Baker still living in Bower House.
 - 1992-1998 Michael Baker purchased land to form New House Farm, Polstead.
 - 1999 Michael Baker bought New House farmhouse and moved there.
 - 1999 In accordance with the 21 year pre-emption clause imposed in the 1980s when Edward Baker Ltd sold The Bower House to Michael Baker, it was offered to HC&P Baker Ltd. For largely economic reasons HC&P Baker Ltd decided not to buy and it was sold to Mr and Mrs Bonner.
- The applicant has been involved with farming, albeit on a smaller scale, for the last 15 years. He intends to keep people employed and support local businesses where necessary.
- The dormice or greater crested newt population will not be affected by the house and the applicant would be anxious to meet SWT for their views on conservation.
- Farm thefts are common and equipment has recently been stolen from farms in the Hadleigh area and a well-used public footpath crosses the site increasing the security problem.
- The DEFRA Code of Practice for Welfare of Livestock – Sheep requires compliance with legally enforceable animal welfare considerations and codes of practice.
- The applicant is running down his building and development business
- The proposed farming operations are essentially a continuation of the farming system carried out by HC & P Baker Ltd

- It is the view of the applicant, his advisors and many farmers in the area that it is essential for the applicant to live on site for the operations to run efficiently, profitably, safely and with proper regard to the wildlife and landscape conservation aspects of the farm. Therefore, the applicant has concluded that it would not be prudent to make an outlay of £1.5 to purchase Bower House Farm if he cannot actually live on it.
 - The applicant acknowledges and accepts that any planning permission would be subject to an occupancy restriction and would also accept a personal permission and would enter into a Section 106 legal agreement to this effect.
 - The applicant would also agree to a legal requirement not to sell away any of the buildings or land to less than 450 acres.
 - Reference is made to an application for planning permission at Park Farm, Clay Hill, Aldham (B/04/01717/FUL). The agent suggests that this application has many similarities to the current proposal. The case was recommended to Development Committee for refusal. However the application was by the Committee as it was considered that it met with Development Plan policy.
4. The applicant's agricultural justification for the proposed development is set out in a detailed report produced by an agricultural consultant. The report concludes that:
- Bower House Farm is a very fine example of a self-contained farming unit with highly productive soil and modern farm buildings.
 - Bower House Farms Ltd will be a substantial business with excellent short, medium and long term viability.
 - Someone living and working on site taking an everyday interest in the surrounding environment will best preserve the valuable landscape features and habitats on the farm.
 - It is essential that the applicant lives on site to farm the holding in an efficient manner with reduced risks in terms of general compliance, safety and security.
 - The requirement for a farmhouse is immediate.
 - A suitable, easily accessed, well serviced and unobtrusive site for a farmhouse exists close to the farmyard.
5. Members may inspect the full supporting statements at this office on prior arrangement with the case officer.

RELEVANT HISTORY

6. None

POLICY

PPS 7 – Sustainable Development in Rural Areas; extracts from Annex A – Agricultural, Forestry and Other Occupational Dwellings.

7. One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. There will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

8. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing: -
 - There is a clearly established existing functional need, for example, if workers are needed to be on hand day and night, to deal quickly with emergencies that could otherwise cause serious loss of crops or products.
 - The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement.
 - The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.
9. In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.
10. New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain.
11. If a new dwelling is essential to support new farming activity whether on a newly created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure that can be easily dismantled, or other temporary accommodation. Temporary permissions should not be granted where permanent dwellings would not be permitted.

12 **PPS9 – Biodiversity and Geological Conservation**

The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

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

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

Suffolk Structure Plan 2001

- Policy CS3 – Location of housing development
- Policy ENV3 - Design standards
- Policy ENV 4 – Landscape quality and character of the countryside
- Policy ENV 6 – Agricultural dwellings
- ENV19 (conservation of ecological assets).

Babergh Local Plan Alteration No.1

- Policy LP18 – Design of new housing
- Policy LP93 – Landscape quality and character of the countryside
- Policy LP101 (protection of wildlife habitats)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS04 – Housing in the countryside
- Policy CR01 – Protection of the countryside
- Policy CR10 – Landscaping of new development in the countryside
- Policy CR24 – Agricultural dwellings
- Policy CN01 - General Design
- CR14 (protected Species)
- CR16 (mitigating effects on biodiversity)

OBSERVATIONS

14. PC – Need does not appear to be conclusively proven particularly in relation to PPS7 Annex A. More information should be provided by the applicant. The proposed dwelling should be sited nearer than 120 metres from the farm buildings.
15. CHA – Polstead Bridleway 5 crosses the site and is obstructed by two farm buildings. The applicant should be alerted to the obstruction and encouraged to apply for a diversion of the bridleway under the Highways Act 1980.
16. EA – Standard response for small residential development with private treatment plant.
17. SWT – Without assurances that the dormouse population is to be safeguarded register a holding objection. Dormice are a ‘European protected species’. Every hedgerow and woodland surveyed to date has been found to contain hazel dormice. Additional details give great cause for concern: If intensive woodland and hedgerow management were to be introduced there is a very high risk that the dormice population would be eliminated from this site and this would constitute an illegal act.
18. Letters – 66 letters received, 20 of objection (from 19 objectors) and 46 of support. The following comprises a summary of the objections and issues raised:

Objections

- An off-site farmer has run the farm for 6 years, the farmhouse having been sold off, proving a new dwelling on site is unnecessary.
- If farmed by a contractor as now, nothing has changed to warrant a permanent presence on site.
- Location of dwelling away from present house and farm buildings provides little security and would be obtrusive in what is a delightful area of unspoilt countryside.
- Doesn't satisfy the tests detailed in PPS7 as no existing functional need.
- Contrary to Local Plan Policy CR24.
- Already built and disposed of for these 595 acres (total 8 farms) are 18 dwellings in total.
- The farm has never had animals so no justification exists.
- Proposed house will be an eyesore from the public footpaths and bridleway, ruin this greenfield site and cause damage to the environment, wildlife and nearby Special Landscape Areas.
- A few livestock have been kept here in the past with no necessity for worker accommodation.
- The report states there are currently 50 sheep on the farm, at the time of submission and since then there have been no sheep on the farm.
- The proposal argues the farmhouse is required for an office but an office already exists on site.
- No evidence of security problems at Bower House Farm.
- The report states Mr Keeble has relinquished other business interests to concentrate solely on agriculture but he remains involved in development projects in Hadleigh.
- If there is a need it should be proven by living in a temporary structure/caravan for at least three years.
- There are numerous residential properties in the vicinity of the farm and Mr Keeble is currently selling a plot of land with planning permission for a five-bedroom house in Polstead Heath 1 mile away from Bower House Farm.
- The protected Great Crested Newt has been recorded on the site.
- The last dwelling associated with the farm was sold off less than 20 years ago.
- The very narrow access lane cannot take any more traffic.
- Approval would set a precedent to establish residential development on agricultural land.
- The grain drying system relates to very seasonal work and sheep are not kept on the holding all year.
- The proposed farmhouse will be clearly visible from our property and the neighbouring farm.
- There is no justification for 24 hour on site management to comply with the requirements of DEFRA and the Assured Combinable Crop Scheme (ACCS) as these inspections occur during normal working hours.
- A requirement to protect crops from pest damage is of no merit whatsoever.

Support

- It is essential that the landowner lives on the farm to maintain profitability and security in very difficult times for farming and to continue to provide the environmental benefits.
- Anyone willing to enter farming on such a large scale should be encouraged.
- This is one of the most productive areas of Europe and the applicant is encouraging an agricultural restriction to be placed on this dwelling.

- Many years of hard work have been put into the stewardship scheme and it would be a tragedy if this was lost and split into smaller lots.
- There is a functional need for a dwelling on the premises of a large arable farm of 650 acres.
- The farm has been on the market for quite some time and it seems Mr Keeble is the only person who wishes to buy the farm in total.
- The prominent new farmhouse being built in Aldham is very acceptable to the eye.
- As a local business we support the sale of the farm to a local man.
- Mr Keeble has been farming 30 acres of land adjoining the present farm since 1990.
- To comply with the CSS scheme in place and for animal welfare reasons sheep should not be left unattended.
- Living on site is essential at harvest time particularly during a wet summer/autumn to constantly monitor the drying equipment.
- There is a footpath running within 20 feet of valuable machinery, grain, fuel and stores that needs constant surveillance.
- Agricultural deliveries often take place outside normal working hours so a resident worker on site will be able to assist in taking and storing deliveries.

ASSESSMENT

19. Planning Policy Statement 7 and policies ENV4, ENV6, LP93, HSO4, CR01 and CR24 are most relevant to the determination of this proposal.
20. The application seeks outline planning permission for the erection of an agricultural workers dwelling in association with 264 ha (653 acres) agricultural land. All matters are reserved for future approval except the means of access. However, in the agent's covering letter accompanying the submission of the application and dated 19 October 2005 he describes the proposed dwelling as being 280 sq. metres.
21. Established planning policy seeks to prevent the erection of any new dwellings in the countryside unless there is an agricultural case based upon the need of a key worker to live on the site. The applicants have submitted evidence to support the application in accordance with the advice given in PPS7. An independent chartered surveyor and rural planning consultant was instructed to provide an appraisal of the evidence submitted by the applicants against PPS7 - Annex A, on behalf of the Local Planning Authority. The appointed consultant visited the proposed site and agricultural land in December 2005.
22. The consultant's detailed report has now been received, which comprises background information upon the existing farming operations at the site and then goes on to appraise the functional and financial needs of the proposal. The full report can be viewed by arrangement with the case officer, however the salient points are summarised as follows:-

Background.

The application arises from the offering for sale in lots of Bower House Farm. The applicant has agreed to buy both lots (which include the existing farm buildings) subject to planning permission being given for a new farmhouse. There are no houses being sold with the farm.

Members of the Baker family have run the farm as an arable unit for 22 years. Most recently Michael Baker, who managed the arable enterprise and his brother William, who specialised in the conservation side. In 1999, the Bower House, the original farm house and sited close to the farm buildings was sold away from the farm.

The applicant has a career in the building business and is now in his late fifties and wishes to retire and become a full-time farmer managing Bower House Farm for the production of high yielding combinable crops. He also wishes to develop further wildlife and landscape conservation.

The applicant is a farmer's son and his wife is an experienced bookkeeper and would manage the farm office.

The applicant currently occupies a small arable farm of 10ha (25 acres) adjacent to Bower House Tye. This was purchased in 1993. This together with the proposed areas of land to be purchased would bring the total holding to 264.2 ha (652.8 acres).

The holding includes 17.6 ha (43.5 acres) of woodland and 5.4 ha (13.5 acres) of grass, the latter is subject to a Countryside Stewardship agreement with DEFRA and can support 60 ewes. Most of the remainder is in arable cultivation. The land is mainly grade 2.

The farm is well equipped with a range of crop stores and general-purpose buildings. The grain store and handling facilities are a little older, less efficient and more labour intensive.

The applicant proposes to form a new farming company, Bower House Farms Ltd. He would personally manage the farm, carry out most of the lower horse-power operations, establish a sheep flock to comply with the Countryside Stewardship Scheme and continue with the woodland/conservation activities. He would employ a contractor for the higher horse-power operations and those requiring specialist equipment.

The previous owners employed a contractor who has now been made redundant but who, it is suggested could be re-employed and resume work at Bower House Farm. The contractor lives at Little Waldingfield.

Appraisal

Annex A to PPS 7 sets out the criteria that local planning authorities are advised to use for establishing the need for permanent agricultural workers dwellings. These criteria assume that the business requiring the dwelling is already established. In this case the applicant is Bower House Farm's Ltd. On behalf of the applicant. The applicant is a sole trader on his own small farm, thus the farming company has not yet traded.

The Annex requires a clearly established existing functional need. Without owning Bower House Farm, the company has no existing functional need for a dwelling.

The Annex states that the need relates to a full time agricultural worker. The applicant is not yet a full time agricultural worker.

The Annex states that the unit and agricultural activity have been established for three years and must show profitability in at least one of them. Although currently farmed by the present owners the proposed new farming company has not yet traded and could not demonstrate a set of farm accounts for at least 18 months if the sale were to go through shortly.

The Annex states that where new enterprises are concerned consideration should be given to temporary accommodation for a period of three years in order that viability and other tests can be satisfied.

If the application were to be refused on the grounds of non-compliance with the existing functional need the applicant may consider moving to a mobile home on the farm in order to satisfy the test. He may however decide to go ahead with the purchase while managing the holding from his existing home. The report therefore looks at the potential for whether the functional need might be met after three years.

The Functional Test

*The functional test is crucial. If this test fails then the rest of the justification falls. The Annex explains that functional need arises where there is an **essential** need for the proper functioning of the enterprise for one or more workers to be available at most times.*

*The structure of arable farming has changed rapidly and it is now quite possible for a substantial farm such as Bower House Farm to be managed, together with the land, with no one living at the centre of the operations. This has been the case for the last six years since the current owner moved to New House Farm. From a farming point of view this is not an ideal situation but it is possible and as such it cannot be said that it is **essential** for such a farm worker to live close by.*

If the sheep enterprise were to be established, a degree of need arises if they were to be housed for part of the year and particularly at lambing time. This would not alone justify a permanent dwelling, because the element would only form a small part of the business.

The arable year would see a peak of activity at harvest time only in exceptional circumstances would night time supervision be needed and then only for a matter of days.

*The question of health and safety; deliveries; security and pest control are also considered and it is concluded that these issues in themselves do not justify permanent residential occupation of the site. It is concluded that whilst it might be desirable the need is not **essential**.*

Other tests.

The financial business plan was considered to be sound and realistic and shows a modest annual profit once the business is established. However, the length of time over which the applicant would be able to fulfil the role of a full-time agricultural worker is also queried.

It is acknowledged that there are no other dwellings currently available within the vicinity but it is concluded that one may well come on to the market.

The content of the report is noted and hence the assessment is thus based on the following: - impact on landscape; functional need (including the availability of other suitable dwellings); financial need (the proven profitability of the business for a period of three years and its future viability and sustainability); and, other material planning considerations (including highway safety issues and wildlife protection).

Landscape Impact

The proposal would have significant adverse visual impacts upon the qualities of the character of the countryside. The site is isolated from the surrounding built development and indeed from the existing farm buildings and as a result would be extremely prominent within the landscape setting.

The Functional Need

The report commissioned by the Council concludes that there is no functional need for a permanent residential presence on site and that even were the farming operation to be established this would still remain to be the case. It is also acknowledged that whilst no properties are available at present that one may become available in any case. Finally, it should be remembered that the existing operations have functioned over a number of years without the need for an agricultural workers dwelling.

The Financial Test

The report concludes that the business plan is realistic and sound and capable of producing modest profits once the business has been established. In terms of whether the operations could be reasonably sustained the report questions the applicant's ability to continue the role of an agricultural worker over a sustained time period, given that it is the applicant's intention to retire in order to establish the company at Bower House.

Other Planning Considerations.

The CHA raise no highway objection to the proposal. There is a holding objection from the SWT re the impact of the proposal on wildlife (and particularly dormice which are a protected species).

RECOMMENDATION

Refuse planning permission:-

- The development would result in a new dwelling in the countryside that has not been proven to be essential for the efficient operation of agriculture contrary to PPS7, ENV4, ENV6, LP93, CR01 and CR24

DECISION

EAST BERGHOLT – THE BEEHIVE PUBLIC HOUSE, GASTON END

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

Applicant: Hills Residential Ltd

Case Officer: Clare David

Background

Members will recollect that planning application b/05/00042/ful was reported to development committee on 14 September 2005 with an officer recommendation of approval. Members resolved to refuse the application and a decision notice was issued on 14 September 2005 in accordance with members instructions. the reasons for refusal were on two grounds:

- that the applicant had not demonstrated that the retention of the site for other commercial uses had been fully explored
- that the form, siting, design and mass of the proposed dwellings would detrimentally impact upon the character of the surrounding area and visual and residential amenity.

The full reasons for refusal are reproduced as follows:-

An appeal against the Council's decision was made on 13 October and is to be heard at a Public Inquiry (the date for which is yet to be set). Members are also advised that in accordance with Committee instructions (Minute No.83 of 4 January 2006) the Council has advised the appellant and Planning Inspectorate that it no longer wishes to pursue the defence of the refusal on the basis of policy ECON3 of the Suffolk Structure Plan, policy LP47 of the Babergh Local Plan Alteration No. 1 and policy EM15 of Babergh Local Plan Alteration No. 2 (2nd Deposit Draft). The remaining reason for refusal relates to issues of design and layout.

The current application is submitted in order to address the outstanding issues.

The following represents the full report that was presented to Committee in September of last year **with the updated and the additional information included in *bold italic type***.

SITE

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

PROPOSAL

2. See report heading. The application proposes the erection of 5 no. dwellings and creation and layout of ancillary car parking areas and new vehicular access onto Gaston End.

3. The proposed development comprises 1 no. 3 bed and 4 no. 2 bed properties in the form of one detached dwelling fronting Fiddlers Lane and two pairs of semi-detached dwellings fronting Gaston End.
4. The proposed dwellings are of the following approximate dimensions:-
 - Plot 1 - Ridge height 8.0m, width 9.5m, depth 5.5m
 - ***Plot 1 – Ridge height 6.5m***, width 9.5m, depth 5.5m

(The reduction in ridge height has been achieved by dropping the eaves height and introducing dormer windows). The property has been repositioned further back into the site and is now 4m from the back edge of the grass verge as opposed to the originally proposed 3m.

 - Plot 2 – Ridge height 8.1m, width 9.6m, depth 10.75m
 - Plot 3 – Ridge height 8.0m, width 9.4m, depth 6.2m
 - Plot 4 – Ridge height 8.2m, width 5.5m, depth 10.0m
 - Plot 5 – Ridge height 7.5m, width 8.1m, depth 5.0m
5. Each property is to be served by 2 no. Car parking spaces (a garage being one of these in relation to Plot 4), sited within a communal parking area to the rear of the properties. The car parking area is to be accessed via a shared access onto Gaston End, sited centrally between Plots 3 and 4.
6. The applications are accompanied by a Planning Statement and Architectural Design Statement submitted in support of the application. These documents are relatively lengthy and Members wishing to see the complete text (and graphics) should make arrangements with the Case Officer directly. ***This is also the case with the current application.***
7. The following comprises a summary of the salient points raised within the Architectural Design Statement: -
 - Scheme draws upon the influences of the sites unique setting and surrounding context;
 - Reference has been made to the Suffolk Design guide;
 - Materials and details will reflect the surroundings and will include red and cream facing brickwork, colour-washed render, slate and plain tiled roofs as well as painted timber windows; and
 - Other design solutions have been considered including a terrace, but discounted on viability and design grounds.
8. The following comprises a summary of the salient points raised within the Planning Statement: -
 - Public House (now demolished) had been under-performing for a number of years and within 300m there are two other Public Houses. Viability could not be maintained largely due to the number of alternative premises within the village;

- Consideration has been given to the potential for alternative community or employment uses:
 - a) Retail – Village supports varied selection already. Use of site for retail would erode the viability of existing shops and conflict with Government advice to locate retail facilities centrally. Retail use would also encourage car journeys;
 - b) Office/Employment – potential for traffic, noise and disturbance. Site is small and would not be suitable for workshop or storage;
 - c) Community Use – Village already well served. Site not of sufficient size to be viable or appropriately located;
 - d) Hotel/B&B – Original PH was of insufficient size to be viable. Any required extension would have resulted in loss of parking and increased intensification of use leading to traffic and residential issues.
 - It is not considered that the redevelopment of the site for residential use would in any way prejudice the social or economic viability of the village and would positively contribute to supporting the local village community; and
 - Scheme will provide an appropriate, sustainable development for this village location, complimentary to the distinctive character of the village and reflective of its immediate surroundings.
9. The application was originally submitted seeking permission for the erection of 5 no. three bedroom houses, 2 no. one bedroom apartments and 1 no. two bedroom apartment with layout of new vehicular access and paving area. This proposal has now been superseded by the development referred to above and the revised plans and information now form the basis of the application. The application was re-advertised and a further period of public consultation undertaken. The period for public consultation has now expired.

PLANNING HISTORY

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

POLICY

PPS1 (Delivering Sustainable Development)

12. Promote the more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. Planning should seek actively to bring vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the Government has set for development on previously developed land.

13. Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

PPG3 (Housing)

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

PPS7 (Sustainable Development in Rural Areas)

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

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

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

Suffolk Structure Plan 2001

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

Babergh Local Plan Alteration No.1

- Policy LP4 (Villages)
- Policy LP5 (Villages)
- Policy LP17 (Infilling)

- Policy LP18 (Design of new housing)
- Policy LP47 (Retention of existing employment sites)
- Policy LP146 (Car parking)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS02 (Villages)
- Policy HS03 (Villages)
- Policy HS08a (Affordable Housing)
- Policy HS11 (Housing Density)
- Policy HS12 (Infilling)
- Policy HS14 (Housing layout and design)
- Policy HS16 (Public Open Space)
- Policy EM15 (Retention of employment sites)
- Policy CR32 (Protecting existing village facilities)
- Policy CR33 (Retention of Public Houses)
- Policy CN01 (General Design)
- Policy CN31 (Development design and crime prevention)
- Policy TP18 (Car parking)

OBSERVATIONS

Original Plans

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

If change of use were permitted:-

- The proposal seeks to put too many dwellings on the site.

- There is inadequate recreational space for the likely number of residents.
 - There is totally inadequate provision for car parking for the number of dwellings and there would inevitably be overspill parking onto either the busy B1070 or adjacent roads such as Beehive Close.
 - A vehicle access is shown onto Fiddlers Lane, which is far too narrow at that point to permit vehicles to safely turn in and out;
 - The internal layouts suggested show a very tight space on the stairs so that it is likely that delivery of furniture to the upper floors would be extremely difficult.
 - The visual impact of this massive development from Gaston End on the B1070 would be inappropriate for the location, close as it is to a conservation area; and
 - The visual impact from dwellings in Fiddlers Lane would be intrusive.
24. Letters – Nine letters of objection. The following comprises a summary of the objections and issues raised: -
- Commercial use should be explored;
 - Too many units;
 - Lack of consideration to residents of Fiddlers Lane;
 - Highway concerns
 - Car parking
 - Misrepresentation of affordable housing;
 - Out of scale, not in keeping and over-developed;
 - Difficult to conceive any commercial use of the site to be acceptable;
 - Site should be residential and provide smaller units of accommodation;
 - Overhead electricity cables should be put underground at the expense of developer;
 - Terraced houses should be considered;
 - Side access to No.1 Ellesmere Cottages must be preserved; and
 - Height of buildings will dominate the surrounding buildings.

Amended Plans

24. PC – Recommend refusal. Council is of the opinion the development is not in keeping with the street scene. In addition, Council is concerned with regard to the roof heights and steep pitch of roofs, particularly of the property facing Fiddlers Lane.
25. CHA – No objection subject to the imposition of three planning conditions.
26. SPS – Formally objects. The Society considers this to be a depressing pastiche, which will contribute and add nothing to East Bergholt. It is hoped that this scheme will be refused as it surely must be and a more imaginative and appropriate proposal negotiated.
27. Letters – Three letters of objection have been received and one letter with supporting comments has been received.
28. The objections raised are as follows:-
- Disappointed a street-scene showing Fiddlers Lane has not been presented, therefore not making it possible to assess the proposed height of the buildings.
 - Height (of Plot 1) will adversely impact on the low rise dwellings that currently exist in the lane.

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

29. The supporting comments raised are as follows:

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

OBSERVATIONS RECEIVED AS A RESULT OF THE ADVERTISEMENT OF THE CURRENT APPLICATION

PC – Recommend approval but requests that service cabling is sited underground.

One letter – no objection to the development per se. The developer seems to have addressed the concerns raised and has set the dwelling back to the building line established with 21 Fiddlers Lane. In addition, the height of the dwelling seems to have been reduced although it still leaves an unattractive, unbroken gable end to dominate the Lane. It is questioned whether a hipped roof might be more appropriate. It is also queried whether the submitted street elevations are accurate. The writer requests clarification as to the height of the proposed dwelling in relation to her own property.

ASSESSMENT

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

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

Policy Considerations

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

Retention of Village Facility

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

36. In this instance The Beehive formed one of several public houses and other forms of eating establishments within the village, many being housed within listed buildings. The former building was of a generally poor standard of repair and appearance, and offered little in the way of visual amenity, on what is considered an important entrance approach route into an historic village of considerable visual interest and acknowledged importance. Furthermore, the village already supports local shops and benefits from extensive community facilities and local employment sites.
37. As such, a marketing campaign aimed at either attracting a new public house use or other form of community or employment use was not considered necessary nor indeed reasonable. It is thought that the most appropriate use of the site would be for a residential development. This was concluded on the basis of the proximity of the site to residential properties, level of existing facilities and siting on the edge of the village, which would be likely to attract significant trip generation for any type of further community/employment use.
38. *Members will note that the reason for refusal on the grounds of a lack of a marketing campaign have been withdrawn as a result of the Committee resolution on 4 January 2006.*

Impact upon residential amenity

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

Design and layout

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

Highway Issues

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

Affordable Housing

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

Public Open Space Contributions

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

Conclusion

55. In view of the above and having regard to the relevant development plan and its policies, the following recommendations are made.
56. *The revisions to the refused scheme are considered to address the previous concerns expressed by Members. The proposed design and layout is considered to be appropriate to the location having regard to surrounding development and the scheme provides for the necessary affordable housing and open play space contributions.*

REASON FOR APPROVAL

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

RECOMMENDATION

The Solicitor to the Council be authorised to secure a legal obligation in respect of the provision of affordable housing and the payment of contributions towards public open space.

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

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

DECISION

ITEM 15

B/05/01917/FUL
FULL

LEAVENHEATH – OAK COTTAGE, BREACH GROVE, KINGSLAND LANE

Erection of detached two-storey dwelling (existing dwelling to be demolished).

Applicant: Mr G Barrell

Case Officer: Mrs Clare David

SITE

1. The proposed dwelling is sited approximately 190 metres back from the access off Kingsland Lane. The application site is approximately 60 metres wide, and 270 metres deep and encompasses an area of 1.73 hectares. The site lies outside any built up area boundary and abuts a Special Landscape Area to the west and an Area of Outstanding Natural Beauty to the south. The whole site is a designated County Wildlife Site (and adjacent lane) and is both ancient and TPO woodland.

PROPOSAL

2. This planning application seeks permission for the erection of a two-storey dwelling following demolition of the existing weatherboarded and corrugated iron building.
3. The dwelling would provide the following accommodation at ground floor level:
 - Living room, wc, hall, 1 bedroom and kitchen.

4. The following accommodation is provided in the roof space:
 - 2 bedrooms and 1 bathroom.
5. The overall floor area is approximately 92.5 square metres.
6. The dwelling measures 10 metres wide by 6 metres deep and has a maximum ridge height of approximately 5.9 metres with the chimney extending to approximately 6.8 metres in height.
7. It is proposed to construct the dwelling with a dark red brick plinth and black weatherboarding (to match the adjacent barn) with a slate roof.
8. One letter has been submitted in support of the application. The following comprises a summary of the points raised: -
 - The site comprises Breach Grove, 1.5 ha of Ancient Woodland, which is covered by a TPO. The woodland and adjacent lane is designated a County Wildlife Site.
 - To the northern end of the woodland there is a small derelict shack that has a lawful use as a dwelling.
 - Appeals against two refusals for replacement dwellings were dismissed in 1998 because in both cases the proposed dwellings were considered too large in comparison with the original shack to comply with the policy LP8 for replacement dwellings.
 - B/00/800/FUL was considered at Development Committee and Members resolved to adopt the recommendation to grant planning permission subject to the receipt of revised drawings reducing the overall ridge height of the dwelling and alteration to the external finishes to incorporate weatherboarding and slate tiles, otherwise to refuse. Suitable plans were not received and the application was refused.
 - There is currently a mobile home in residential use on the site. An enforcement notice required its removal within 6 months but the appeal was allowed and planning permission granted for a temporary period of 15 months, essentially while a replacement for the existing dwelling is negotiated, approved and constructed. Clearly the Inspector would not have taken this approach if he didn't consider there was potential to resolve this matter.
 - The Inspector notes in the appeal decision letter that the Council accepts that a suitably modest replacement dwelling is acceptable in principle. The agent states that it is his recollection that the Council not only confirmed this but also indicated that a one and a half storey dwelling would be acceptable in principle.
 - A flexible approach to the interpretation of the replacement dwelling policy LP8 has been taken at Kiln Cottage, Hintlesham. B/01/1882/FUL approved a two-storey extension amounting to an increase in floor area of 154% and it was considered that the size requirement of policy HS17 (extensions to existing dwellings) could be set aside as it was clear the existing property would not be affordable to most first time buyers due to the significant plot size. Issues that are also clearly relevant to proposals for replacement dwellings. It was then discovered the existing dwelling had poor foundations so demolition and total rebuild as previously submitted was the most practical solution. B/02/879/FUL subsequently approved a two-story dwelling representing an increase in floor space (including garage) of 267%. B/04/653/FUL approved a revised replacement dwelling, and B/02/879/FUL was seen as material to determination of the proposal for a replacement dwelling of similar size. Reference was made in the committee report to the accompanying text of policy HS05 confirming that a significant enlargement in the overall floor area of a replacement dwelling will be considered when the

existing dwelling is very small or the extent of the site would enable a larger dwelling to be in proportion. The positioning away from the original was also considered to offer environmental improvements.

- This is a very modest replacement dwelling that provides a limited but reasonable standard of family accommodation for the applicants and their four children. The gross ground floor area is only 60 square metres, with an additional 32.5 square metres in the roof space and is smaller than both previous schemes dismissed on appeal. The internal ground floor area is only 4.25 square metres larger than the scheme considered acceptable in 2000.
- The use of materials and colouring will ensure the dwelling is lost in the woodland setting.
- Officers have indicated in informal discussions that they wish to see a single-storey dwelling rather than one and a half storey, but there is little difference in terms of the overall impact on the character of the area if accommodation is provided in the roof space.
- The dwelling represents more than a 30-35% increase in the size of the original but such an increase could not comply with building regulations.

RELEVANT HISTORY

9. 1973 - Planning permission refused for erection of single dwelling in connection with smallholding – S/73/646/FUL.
10. 1992 – Application for Certificate of Lawfulness for use of building as dwelling – Refused – B/92/1202/CEU.
11. 1992 – Enforcement Notice Served – B/92/00272.
12. 1994 – subsequent appeal allowed and enforcement notice quashed.
13. 1997 - Planning permission refused for erection of two-storey dwelling and alteration of existing buildings to form triple carport, store and shed (existing dwelling to be demolished) – B/97/1031/FUL. Appeal dismissed.
14. 1998 – Planning permission refused for erection of single-storey dwelling and alteration of existing buildings to form triple carport, store and shed (existing dwelling to be demolished) – B/98/157/FUL. Appeal dismissed.
15. 2000 - Planning permission refused for erection of single-storey dwelling (existing dwelling to be demolished) – B/00/800/FUL.
16. 2003 – Enforcement Notice quashed and temporary planning permission granted for stationing of a mobile home – B/03/368.
17. 2004 – Planning permission granted for external alterations to former agricultural building – B/04/02041/FUL

POLICY

PPS9 (Biodiversity and Geological Conservation)

18. Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (e.g. as a SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat.

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

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

Suffolk Structure Plan 2001

- Policy ENV3 - Design standards
- Policy ENV4 – Landscape quality and character of the countryside
- Policy ENV6 - New housing in the countryside
- Policy ENV7 – Areas of Outstanding Natural Beauty
- Policy ENV8 – Special Landscape Areas
- Policy ENV17 – Protection of trees and woodland
- Policy CS3 - Location of new housing

Babergh Local Plan Alteration No.1

- Policy LP08 - Replacement dwellings
- Policy LP18 - Layout and design
- Policy LP93 – Landscape quality and character of the countryside
- Policy LP95 - Areas of Outstanding Natural Beauty
- Policy LP97 – Special Landscape Areas
- Policy LP101 – County Wildlife Sites

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS05 – Replacement dwellings
- Policy HS04 – Housing in the countryside
- Policy HS14 - Layout and design
- Policy CR01 – Protection of the countryside
- Policy CR02 - Areas of Outstanding Natural Beauty
- Policy CR05 – Special Landscape Areas
- Policy CR13 – County Wildlife Sites
- Policy CR15 – Protection of trees
- Policy CN01 - General design

OBSERVATIONS

20. PC – To be reported if available.
21. Nayland Parish Council (Adjoining PC) – Object. Previous conditions set by the Appeal Inspector in March 2005 have not been met e.g. improvements to the bank on the western boundary. No permission should be given until these conditions are met, it is also unclear whether permission was given for alterations to the barn.
22. CHA – Recommend imposition of standard highways conditions.
23. Archaeology – No objection.
24. SWT – Object. Breach Grove is a small ancient woodland County Wildlife Site linked to Kingsland Lane that contains ancient hedgerows and species-rich verges. Ancient woodland is a very scarce resource. The woodland has suffered from disturbance in recent years including the laying of a concrete pad and storage of building materials. A management plan has been produced to provide guidance to promote restoration of those damaged areas.

Concerned by the proposal particularly as the ancient woodland is shown as curtilage and could therefore be considered as garden. Semi-natural habitats can deteriorate in quality if incorporated into garden particularly through changes in management over which there is little control. PPS9 states planning permission should not be granted for development that would result in its loss or deterioration (unless the benefits outweigh the loss). Our concerns relate not just to the trees but also to the ground flora of this habitat.

25. NWCS – Object because the proposal effectively creates a new dwelling in the countryside, contrary to the local plan.
26. Letters -One received. The following comprises a summary of the objections and issues raised: -
 - In the 19 years I have known this site a succession of owners have removed mature oak trees and hedges and scraped away a considerable amount of topsoil which used to grow wild flowers. It is inevitable the proposed works will do even more damage to this fragile environment.
 - A two-storey building would be clearly visible from Kingsland Lane which is a very popular, unspoilt Green Lane used by a lot of local people.

ASSESSMENT

27. Subsequent to the Inspector's appeal decision in 1994, the existing building on site has a lawful use as a single dwelling. The relevant Development Plan policies to the determination of this application are LP08 and HS05 that relate to replacement dwellings in the countryside.
28. The current application proposes the replacement of the existing single storey building, which measures 31 sq. metres, with a property of 92.5 sq. metres over two floors – a 298% increase. The application considered by the Council in 1998 for a replacement single storey dwelling had a total floor area of 100 sq. metres (i.e. a similar floor area to that currently proposed). This application was refused and subsequently dismissed on appeal. The Inspector concluded that the proposal would materially harm the character and appearance of the surrounding countryside.

29. In 2000 the Council considered a further application for a replacement single storey dwelling. This proposal had a footprint of 48 sq. metres. This represented a 53% increase. Members resolved to approve this application subject the receipt of amended plans to illustrate a reduction in the overall ridge height of the proposal and the use of slates and weatherboarding in lieu of the proposed red face brick and concrete roof tiles. Amended plans were not submitted and the application was subsequently refused.
30. The current application is not considered to be acceptable by virtue of its height and overall increase in floor area. Policy HS05 of the emerging local plan refers in the preamble to a maximum increase in floor area of 35%. It is accepted that, in this particular instance, an increase of 35% is unrealistic to achieve a reasonable standard of accommodation. This was something that was recognised in the Council's earlier resolution to approve a replacement dwelling increasing the floor area by 53%.
31. With reference to wildlife and conservation issues, Breach Grove/Kingsland Lane is designated as a Country Wildlife Site; an Ancient Woodland. This issue has been considered over the course of the numerous applications and appeals dealt with on this site and following the grant of temporary planning permission on appeal a condition was imposed requiring a landscape and wildlife management scheme. This has been received, and in consultation with SWT, has been discharged. The details included improvements to the bank on the western boundary.
32. In view of the above and having regard both to the relevant Development Plan and its policies and the previous history of this site, the following recommendation is made –

RECOMMENDATION

Refuse planning permission: -

- The proposal is contrary to the provisions of LP08, HS05, CN01 and ENV8 in that it would introduce a scale of building inappropriate for the countryside location and would materially harm the character and appearance of the surrounding countryside.

DECISION

HOLBROOK – WOODLANDS, WOODLANDS ROAD

RETENTION OF SINGLE-STOREY EXTENSION AND DETACHED STORAGE BUILDING

Applicant: S C H (Supplies) Limited

Case Officer: Mrs Clare David

BACKGROUND

This application is the consequence of an enforcement investigation in October last year following a complaint relating to the erection of an extension and a storage building at the business premises.

SITE

1. The site is located at the end of Woodlands Road in the countryside to the north west of the village. It is a former farmyard alongside the house which is occupied by the Director of the applicant company.
2. A business use has subsisted at the premises for several years, originally within a central group of buildings. Subsequent planning permissions have been granted since 1996 for the continuance of the use plus extensions and an office building (the latter has not been implemented).
3. Woodlands is on the eastern edge of the boundary to (Dodnash) Special Landscape Area.

PROPOSAL

4. The application seeks permission to retain a single-storey extension and a detached storage building, both buildings being at the rear of the premises. They were erected in the summer of last year to replace another building at the premises destroyed by fire in July.
5. The extension is 17.5 metres wide by 7.4 metres long (being extended from the same width of the adjacent building) with a lean-to roof of 2.8 metres height sloping down to 2.1 metres. It extends onto the rear of a taller building granted permission in 1998 (B/98/01579) which in turn is a lean-to extension to an earlier building granted permission in 1996 when the site use was approved for the fabrication and production of agricultural and horticultural machinery and garden equipment (B/96/0750). The walls and roof are of green sheeting to generally match the existing.
6. The store is alongside the extension. It has a lean-to roof of a maximum height of 3.6 metres. The footprint size is 10.4 metres by 7.0 metres.
7. Information submitted in support of the application is summarised as follow:-

The fire in July destroyed 95% of stock and the packaging department.

The floor area destroyed was 9,000 sq. ft.

The fire and its financial ramifications led to a reduction in part of the business; i.e. the shredding and composting division.

To keep the company alive a new spray shop and packing area was built plus the storage shed. The floor area of the replacements are significantly reduced from the size of the fire destroyed building.

Without the buildings it is dubious if SCH (Supplies) Limited will continue in its already reduced size. Would not wish to see a long-standing mainly local workforce being made redundant.

The accusation of working outside permitted hours or running heavy goods vehicles is disputed. Drivers use 4 small vehicles which are swapped for deliveries.

Would point out that the milkman delivers at 0430 hours; the neighbouring farmer leaves with an 8 wheel HGV some mornings at 0530 – 0600 hours.

The company order form (copy supplied) states “Deliveries cannot be accepted by articulated vehicles”.

HISTORY

8. 1996 Planning permission granted for continued use of buildings for general industrial use (fabrication and production of agricultural and horticultural machinery and garden equipment) and erection of 2 extension – B/96/00750.
9. 1999 Planning permission granted for lean-to extension. The use to be associated with the agricultural/horticultural machinery fabrication business only – B/98/01579/FUL. (The current application is for an extension to that building).
10. 2001 Planning permission granted for office and storage building to replace existing buildings – B/01/00018/FUL. Not yet implemented and to expire on 5th April 2006.
11. 2002 Temporary planning permission granted until 28th June 2005 for use of poultry house to storage building ancillary to existing garden machinery manufacturing business. Use implemented: B/02/00330/FUL. (It is this building destroyed by the fire last year and it is now removed. The concrete base remains and is presently used for car parking of the workforce and company vehicles).

POLICY

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

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

Suffolk Structure Plan 2001

- Policy ECON1 (Expansion of Existing Employment Uses)
- Policy ENV4 (Countryside Protection)

- Policy ENV8 (Special Landscape Areas)

Babergh Local Plan Alteration No. 1

- Policy LP28 (General Employment)
- Policy LP93 (Countryside Protection)
- Policy LP97 (Special Landscape Areas)

Babergh Local Plan Alteration No. 2 – Second Deposit Draft

- Policy CR01 (Countryside Protection)
- Policy CR05 (Special Landscape Areas)
- Policy CN01 (General Design)
- Policy EM01 (General Employment)
- Policy EM12(a) (Expansion of Existing Employment Uses)

PPS7 – 2004: Sustainable Development in Rural Areas

Paragraphs 17 and 19 support the reuse of rural buildings for economical purposes, including replacement when appropriate in the landscape.

OBSERVATIONS

13. PC - Recommend acceptance.
14. CHA – Comments are made drawing attention to bridleway routes which must remain unobstructed.
15. HoLCS – Draws attention to bridleway network in vicinity of site.
16. HoES – No adverse comments. Is familiar with the business following the fire last summer.
17. EA – Standard advisory comments regarding drainage.
18. Letter of concern from a resident in the locality. Points raised are:-

Great impact that the continued expansion of this business, has had on vehicle traffic, over the last few years.

Notwithstanding the increased staff vehicles (in excess of 20) travelling to and from the premises, morning and evening, the Express Deliveries, lorries and articulated lorry movements have at times exceeded 25 in a given day, during the peak season, with the business's own vans and trucks (6+) contributing further, sometimes from very early morning until late evening.

The origins of this factory unit go back many years, but the continued expansion has caused problems and inconvenience to ourselves and other residents living within the area of Woodlands to the main B1070 to Ipswich.

ASSESSMENT

19. The prime issues in the determination of this application are the presence of an existing business and the impact of the buildings in the countryside. Policies ECON1, LP29 and EM12(a) being most germane.
20. As seen earlier in the report the premises hold permission for the use currently carried out, a use which originally employed 5 to 8 persons and today employs 20. Of this figure 10 persons work at the premises on the constructing and fabrication of the garden and estate machinery; 6 are office staff, 2 – 3 are drivers, with Mr Rodwell the resident in the adjoining house being a Director of the company.
21. The business is thus established with permission granted for extensions since 1996.
22. In terms of scale, size and visual impact the extension and store are both sited at the rear of the premises, behind the existing buildings and at the end of an approach entrance drive of some 100 metres. They are not significant in relation to the much greater floor area already in use and authorised, and they have no demonstrable intrusion into the rural setting around the site.
23. The hours of working given are the same as those on the planning permission B/96/0750, i.e. 8.00 a.m. to 6.00 p.m.
24. There are no objections raised to the design and materials used.
25. Whilst understanding the reasons for the extension and store being erected as a replacement for the July fire it is necessary to advise Members that the fire was at a building which had a temporary use only for ancillary storage, the use expiring on the 28th June 2005. Notwithstanding that fact, however, it is considered the application to retain the two unauthorised buildings is not harmful development in the circumstances of the site use history and its lawful use, and the location of them being well screened from public view.
26. In the light of the prime policies ECON1, LP28 and EM12(a), together with national guidance in PPS7, the following recommendation is made:-

RECOMMENDATION

Grant planning permission, subject to the following conditions:-

Working hours and use of buildings to be the same as earlier permissions, the use being specifically incidental to the existing site use at the unit, and not for any other purpose in Classes B1, B2 and B8.

No industrial processes shall be carried out outside the confines of the buildings.

No retail sales from the site.

Details of the extended hedgerow shown on the site plan; and to be planted in first available season.

DECISION