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Supporting People

E102

BABERGH DISTRICT COUNCIL

DEVELOPMENT COMMITTEE

17TH AUGUST 2005

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

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R J Watson
Head of Planning (Control)
8 August 2005

PUBLIC SPEAKING ON PLANNING APPLICATIONS AT MEETINGS OF THE DEVELOPMENT COMMITTEE

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

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

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

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

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

DELEGATION TO THE HEAD OF PLANNING (CONTROL)

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

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

PLANNING POLICY

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

http://www.suffolkcc.gov.uk/e-and-t/structure_changes/adopted_structure_plan/index.html 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

DEVELOPMENT COMMITTEE
17TH AUGUST 2005

ITEM 1

B/05/303/FUL
FULL

GIFFORDS MEADOW, SHIMPLING ROAD, STANSTEAD,

Erection of building for use as winery and alteration of existing access.

Applicant: John M. Kemp

Case Officer: Christine Thurlow

SITE

1. The application site is accessed off Shimpling Road and is located opposite the existing complex of farm buildings known as Giffords Hall (previously owned by the applicant but sold to new owners of Giffords Hall who are also separately involved in the growing of grapes for wine making). The application site also lies east of Dales Farm (a detached dwelling). Giffords Meadow is an area of land measuring 1.14 hectares which is grassed and is located immediately adjacent to land (owned by the applicant) currently used as his vineyard. The site is in a Special Landscape Area and benefits from tall mature landscaping (deciduous trees and hedging) on all sides including the road frontage.

PROPOSAL

2. The applicant proposes to erect a building measuring 15x10m in size and 4.73m in height (ridge) in the north-west corner of the field. The original plans proposed car parking to be located to the side of the building; however negotiations have secured amended plans which now locate it to the rear of the building so that it will be less prominent from the road as it will be screened by the proposed building. (These changes are currently the subject of re-consultation with the Parish Council and all interested parties). The plans also propose alterations to the vehicular access by its widening so as to allow service vehicles to access the site.

RELEVANT HISTORY

3. 1993 - Outline planning permission refused for the erection of a two-storey dwelling with alterations to existing vehicular access (/93/158/OUT)

POLICY

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

PPS7 – “ Sustainable Development in Rural Areas”

5. PPS7 states that the government’s objective is to promote sustainable, diverse and adaptable agriculture sectors, where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity.

Suffolk Structure Plan 2001

- ECON1 (Existing employment uses)
- ENV3 (Design Standards)
- ENV4 (Landscape quality and character of the countryside)
- ENV8 (Special Landscape Areas)

Babergh Local Plan Alteration No.1

- LP93 (Landscape quality and character of the countryside)
- LP97 (Special Landscape Areas)
- LP105 (Agricultural buildings and operations)

Emerging Babergh Local Plan Alteration No.2

- CR01 (Landscape quality and character of the countryside)
- CR10 (Landscaping Schemes)
- EM01 (Employment)
- CR20 (Agricultural buildings and operations)
- CR05 (Special Landscape Areas)

OBSERVATIONS

The comments below are those received in connection with the application as originally submitted; the amendments are the subject of re-consultation with all the Parish Councils listed below, the CHA, the SPS, and the neighbours.) Any views, which are received, will be reported verbally at the meeting.

6. Shimpling PC – have strong reservations about the development and raise the following issues:-
 - Concern over the future use of the winery, will it be considered for change of use to light industry?
 - Can any permission be limited to a named person?
 - Concerned for any future application for a dwelling for security purposes.
7. Stanstead PC – make the following comments:-
 - The site is in the countryside and outside the village envelope.

- The building being next to the highway would detract from its surroundings.
 - This proposal is purely industrial, whereas the previous winery had a public attraction element.
 - The building is too large for its proposed use.
 - If permission is granted can sufficient landscaping be used to screen it.
 - Can the proposal be linked to a Section 106 agreement to limit its use. The PC could not reach a judgement at this time without further clarification on the above points.
8. Hartest PC – no objections but raise the following concerns:-
- Being a new building on a Greenfield site, its size and height will impact on the surroundings.
 - Reminder that there is a weight limit on the Shimpling Road bridge into Hartest.
 - Want to ensure that all trees and hedges will remain and additional native hedging should be provided to screen the building.
9. CHA – recommend standard conditions regarding access and parking/turning
10. SCC Fire Officer – makes advisory comments in relation to water supplies and fire hydrants.
11. Environment Agency – no objection.
12. Suffolk Preservation Society-object for the following summarised reasons:-
- If permission is granted the building should be state of the art, transparent and of high quality 21st century design in accordance with Babergh policies on design in accordance with the Canon Avent extension.
 - The current proposal does not meet this requirement and should be refused.
13. Two letters from the neighbour (Giffords Hall) making the following points:-
- The submitted site layout plan is out of date, many of the outbuildings featured therein are no longer there.
 - The size of the proposed barn is excessive considering there is only one acre of grapes but we will supply some of the grapes to be used in the process;
 - The building will be directly opposite and in full view of our property;

- Concerned that the proposed access could be dangerous; suggest different location.
14. HoES – no objections in principle however the applicant is recommended to liaise with Environmental Services at an early stage to discuss sanitary accommodation provision and construction of floor and wall finishes.

ASSESSMENT

15. The application site is located in the countryside well outside the built up area boundary for Stanstead and within the Special Landscape Area. However the proposed use is closely related to agriculture in that the majority of the grapes to be used in the proposed winery will be grown on the applicants adjoining vineyard. It also lies opposite existing farm buildings associated with Giffords Hall which continue to be used by the new owners for wine making (using grapes grown locally on their land).As such there is no objection in principle particularly as the type of building to be constructed will be lower in height than the buildings on the opposite side of the road and smaller in floor space terms. As such the impact of the proposal on the Special Landscape Area given the mature landscaping surrounding the site is acceptable. Consequently, the proposal is not contrary to Policy LP93 (see Paragraph 5 above).
16. In addition there is adequate screening on all boundaries of the site to ensure that the development will neither be obtrusive or detrimental in the landscape. The applicant has stated that the building will be constructed of mid brown timber walls and slate grey metal roofing sheets; conditions are recommended to control the exact colour of these finishes together with the materials for the surface treatment of the access parking and turning areas.
17. The only area of concern related to the original position of the proposed car parking area (close to the road frontage). Amended plans have been received which reposition it at the rear of the proposed building so that it is more satisfactory screened. This change is the subject of re-consultation and any views will be reported verbally at the meeting.
18. With regard to the neighbours concerns regarding the alterations to the vehicular access, the CHA have raised no objection and there is therefore no need to alter its location.
19. In view of the above the recommendation is one of Approval.

RECOMMENDATION

Subject to no new issues being raised by any outstanding consultees, the Head of Planning (Control) be authorised to Grant (Planning Permission) subject to conditions:-

- No retail sales
- No outside storage
- As recommended by the CHA

- Landscaping to include retention of hedgerow and tree on the Boundaries of the site.
- Samples and colour of materials for the walls and roof of the building.
- Control of surface treatments for the access, parking and turning area.

DECISION

ITEM 2

B/05/0912/RES
RESERVED MATTERS

GREAT CORNARD – RADIATOR ROAD AND ADJOINING LAND WITHIN FACTORY SITE, GUILDFORD EUROPE

Submission of details pursuant to Condition 03 of Outline planning permission B/03/01204/OUT.-improvements to Radiator Road including repositioning of its junction with Bures Road in order to gain access to residential development on redundant car park and garden area (Area 1)

Applicants: Guilford Europe Ltd

Case Officer: Mrs. C Thurlow

SITE

1. The premises of Guildford Europe are located on the eastern side of Bures Road and comprise a land holding of 4.4 hectares, also having a frontage onto Broom Street, with existing accesses from both roads. Radiator Road joins Bures Road to Broom Street. It is also possible to gain pedestrian and cycle access to this site from Phillipsfield Road although bollards prevent vehicular traffic.

BACKGROUND

2. As Members will recall outline planning permission was granted (see History below) for residential development of Area 1 (B/03/1204/OUT refers) with access from Radiator Road; originally the access had been proposed from Singleton Court only. However, following extensive negotiation, your Officers working with the applicants, prospective purchasers of the site and the Highway Authority secured amendments which allowed for the vehicular access to Area 1 to be from **Radiator Road only** thereby overcoming local residents concerns about the construction of a vehicular access from Singleton Court.
3. However as a consequence of that decision, it was necessary to impose a condition to ensure that Radiator Road was satisfactorily widened in accordance with details to be submitted. This application relates to those details and includes the junction improvements to Bures Road allowed by the same outline planning permission.

4. The following two items on this schedule relate to the details of the residential development for both Area 1 (B/05/1050/RES) and Area 2 (fronting Broom Street).

PROPOSALS

5. See description and paragraphs 2-3 above. Originally the application proposed:-
 - a realignment of the junction of Radiator Road onto Bures Road (further to the south of its existing position) as provided for by the grant of planning permission B/04/1204/OUT together with
 - The widening of Radiator Road to 5.5metres tapering to 4.8 metres for the entire length of its improvement (up to the frontage of Area 1with that road).
6. Amended plans have been submitted to address the CHA's views and these are the subject of further re-consultation with the CHA and the Parish Council and other interested parties. The amendments propose:-
 - Revisions to the bellmouth of the access to bring it up to adoptable standard with the alignment altered to feed into the existing concrete road until full construction can be provided as detailed on the submitted drawings
 - surface treatments for the temporary road until full construction is achieved
 - Phasing details for the initial and full works
7. The agent has submitted a supporting statement which re-iterates the substance of paragraphs 2-6 above and states that these works are necessary to facilitate access for Area 1 which forms the subject of application B/05/1050/RES; the following item on this schedule.

RELEVANT SITE HISTORY

8. 2005-Outline planning permission granted for residential development on Area 1 (B/03/1204/OUT) with vehicular access from Radiator Road/Bures Road (rather than Singleton Court as originally intended). Condition 3 required details to be submitted for the widening of Radiator Road; this application (B/05/912/RES) constitutes those details. In June 2005 reserved matters were submitted for the erection of 24 dwellings garages and the construction of vehicular access (off the to be improved Radiator Road)- (B/05/1050/RES); this application forms the subject of the next Committee item on this schedule.

9. 2005 - Outline planning permission granted for the industrial redevelopment of the site together with residential development of Areas 2,3 and 4 as identified on the Master Plan for the scheme. (B/03/1205/OUT). In June 2005 reserved matters were submitted for the erection of 11 dwellings and 19 flats garages and the construction of vehicular access via an access to be improved onto Broom Street (B/05/1051/RES); this application follows the next Committee item on this schedule.

POLICY

Babergh Local Plan (Alteration No. 1)

- LP141, LP143 (Road Improvements)

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

- CN01 (design)

Suffolk Structure Plan 2001

- ENV3 (siting & design)

OBSERVATIONS (original plans only- amended plans to be reported verbally)

11. PC – recommends refusal:-
- road will still be narrow and unsuitable for the mix of traffic ,being private cars from areas 1, 3 and 4 and commercial traffic from the factory;
 - impact of traffic on Bures Road;
 - safety.
12. CHA – original views – whilst the submitted details are acceptable in principle, minor changes are required (see Paragraph 6 above).
- amended plans - views awaited
13. One letter from Cllr Sayers makes the following summarised comments:-
- Bures Road was not designed to take the volume of traffic and additional vehicles generated from this development, which will add to congestion and associated problems.
 - Seeks a traffic impact survey and suggests this development should not be seen in isolation to the Rugby ground or Bakers Mill.
 - Mention is made of a cycle store but no mention is made of cycle tracks that are a feature of the County Council’s living programme.

- At one point of Bures Road the pavement only measures 40cms.
- Wish to address Committee on these matters when the application is presented for determination

ASSESSMENT

14. The principle of improving Radiator Road by its widening with a realigned junction improvement onto Bures Road was established by the grant of planning permission B/03/01204/OUT. These details (submitted pursuant to Condition 3 of B/05/1204/OUT constitute such works and are the necessary first steps to the redevelopment of the factory and residential land as a whole. In particular these road works will facilitate the means of vehicular access to Area 1 (instead of the use of Singleton Court) which, despite being acceptable in highway terms at the time, attracted widespread local opposition. Consequently no case can be advanced for traffic surveys or objection on highway grounds in principle as requested in paragraph 13.
15. In detailed terms providing the CHA confirms their acceptance of their requested modifications as indicated on the amended plans the recommendation is one of approval.

RECOMMENDATION

Subject to CHA raising no objection to the Amended plans the Head of Planning (Control) be authorised to approve this submission of details.

DECISION

ITEM 3

B/05/01050/RES
RESERVED MATTERS

GREAT CORNARD – LAND ADJOINING SINGLETON COURT (AREA 1 GUILDFORD EUROPE) RADIATOR ROAD

Submission of details under Outline planning permission B/03/01204/OUT.-the siting design, external appearance of and landscaping for the erection of 24 dwellings and associated garaging.

Applicants: George Wimpey East London Ltd

Case Officer: Mrs C Thurlow

SITE

1. See Site Description for preceding item. Area 1 comprises the land adjoining Singleton Court that was formerly used as a car park by Guildford Europe; it measures 0.54 hectares in size. Much of the site is enclosed by screening (fencing and landscaping); it is relatively flat in ground level terms.

PROPOSAL

2. As Members will recall, when outline planning permission was granted (see History below) for residential development of Area 1 (B/03/1204/OUT refers) the means of vehicular access was from (Radiator Road; originally the access had been proposed from) Singleton Court only. However, following extensive negotiation, your Officers working with Guildford Europe, the applicants, and the Highway Authority secured amendments which allowed for the vehicular access to Area 1 to be from Radiator Road only thereby overcoming local residents' concerns about the construction of a vehicular access from Singleton Court.

3. This scheme involves a means of vehicular access to the site from Radiator Road only although there is a pedestrian access linking the site to Singleton Court. The scheme, to be served off one estate road with a turning head, proposes:-
 - 1 x 1 bedroom flat
 - 2 x 2 bedroom flats
 - 8 x 2 bedroom houses
 - 13 x 3 bedroom houses

4. The agent has submitted a lengthy supporting statement containing site photographs, a statement on policy issues, reference to the outline planning permission and the Section 106 Obligation, an analysis of the development proposals and a design statement which can be read in its entirety via arrangement with the Case Officer. A summary of conclusions states:-
 - The site topography and orientation and juxtaposition to adjoining development have resulted in this scheme being designed as a stand alone development that creates its own design statement without reliance on the surrounding area.
 - This design approach ensures that the proposed development enhances the character of the area and preserves the amenities of adjoining residents. It also enabled a diverse form of development.
 - The site comprises redundant industrial land with outline planning permission for residential development and public open space. In its current form it detracts from the visual amenities of the area which with the exception of the factory is predominantly residential.
 - The scheme makes beneficial use of brownfield land in compliance with PPG3 densities and facilitates the remediation of contaminated land
 - The scheme is acceptable in layout design landscaping and siting terms
 - In social housing terms the scheme is particularly favourable to the needs of first time buyers and single households by including a proportion of smaller units than would normally be required by planning policy.

- he scheme delivers the requirements of the conditions imposed on the outline planning permission, the Section 106 and the Master plan. It accords with nation and local planning policies/guidance in regards to layout and design and will make a positive contribution to the local community.
5. The following item on this schedule relates to the details of the residential development for Area 2 (B/05/1051/RES) fronting and with an access from Broom Street.

RELEVANT SITE HISTORY

6. 2005-Outline planning permission granted for residential development on Area 1 (B/03/1204/OUT) with vehicular access from Radiator Road / Bures Road (rather than Singleton Court as originally intended). Condition 3 required details to be submitted for the widening of Radiator Road; that application (B/05/912/RES) constitutes those details. And forms the preceding item on this schedule.
7. 2005 - Outline planning permission granted for the industrial redevelopment of the site together with residential development of Areas 2, 3 and 4 as identified on the Master Plan for the scheme. (B/03/1205/OUT). In June 2005 reserved matters were submitted for the erection of 11 dwellings and 19 flats garages and the construction of vehicular access via an access to be improved onto Broom Street (B/05/1051/RES); this application follows the next Committee item on this schedule.

POLICY

8. **PPG3 – “Housing”**

- *PPG3 (published March 2000) sets out current Government planning guidance in relation to the provision of new housing. The main thrust of this guidance is to create sustainable patterns of development. This is to be achieved in various ways such as:-*
 - Steering new development to locations where a range of facilities already exist so as to reduce reliance on the private car for journeys to work, school, shopping and entertainment.
 - Promoting mixed use developments.
 - Developing brownfield sites in preference to greenfield sites.
 - Making efficient use of land by generally building at higher densities where compatible with local character.
 - Adopting lower and more flexible parking standards, especially in areas where services are readily accessible by walking, cycling or public transport

9. **PPG23 – Planning and Pollution Control**

- The principle of sustainable development means that, where practicable, brownfield sites, including those affected by contamination, should be recycled into new uses and the pressures thereby reduced for greenfield sites to be converted to urban, industrial or commercial uses. Such recycling can also provide an opportunity to deal with the threats posed by contamination to health or the environment. (para 4.1)
- If it is known or strongly suspected that the site is contaminated to an extent which would adversely affect the proposed development or infringe statutory requirements, an investigation of the hazards by the developer and proposals for any necessary remedial measures required before the application can be determined by the LPA. In other cases, particularly where there is only a suspicion that the site might be contaminated, or where the evidence suggests that there may only be slight contamination, planning permission may be granted but conditions should be attached to make it clear that development will not be permitted to start until a site investigation and assessment has been carried out and that the development itself will need to incorporate all the measures shown in the assessment to be necessary. (Annex 10)
- Technical Advice issued in draft in 2002 states that the possibility of contamination should be considered in all cases involving the development of industrially used land and that the risks involved should be assessed in each case.

10. **Suffolk County Structure Plan 2001**

- CS1 states that provision will be made for development which helps sustain the economic and social well-being of Suffolk, subject to the usual environmental safeguards, but only where community facilities and infrastructure already exist or will be provided.
- CS3 – seeks to steer most housing development to towns and large village where a range of facilities exist.
- ENV3 – requires all new development to be of a high standard of layout, design and landscaping, in order to conserve and enhance the special character of Suffolk.

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

- LP3 – advises that within the built-up area of towns, permission will normally be granted for new housing, subject to environmental considerations.
- LP16 – advises that housing densities need to vary according to location and site characteristics.
- LP18 – seeks to secure high standards of layout, design and landscaping.

- LP64 Provides that development of (or near) contaminated land should take into account the amount, type and location of hazardous substances present and the need for special precautions or restrictions to protect future users of the site or any other affected land.
- LP146 requires all new developments to make provision for the parking of vehicles in accordance with the adopted standards.
- LP153 seeks the provision of cycle routes on major housing and industrial developments, and LP 154 requires priority to be given to the needs of pedestrians.

12. **Emerging Babergh Local Plan Alteration No.2**

- EN17 – Requires developer to carry out proper investigation and remediation of sites suspected of being contaminated.
- EN21 – requires new developments on previously developed sites to recycle resultant waste materials where appropriate.
- HS01 repeats LP3
- HS11 –seeks to maximise densities by requiring densities of between 30 – 50 per hectare.
- HS14 – repeats LP18.
- HS18 – requires at least 20% of all dwellings on housing sites to be one- or two bedrooms.
- TP01 gives priority to pedestrians – develops LP154.
- TP18 replaces LP146 but requires at least the minimum cycle parking provision and no more than the maximum car parking provision

OBSERVATIONS

13. PC – recommends refusal:-

- Access onto Bures Road. Plans do not indicate how many cars will be using this. We assumed Areas 1,3,and 4 the factory and the existing private houses. Will the new Queens Arms Pub houses take their access from here.
- The planning mix and affordable housing.
- Density.
- Foul water, storm water and road surface water and the opportunity of polluting the aquifer and more flooding.

- Local facilities and infrastructure.
 - Plans should be seen globally as this site together with the Rugby Club and the Bakers Mill development will increase the population. No mention of doctors surgeries, shops hospitals sewerage works or schools.
 - Whole site is contrary to policy CS1as there will be material adverse residential amenity
 - With climate change we should try to rely on water butts and 1 in 100 yr storms seems short sighted, naïve and dictatorial
 - Committee comments on cycle routes are worth mentioning Secure cycle stores whilst useful are not enforceable any more than compulsory walking and cycling. The roads are not capable of installing cycle routes.
 - Pleased that the trees with the TPO are to be kept and maintained
14. CHA -submitted details are generally acceptable and meet the outline planning permission requirements. Surface treatment of the road will need to be agreed (with the Highway Authority) together with the type of tree (and commuted sum) to be included in the highway.
15. Six letters from nearby residents makes the following summarised comments:-
- Overlooking to front and rear gardens.
 - Overlooking to no 14 Singleton Court-what sort of fencing will be provided. They should be 8ft tall to maintain privacy.
 - Looking into our front and rear bungalow, obstruction of our daylight and boundary wall(4 Singleton Court).
 - Bures Road was not designed to take the volume of traffic and additional vehicles generated from this development, which will add to congestion and associated problems.
 - Impact on pedestrian safety in Radiator Road; road used as a route for local schools and old people.
 - Unacceptable risk to traffic safety.
 - Traffic congestion.
 - Radiator Rroad unadopted and impassable at times of flood.
 - Children will play and skate board in the road.
 - Will no longer be a quiet cul de sac for old people.

16. SCC.Arch-standard watching brief condition
17. SCC. Fire Officer-access must meet Building Regulation requirements and no additional water supplies required.
18. HoES - **Noise issues**- Guildford Europe are required to erect an acoustic barrier around the air conditioning unit located on the north eastern corner of the factory prior to any occupation of the dwellings. The block walling of this has already been constructed and the fencing will be completed shortly. The barrier must be complete before any dwellings are ready for occupation. **Land contamination**-a condition was imposed at outline stage requiring full investigation and submission of a remediation scheme. Information has been submitted but further details have been requested and consultation on these with Environmental Agency will be required before this condition can be discharged.

ASSESSMENT

19. There is no objection to the principle of residential development on the site given the extant outline planning permission (B/03/1204/OUT). None of the proposed dwellings are for social housing needs. However there is no requirement for this in respect of Area 1. Area 4 (a later phase of the outline planning permission B/03/1205/OUT for the remainder of the Guildford Europe site), is specifically set aside for that purpose and provides the level of affordable housing agreed for the site as a whole.
20. In addition the public open space provision (with a commuted sum for maintenance) to serve the whole site including Area 2 will be provided through the completed S106 Obligation in respect of the outline planning permissions and will be located on the land opposite Area 1. Consequently there is no need for public open space provision on this application site.
21. Similarly education contributions for the residential development of the Guildford Europe site as a whole (including Area 1) were resolved at the outline planning stage. The issues raised by the HoES regarding noise issues and land contamination issues, the condition requested by SCC regarding Archaeology and drainage matters raised by the Parish Council are all governed by conditions imposed on the outline planning permission.
22. The principal issues in respect of this application are therefore detailed only and relate to layout, design, access, parking, landscaping and impact on residential amenity only. These are dealt with as follows:-

Layout, Design and Impact on Residential Amenity

23. The scheme contains a mix of development including 11 two bedrooomed units which exceeds the requirements of policy HS18 and thereby meets housing need issues. The scheme is designed as an estate with development largely fronting onto one central estate road with terraced, semi-detached and detached units. The density of development equates to 44 dwellings per hectare and consequently meets density requirements of policy HS11 and the objectives of PPG3. In design terms the external appearance of the dwellings is considered to be acceptable and will satisfactorily compliment the character of adjoining development. However it will be necessary to attach a refining condition to control details and samples of external materials and finishes for walls and roofs. The means of enclosure, fencing and wall details submitted with the application are acceptable and there is no justification for the 1.8metre screen fencing to be increased to a height as requested by a neighbour in paragraph 15 above.
24. In terms of residential amenity there are concerns about first floor windows in the units for plots 23, 24, and plots 1-5 inclusive as these would lie adjacent to the bungalows in Singleton Court and the amenities of those residents need to be safeguarded against overlooking and loss of privacy. Negotiations are taking place to control the aspect of these properties to address the situation; this is likely to result in the submission of amended plans. A further verbal report on this matter will be undertaken at the meeting.

Means of Vehicular Access, Pedestrian Access, Landscaping and Parking

25. The principle of improving Radiator Road by its widening with a realigned junction improvement onto Bures Road was established by the grant of planning permission B/03/01204/OUT. Those details (submitted pursuant to Condition 3 of B/05/1204/OUT and forming the substance of application B/05/912/FUL immediately preceding this item on the schedule constitute such works and are the necessary first steps to the redevelopment of the factory and residential land as a whole. In particular these road works will facilitate the means of vehicular access to Area 1 (instead of the use of Singleton Court) that, despite being acceptable in highway terms at the time, attracted widespread local opposition. Consequently no case can be advanced for objection to this scheme on highway or traffic generation terms.
26. The scheme is designed around one centrally positioned estate road with a turning area including some parking spaces within that area and trees; the majority of the car spaces and garages to be provided are located on the site of the dwelling that they will serve. The overall number to be provided meets the standards and is at a level acceptable to the County Highway Authority. The scheme embodies a pedestrian access to link the site to Singleton Court in order to promote sustainable forms of travel and the integration of this site with the community that it will be part of.

27. Discussions are taking place with the CHA to ascertain whether the trees to be planted in the estate road and turning head can be achieved through a separate agreement between the developer and the CHA without the need for a further Section 106 Obligation. A further report on this matter will be undertaken at the meeting.

REASONS FOR APPROVAL

28. The proposed scheme benefits from the grant of outline planning permission B/05/1204/OUT and consequently there is no objection to the principle of residential development. Subject to the resolution of outstanding matters contained in this report (paragraphs 24 and 26 refer), the proposal is considered to be in accordance with policies LP3, LP16, LP18, of the Babergh Local Plan (Alteration No. 1) and HS01, HS11, HS14, HS18 and CN01 aimed at ensuring that this site is developed satisfactorily for residential development and at an appropriate density and to meet housing need whilst respecting the quality of the environment and safeguarding interests of road safety and residential amenity.

RECOMMENDATION A

Subject to:-

- the receipt of amended plans to address the issues raised in paragraph 24 above and
- a satisfactory solution to the issue regarding trees within the adoptable highway (thereby avoiding a Section 106 Obligation-see paragraph) and
- no new issues following re-consultation,

the Head of Planning (Control) be authorised to approve this submission of details subject to conditions:-

- details and samples of external materials and finishes for walls and roofs

RECOMMENDATION B

Otherwise refuse on the grounds:-

- unacceptable layout detrimental to residential amenity and contrary to policies LP3, LP18, of the Babergh Local Plan (Alteration No. 1) and HS01, HS11, HS14, and CN01 aimed at ensuring that this site is developed satisfactorily for residential development whilst respecting the quality of the environment and safeguarding interests of residential amenity.

DECISION

ITEM 4B/05/01051/RES
RESERVED MATTERS

GREAT CORNARD –AREA 2 GUILDFORD EUROPE BROOM STREET

Submission of details under Outline planning permission B/03/01205/OUT-the siting design, external appearance of and landscaping for the erection of 11 dwellings and 19 flats and associated garaging. Construction of new vehicular access

Applicants: George Wimpey East London Ltd

Case Officer: Mrs. C Thurlow

SITE

- 1 See Site Description for preceding 2 items. Area 2 comprises the land fronting Broom Street contains the old settlement lagoons formerly used by the factory; it measures 0.63 hectares in size. The Broom Street frontage of the site is landscaped and contains trees protected by Tree Preservation Orders. There is an existing vehicular access to the site which also serves the factory and the electricity Sub Station.

PROPOSAL

2. As Members will recall when outline planning permission was granted (see History below) for residential development of Area 2 (B/03/1205/OUT refers) the means of vehicular access was from an access to be improved(from Broom Street). Condition 16 requires a pedestrian crossing over Broom Street and condition 14 requires a foot way along Broom Street for the entire length of the application site.
3. The scheme, to be served off one estate road with two turning heads, proposes:-
 - 3 x 1 bedroom flat
 - 16 x 2 bedroom flats
 - 2 x 2 bedroom houses
 - 6 x 3 bedroom houses
 - 1 x 4 bedroom house
4. The agent has submitted a lengthy supporting statement containing site photographs, a statement on policy issues, reference to the outline planning permission and the Section 106 Obligation, an analysis of the development proposals and a design statement which can be read in its entirety via arrangement with the Case Officer. A summary of conclusions states :-
 - The site comprises redundant industrial land with outline planning permission for residential development and public open space. In its current form it detracts from the visual amenities of the area which with the exception of the factory is predominantly residential.

- The scheme makes beneficial use of brownfield land in compliance with PPG3 densities and facilitates the remediation of contaminated land
 - The scheme is acceptable in layout design landscaping and siting terms
 - In social housing terms the scheme is particularly favourable to the needs of first time buyers and single households by including a proportion of smaller units than would normally be required by planning policy.
 - The scheme delivers the requirements of the conditions imposed on the outline planning permission, the Section 106 and the Master plan. It accords with national and local planning policies/guidance in regards to layout and design and will make a positive contribution to the local community.
5. Amended plans have been received to address the County Highway's concerns; these are currently the subject of re-consultation with the Parish Council, the CHA and all interested parties. Any views received will be reported verbally at the meeting.

RELEVANT SITE HISTORY

6. 2005-Outline planning permission granted for residential development on Area 1 (B/03/1204/OUT) with vehicular access from Radiator Road/Bures Road (rather than Singleton Court as originally intended). Condition 3 required details to be submitted for the widening of Radiator Road; that application (B/05/912/RES) constitutes those details and forms an earlier item on this schedule. In June 2005 reserved matters were submitted for the erection of 24 dwellings garages and the construction of vehicular access (off the to be improved Radiator Road)- (B/05/1050/RES); it forms the subject of the preceding item on this schedule.
7. 2005 - Outline planning permission granted for the industrial redevelopment of the site together with residential development of Areas 2, 3 and 4 as identified on the Master Plan for the scheme. (B/03/1205/OUT).

POLICY

8. **PPG3 – “Housing”**
- *PPG3 (published March 2000) sets out current Government planning guidance in relation to the provision of new housing. The main thrust of this guidance is to create sustainable patterns of development. This is to be achieved in various ways such as:-*
 - Steering new development to locations where a range of facilities already exist so as to reduce reliance on the private car for journeys to work, school, shopping and entertainment.

- Promoting mixed use developments.
- Developing brownfield sites in preference to greenfield sites.
- Making efficient use of land by generally building at higher densities where compatible with local character.
- Adopting lower and more flexible parking standards, especially in areas where services are readily accessible by walking, cycling or public transport.

9. **PPG23 – Planning and Pollution Control**

- The principle of sustainable development means that, where practicable, brownfield sites, including those affected by contamination, should be recycled into new uses and the pressures thereby reduced for greenfield sites to be converted to urban, industrial or commercial uses. Such recycling can also provide an opportunity to deal with the threats posed by contamination to health or the environment. (para 4.1)
- If it is known or strongly suspected that the site is contaminated to an extent which would adversely affect the proposed development or infringe statutory requirements, an investigation of the hazards by the developer and proposals for any necessary remedial measures required before the application can be determined by the LPA. In other cases, particularly where there is only a suspicion that the site might be contaminated, or where the evidence suggests that there may only be slight contamination, planning permission may be granted but conditions should be attached to make it clear that development will not be permitted to start until a site investigation and assessment has been carried out and that the development itself will need to incorporate all the measures shown in the assessment to be necessary. (Annex 10)
- Technical Advice issued in draft in 2002 states that the possibility of contamination should be considered in all cases involving the development of industrially used land and that the risks involved should be assessed in each case.

10. **Suffolk County Structure Plan 2001**

- CS1 states that provision will be made for development that helps sustain the economic and social well-being of Suffolk, subject to the usual environmental safeguards, but only where community facilities and infrastructure already exist or will be provided.
- CS3 – seeks to steer most housing development to towns and large village where a range of facilities exist.

- ENV3 – requires all new development to be of a high standard of layout, design and landscaping, in order to conserve and enhance the special character of Suffolk.

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

- LP3 – advises that within the built-up area of towns, permission will normally be granted for new housing, subject to environmental considerations.
- LP16 – advises that housing densities need to vary according to location and site characteristics.
- LP18 – seeks to secure high standards of layout, design and landscaping.
- LP64 Provides that development of (or near) contaminated land should take into account the amount, type and location of hazardous substances present and the need for special precautions or restrictions to protect future users of the site or any other affected land.
- LP146 requires all new developments to make provision for the parking of vehicles in accordance with the adopted standards.
- LP153 seeks the provision of cycle routes on major housing and industrial developments, and LP 154 requires priority to be given to the needs of pedestrians.

12. **Emerging Babergh Local Plan Alteration No.2**

- EN17 – Requires developer to carry out proper investigation and remediation of sites suspected of being contaminated.
- EN21 – requires new developments on previously developed sites to recycle resultant waste materials where appropriate.
- HS01 repeats LP3
- HS11 –seeks to maximise densities by requiring densities of between 30 – 50 per hectare.
- HS14 – repeats LP18.
- HS18 – requires at least 20% of all dwellings on housing sites to be one- or two bedrooms.
- TP01 gives priority to pedestrians – develops LP154.
- TP18 replaces LP146 but requires at least the minimum cycle parking provision and no more than the maximum car parking provision.

OBSERVATIONS

13. PC – recommends refusal:-
- The building line being forward of existing houses in Broom Street.
 - The footpath is it to be built in the company’s fence line or make the road narrower.
 - The increase in flooding from run off rainwater to Broom Street in particular the “lake” that currently forms in front of nos. 41, 43, 45, 44, 46, and 48 Broom Street due to bad drainage and run off from the Guildford Europe drive.
 - Affordable housing mix.
 - Cycle store with no cycle routes in the village(see Area 1 comments)
 - The local infrastructure (see Area 1 comments).
 - Pleased to see the removal of leylandii and safe retention of the TPO trees.
 - Whilst some of the issues raised above are addressed in the applicants supporting statement new concerns raised are the pollution contaminate of the aquifer and the River Stour from the leachate and removal and prevention prior to the grant of full planning consent.
 - Access route through to the electricity sub station as this will also serve the factory If this is the case we must recommend that it is safely locked with bollards only able to be opened by emergency vehicles. There must be no through route for traffic by the factory. Broom Street cannot cope with the ever increasing traffic load. Children’s safety for school and the recreation ground use must be paramount.
14. CHA – original plans-submitted details do not show the visibility spay required and agreed at the outline planning stage. The required splay is obscured by a railing and hedge planting scheme. Amendments are required and care will need to be taken to ensure adequate maintenance of the hedge occurs to avoid an obstruction to the visibility splay. scheme. In addition the drive length of plots 28 and 29 is insufficient to park 2 vehicles without overhanging the footway. The drive should be increased to 11 metres or reduced to 6 metres to discourage this.
- amended plans- views awaited.
15. Two letters from nearby residents make the following summarised comments:-
- Concerned about loss of landscaping and retention of trees and need to preserve clean air which trees would do.
 - Additional traffic along Broom Street.

- Adds to concerns already expressed by the Parish Council about safe use of access and the electricity sub station and prevention of factory traffic from using the Broom Street access in the interests of enhancing residential amenity.
16. SCC. Fire Officer-access must meet Building Regulation requirements and no additional water supplies required.
17. HoES –
- **Noise issues** - Guildford Europe are required to erect an acoustic barrier around the air conditioning unit located on the north eastern corner of the factory prior to any occupation of the dwellings. The block walling of this has already been constructed and the fencing will be completed shortly. The barrier must be complete before any dwellings are ready for occupation.
 - **Land contamination** - a condition was imposed at outline stage requiring full investigation and submission of a remediation scheme. Information has been submitted but further details have been requested and consultation on these with Environmental Agency will be required before this condition can be discharged.

ASSESSMENT

18. There is no objection to the principle of residential development on the site given the extant outline planning permission (B/03/1205/OUT). None of the proposed dwellings are for social housing needs. However there is no requirement for this in respect of Area 2. Area 4 (a later phase of the outline planning permission B/03/1205/OUT for the remainder of the Guildford Europe site), is specifically set aside for that purpose and provides the level of affordable housing agreed for the site as a whole.
19. In addition the public open space provision (with a commuted sum for maintenance) to serve the whole site including Area 2 will be provided through the completed S106 Obligation in respect of the outline planning permissions and will be located on the land opposite Area 1. Consequently there is no need for public open space provision on this application site.
20. Similarly education contributions for the residential development of the Guildford Europe site as a whole (including Area 2) were resolved at the outline planning stage. The issues raised by the HoES regarding noise issues (specifically in relation for the acoustic screening of the air conditioning units and land contamination issues, and drainage /flood risk matters raised by the Parish Council are all governed by conditions imposed on the outline planning permission.
21. The principle issues in respect of this application are therefore detailed only and relate to layout, design, access, parking, landscaping and impact on residential amenity only. These are dealt with as follows:-

Layout, Design and Impact on Residential Amenity

22. The scheme contains a mix of development including 3 x one and 16x two bedroomed units which exceeds the requirements of policy HS18 and thereby meets housing need issues. The scheme is designed as an estate with development largely fronting onto one central estate road with terraced, semi-detached and detached units of two and three storeys in height. The density of development equates to 47 dwellings per hectare and consequently meets density requirements of policy HS11 and the objectives of PPG3.
23. In design terms the external appearance of the dwellings is a mixture of some brick and some render properties with the three storied units (comprising the flats) to have a “stucco” treatment on the ground floor. However the varied nature of the scheme is considered to be acceptable and will not detract from the character of adjoining development given the level of screening that the site would enjoy (by virtue of this scheme). However it will be necessary to attach a refining condition to control details and samples of external materials and finishes for walls and roofs. Notwithstanding the Parish Council's and local residents' views the means of enclosure, fencing and railing details submitted with the application are acceptable together with the relationship of the dwellings to the road frontage and the building line. In addition, the footway required by the outline application is provided along the Broom Street frontage for the entire length of application site.
24. In terms of residential amenity there are concerns about upper floor windows in the flats where they lie in close proximity to other dwellings in the layout as the amenities of both sets of prospective residents need to be safeguarded against overlooking and loss of privacy. Negotiations are taking place to control the aspect of these properties to address the situation; this is likely to result in the submission of amended plans. A further verbal report on this matter will be undertaken at the meeting.

Means of Vehicular Access, Pedestrian Access, Landscaping and Parking

25. The principle of improving the existing entrance onto Broom Street was established by the grant of planning permission B/03/01205/OUT; condition 14 specifically refers. Amended plans have been received to address the concerns of the Highway Authority and their comments on the amended plans will be reported verbally at the meeting. Despite concern by local residents and the Parish Council about the use of the Broom Street frontage Guildford Europe's intention in the Master Plan was to continue its use in a limited fashion and no case can be advanced for objection to this on highway or traffic terms. However the safety issues raised about access to the electricity sub station are being discussed with the agent. However a further verbal report will be undertaken at the meeting.
26. The scheme is designed around one centrally positioned estate road with two turning area with the majority of car spaces and garages being provided on the site of the dwelling/flat that they will serve. The overall number to be provided meets the standards and is at a level acceptable to the County Highway Authority.

REASONS FOR APPROVAL

25. The proposed scheme benefits from the grant of outline planning permission B/05/1205/OUT and consequently there is no objection to the principle of residential development. Subject to the resolution of outstanding matters contained in this report, the proposal is considered to be in accordance with policies LP3, LP16, LP18, of the Babergh Local Plan (Alteration No. 1) and HS01, HS11, HS14, HS18 and CN01 aimed at ensuring that this site is developed satisfactorily for residential development and at an appropriate density and to meet housing need whilst respecting the quality of the environment and safeguarding interests of road safety and residential amenity.

RECOMMENDATION A

Subject to:-

- the receipt of amended plans to address the overlooking issues raised above and
- no objection from the CHA in respect of the amended plans regarding the Broom Street access.
- no new issues following re-consultation,

the Head of Planning (Control) be authorised to approve this submission of details subject to conditions:-

- details and samples of external materials and finishes for walls and roofs

RECOMMENDATION B

Otherwise refuse on the grounds:-

- unacceptable layout detrimental to residential amenity and contrary to policies LP3, LP18, of the Babergh Local Plan (Alteration No. 1) and HS01, HS11, HS14, and CN01 aimed at ensuring that this site is developed satisfactorily for residential development whilst respecting the quality of the environment and safeguarding interests of residential amenity.

DECISION

ITEM 5B/05/00964/FHA
FULL

STANSTEAD – STANSTEAD HALL, THE HILL

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

Applicant: Mr. F. Al-Rashidi

Case Officer: Gemma Pannell

This application was deferred from the Committee on 20th July at the request of the local Member for a site inspection. A panel of Members inspected the site on 27th July 2005 in order to familiarise themselves with the site given that there had been discrepancies on the original application plan.

SITE

1. The site forms part of Stanstead Hall, a Grade II listed building located within a Special Landscape Area. It is situated outside the built up area boundary of Stanstead, and a number of public footpaths run both along side and through the site. The existing vehicular access to Stanstead Hall has a junction onto the classified road (C road) which joins Lower Street to Upper Street in Stanstead; it was constructed pursuant to the grant of planning permission referred to in paragraph 4 below.

PROPOSAL

2. This proposal seeks planning permission to retain a length of road, which has been constructed without planning permission across former agricultural land. This has now been incorporated into garden land associated with Stanstead Hall, and forms the second part of this application. It links into the access referred to in paragraphs 1 and 4 of this report. As such this application seeks to regularise a breach of planning control.
3. The plans as submitted are currently inaccurate and as such require amendment to accurately reflect the position of the access as built on site and its location in relation to the public right of way, and not its intended diversion. An update on this will be given at the meeting.

RELEVANT HISTORY

4. 2001 – Planning permission granted for the construction of a vehicular access to serve new farm track. (B/01/00283/FUL).
5. 2003 – Planning permission granted for the erection of boundary wall and extension to existing boundary fence. Alteration to existing vehicular access. (B/03/01486/FUL)

POLICY

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

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

Suffolk Structure Plan 2001

- ENV4 (Countryside)

Babergh Local Plan (Alteration No. 1)

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

Babergh Local Plan (Alteration No. 2)

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

OBSERVATIONS

7. PC – Object for the following précised reasons:-

- The parish council only agreed to the previous application for a farm track because that would have been in keeping with the rural surroundings.
- It was noted that it was not a particularly safe place for a track to join the highway – but as it was to be used infrequently there would be no objection.
- No track was ever put on the site instead a large concrete road was installed running from the highway around the rear of Stanstead Hall.
- This road is used by large amounts of traffic. There are lorries on it everyday including 8-wheelers and between 30-50 cars not only 5 as stated on the plan.
- The road cuts across the public footpath in two places and walkers have to be very vigilant.
- The parish council strongly opposes the change of use of this land to domestic garden as it contains two footpaths, which Mr Al-Rashidi is trying to have moved.

8. CHA – Recommends standard conditions regarding the use of the access.
9. SCC (Arch.) – Standard Condition
10. SPS – It is unnecessary for the new road to have such an impact on the setting of a listed building, which is largely due to the proposed materials. It would be more at home or appropriate in an urban location. The applicant should reduce or minimise the impact of the road by securing the use of gravel or surface dressing on at least the first 10 metres. Preferably a porous road surface should be used in order to minimise surface water run off and at the same time reduce the visual impact.
11. Letters – Three letters of objection received the contents of which are summarised below:-
 - The original proposal for vehicular access to serve the new farm track in March 2001 was granted permission for occasional use by agricultural vehicles. Since then a concrete road has been constructed and it has been in constant use by vehicles of all shapes and sizes.
 - The other two entrances to Stanstead Hall have been closed and this ‘permanent driveway’ is already the main access to the Hall for lorries, vans, private cars, quad bikes, etc.
 - The O/S plan does not show the existence of properties opposite and close to the access.
 - The access is just before the brow of the hill and driving up the hill the access is not in view until one is nearly upon it.
 - The new driveway crosses the footpath in several places, which is a danger to walkers and parents with small children and pushchairs.
 - Do not understand the need for this access to the Hall as there are already two entrances which are situated at the top of the Hill where the road is wider and there is much better visibility for traffic entering and leaving the Hall.
 - If traffic on this driveway continues as at present there is an accident just waiting to happen. There are already skid marks over the road at this junction.
 - The plan put forward was wrong on many counts, it omits three other gateways, nearer to the hall, which could be used for access.
 - Our public footpath that runs through the field has not been shown.
 - Planning permission has not been given to carry the road all the way round the property, where it goes over the public right of way in three different places.
 - Babergh District Council do not seem to be addressing what appears to be a contravention of Planning Authority Legislation.

- The plan is inaccurate.

ASSESSMENT

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

- Highways Safety
- Landscape Impact and setting of Listed Building

Highways Considerations

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

Landscape Impact and setting of Listed Building

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

REASON FOR APPROVAL

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

RECOMMENDATION

Subject to the receipt of amended plans (see para. 3 above) the Head of Planning (Control) be authorised to grant planning permission subject to conditions:

- PD Rights removed for outbuildings

DECISIONITEM 6

B/05/01130/FUL
FULL

BURES ST MARY – 18-20 AND ADJOINING LAND, TAWNEYS RIDE

Erection of 3 no. dwelling houses (following demolition of existing bungalows; 18 and 20 Tawneys Ride). Erection of 5 no. houses and 1 no. bungalow on existing greenfield site adjacent.

Applicant: Orwell Housing Association

Case Officer: Gemma Pannell

SITE

1. The application site comprises an irregular shaped parcel of land measuring approximately 0.41 hectares in area. Part of the application site currently supports 2 no. bungalow properties and forms part of a larger estate consisting of a mixture of single and two-storey properties. The remaining part of the site is currently informal open space, but is allocated in the emerging Local Plan for residential development (including an area for public open space.) The site is wholly within the built-up area boundary for the village and partly designated as an Area of Visual and Recreational Amenity. Tree Preservation Order BT341 also covers part of the site.

PROPOSAL

2. This planning application seeks permission for the erection of 8 No. two-storey dwellings and 1 No. bungalow, following demolition of 2 No. existing bungalows and part of the site will become public open space.
3. The applicant has submitted a supporting statement and it is summarised as follows:-
 - The houses would be built for Orwell Housing Association, a registered Social Housing Landlord, which would also manage the properties.

- In May 2005 there were 188 applicants on the Babergh District Council Housing Register who would be willing to consider an offer in Bures, of which 115 have been allocated points and were therefore considered to be in housing need.
- Out of 188, 10 declared a local connection by address with the parish. It is likely that there are a substantial number of applicants with a local connection other than having an address within the parish.
- The scheme proposes 9 dwellings, and is considered to be well founded, justified and not excessive in relation to the need identified.
- Babergh District Council owns the site and the disposal to Orwell HA as a Registered Social Landlord supports Council strategy to make land available for the provision of affordable housing.
- The development will also include the removal of two existing bungalows that have been identified for demolition by Babergh District Council.
- Total developable area of the site, excluding the public open space, is 0.3ha. Developed with 9 dwellings at a density of 30 dwellings to a hectare.

4. The submitted schedule of house types is as follows:-

- Plot 1 – 2 Bed/ 4 person Two-storey House
- Plot 2 - 2 Bed/ 4 person Two-storey House
- Plot 3 – 2 Bed/4 person Two-storey House
- Plot 4 - 2 Bed/ 4 person Two-storey House
- Plot 5 – 2 Bed/ 4 person Two-storey House
- Plot 6 – 2 Bed/ 3 Person Bungalow
- Plot 7 – 3 Bed/ 5 Person Two-story House
- Plot 8 – 2 Bed/ 4 person Two-storey House
- Plot 9 – 3 Bed/ 5 Person Two-story House

5. Plots 1 – 3 forms a terrace of two-storey dwellings with a maximum ridge height of approximately 9.0 metres.
6. Plots 3 and 4 are a semi-detached pair of two storey dwellings with a maximum ridge height of 9.0 metres.
7. Plots 6 is a bungalow with a maximum ridge height of 5.1 metres.
8. Plots 7 - 9 form a terrace of two-storey dwellings with a maximum ridge height of 9.0 metres. These properties are built partly into the bank and the living accommodation is provided on the first floor.
9. The proposed construction materials consist of brick and render and plain tiles (type and colour to be agreed with LPA).

RELEVANT HISTORY

10. No planning history.

POLICY**PPG1 (General Policy and Principles)**

11. Applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals and that they have had regard to relevant development plan policies and supplementary design guidance. This should be done in a manner appropriate to the nature and scale of the proposals.
12. Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subjected to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings.

PPG3 (Housing)

13. PPG3 states that Local Planning Authorities should seek to achieve an efficient use of land seeking greater densities of developments at places with good public transport and service provision. In addition, in urban areas, the Government is committed to maximising the re-use of previously developed land and empty properties and the conversion of non-residential buildings for housing, in order to both promote regeneration and minimise the amount of green field land being taken for development.

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

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

Suffolk Structure Plan 2001

- Policy ENV1 (Conservation areas and listed buildings)
- Policy ENV3 (Design Standards)
- Policy CS1 (Distribution of New Development)
- Policy CS3 (Distribution of New Development)
- Policy CS9 (Affordable Housing)

Babergh Local Plan Alteration No.1

- Policy LP4 (Housing Development in Villages)
- Policy LP5 (Villages)
- Policy LP10 (Rural Exception sites)
- Policy LP17 (Criteria for Infilling & Groups)
- Policy LP18 (Layout and Design)
- Policy LP146 (Parking)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS02 (Housing in Villages)
- Policy HS03 (Housing)
- Policy HS06 (Rural Exception –Local Needs Housing)
- Policy HS08a (Affordable Housing)
- Policy HS09M (Housing allocation Friends Field/Tawneys Ride)
- Policy HS12 (Criteria for Infilling and Groups)
- Policy HS14 (Layout and Design)
- Policy HS16 (Public Open Space)
- Policy TP18 (Parking)
- Policy CN01 (General Design)

OBSERVATIONS

15. PC – To be reported verbally
16. CHA – To be reported verbally.
17. Letters - Three received at time of writing report, objecting to the proposal for the following précised reasons:-
 - The site is currently used for residents for walking their dogs, for the children to play and a great deal of use for all the wildlife.
 - Removal of existing trees and hedgerows will destroy many animal habitats.
 - Disruption to foul sewage system.
 - The new road will cause noise from cars day and night.
 - The properties will overlook our house and garden.
 - The erection of 3 no. two storey dwellings, where bungalows were previously will be above the building line. This also applies to the five houses to be built on ground above our houses.
 - Loss of Greenfield amenities which were enhanced by the planting of additional shrubs. Further trees will be removed.
 - Loss of environment will have an impact on the value of our homes.
 - Inadequate parking facilities, will lead to difficulties for new and existing residents.
 - Lack of a co-ordinated housing plan for the village, how will this fit in within housing to be built on Friend’s Field/Eve’s Orchard site.

- The density of the proposed dwellings is considered too high, and it is inappropriate considering the original layout of the estate.
- The design of the upside-down properties is a convoluted approach to overcome the slope of the land.
- Will the construction of these properties lead to subsidence of existing properties?
- The six houses will tower above the nearby houses in Tawney's Ride.

ASSESSMENT

18. The issues considered central to the outcome of the application are therefore:-

- Planning Policies, Affordable Housing and Need
- Layout, Design and Impact on Trees
- Ecological Assessment
- Highways
- Public Open Space

Planning Policies, Affordable Housing and Need

19. Policies LP4 and HS02 refer to infilling within villages and the emerging policy permits up to 5 dwellings within larger settlements (such as Bures St Mary), and as such this proposal for nine no. dwellings would be contrary to this policy. Therefore the proposal falls to be considered under Policies LP10 and HS06 as a rural exception site for local needs housing.
20. This application proposes no housing for general needs; it proposes only housing to be managed by a Registered Social Landlord to meet an identified local housing need. Although the application site forms part of a larger piece of land proposed to be allocated for residential development in the Babergh Local Plan (Alteration No. 2) (Policy HS09M), this application has been submitted as and should be considered as an exception to normal settlement planning policy for housing. On this basis and provided the development satisfies a local need as identified in Policies LP10 and HS06 the scheme cannot be considered prejudicial to the implementation of the Second Alteration to the Babergh Local Plan.
21. Given that the number of units has been determined by the extent of the proven need (see para. 3 above) and the size and character of the village, it is considered that scheme satisfies local need, particularly taking into account that the local need is unlikely to be adequately met anywhere else within the confines of normal planning settlement policy for Bures St Mary.
22. The application proposes that the nine dwellings are to be managed for local needs by a registered social landlord and to ensure that this provision is secured and maintained in perpetuity, it will be necessary to obtain a planning obligation under Section 106.

Layout, Design and Impact on Trees

23. The existing two dwellings to be demolished are suffering from subsidence and require redevelopment. The proposed re-development of the site involves the erection of 9 units of accommodation following the demolition of 2 existing units, resulting in a net gain of 7 dwellings.
24. The proposed development is to be accessed via a new adopted road, which takes access from Tawney's Ride. The siting of the dwellings ensures minimal impact upon the residential amenity of neighbouring properties by virtue of orientation, siting, position of rooms and location. Therefore in this respect, it is not considered that the proposed development would result in any significant loss of residential amenity.
25. The front elevation of Plot 8 requires amendment in order that a better design can be achieved and negotiations are underway to secure an improved external appearance. An update on this issue will be undertaken at the meeting.
26. The site is bordered by a number of trees protected by Tree Preservation Order BT341 and investigation is currently taking place to ensure that the layout of the proposed dwellings will not compromise the future well-being of the trees. If any of the trees are deemed to be at risk by virtue of the layout of the scheme then amendments will be sought to ameliorate the situation. A verbal update on this matter will be given at the meeting.

Ecological Assessment

27. The site forms part of a housing allocation within the Local Plan, Alteration No. 2, Second Deposit Draft. As part of this allocation Suffolk Wildlife Trust made representations that the site may have biodiversity value and that any prospective developer would be required to undertake an ecological appraisal of the site and put in place appropriate mitigation measures. However, an ecological assessment subsequently carried out by Suffolk Wildlife Trust, and submitted by the applicants, demonstrates that the site has limited conservation value, given the small overall size of the site and its relative isolation.

Highways

28. The formal comments of the County Highway Authority are yet to be received, but given that the site forms part of an allocation within the Local Plan it is not envisaged that any objections to the principle of development on this site will be received. Parking is being provided at a level of 1.5 parking spaces per dwelling, with 2 no. disabled car parking spaces (in accordance with adopted standards). An further update on this matter will be given at the meeting.

Public Open Space

29. The application provides for 0.1 hectares of public open space, and the layout has been designed to protect and retain the mature trees within the site. The provision of public open space is in line with policy HS16 which stipulates that 10% of the site area must be provided as public open space. Policy HS16 states that public open space should be well integrated within the development and landscaped in a way that provides visual amenity and it is considered that the open space provided within the application site would adequately meet the objectives of the policy. The future maintenance of the public open space (together with a commuted sum) is likely to be secured by a Section 106 legal agreement - an update on this will be given at the meeting.

Conclusion

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

REASON FOR APPROVAL

The proposal is considered to be in accordance with policies LP10 and HS06 which are aimed at ensuring that this site is developed satisfactorily for residential development and at an appropriate density and to meet an identified local housing need whilst respecting the quality of the environment and safeguarding interests of road safety and residential amenity.

RECOMMENDATION A

The Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the 1990 Act to ensure:

- i) That the dwellings proposed are managed in such a way as to meet identified housing needs in perpetuity.
- ii) Secure the adoption of the public open space together with the provision of a commuted sum for the future maintenance (unless satisfactory alternative measures are proposed by the applicants.)

RECOMMENDATION B

Grant planning permission subject to the following conditions: -

- Materials
- Prior demolition of existing properties
- Levels
- As recommended by CHA

- Removal of Permitted Development rights for erection of extensions and windows above first floor level.
- Landscaping

DECISION

ITEM 7B/05/01011/FUL
FULL

LEAVENHEATH – GREENS FARM BUNGALOW, HIGH ROAD

Erection of 1 no. detached dwelling with detached garage (existing dwelling and outbuildings to be demolished)

Applicant: Ms M.Trill

Case Officer: Martyn Fulcher

SITE

1. The application site comprises an area of land measuring approximately 0.58 hectares and hosts a bungalow together with four outbuildings. The site is located to the northern side of High Road and lies adjacent a defined Special Landscape Area. The proposal site is located outside of any defined built up boundary. There are no other planning constraints that affect the site i.e. Conservation Area, AONB etc.

PROPOSAL

2. This planning application seeks permission for the demolition of the existing bungalow and outbuildings and subsequent replacement with the erection of a two and a half storey dwelling with detached garage.
3. The proposed dwelling is of a traditional design, constructed of plain render to the external walls over a 'Hanson Desimpel Medium Surrey Blend' brickwork plinth and a Sandtoft Arcadia Pantiled roof to a maximum ridge height of 9.2 metres. The following accommodation is to be provided:-
 - Lounge, dining room, kitchen, utility room, family room, garden room, entrance lobby, hall and W.C. at ground floor level;
 - 3no. bedrooms (all with en-suite facilities) and landing at first floor level; and
 - 2no. bedrooms, bathroom and landing within the roof space.
4. The detached garage measures 9.9 metres in width, 6.5 metres in depth and has a maximum ridge height of 6.9 metres. The proposed materials consist of a mixture of facing brickwork/render and timber boarding to the external walls and a tiled roof. The garage has 2 no. enclosed bays and a single open bay at ground floor level with a study/storage area at first floor level.
5. The proposed dwelling would be accessed via the existing vehicular access (as improved) and a new driveway and parking/turning area would be provided to the front of the proposed dwelling.

6. The application has been amended since original submission to reflect a detached garage in lieu of the originally proposed linked garage. The amended plans now form the basis of the application and are currently subject to a further period of consultation.

HISTORY

7. 2003 – Planning permission granted for the erection of a two and a half storey dwelling and detached garage (following demolition of existing dwelling and outbuildings) (B/03/01082/FUL refers).

POLICY

PPS7 (Sustainable Development in Rural Areas)

8. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape.

PPG15 (Planning and the historic environment)

9. The design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart, but are woven into the fabric of the living and working community. This can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials. This does not mean that new buildings have to copy their older neighbours in detail: some of the most interesting streets in our towns and villages include a variety of building styles, materials, and forms of construction, of many different periods, but together forming a harmonious group.

Please note that details or extracts of Development Plan policies are no longer included in reports - see page 4 of these papers

10. The following adopted and emerging development plan policies provide the framework against which this application should be judged:

Suffolk Structure Plan 2001

- Policy CS1 (Distribution of new development)
- Policy ENV1 (Listed Buildings and Conservation Areas)
- Policy ENV3 (Design Standards)
- Policy ENV4 (Countryside and coast)

Babergh Local Plan Alteration No.1

- Policy LP8 (Replacement Dwellings)
- Policy LP18 (Layout and Design)
- Policy LP63 (Sewerage and sewage disposal)
- Policy LP79 (Setting of Listed Buildings)
- Policy LP93 (Countryside)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS05 (Replacement Dwellings)
- Policy HS14 (Layout and Design)
- Policy EN16 ((Sewerage and sewage disposal)
- Policy CR01 (Landscape Quality)
- Policy CN01 (General Design)
- Policy CN10 (Listed Buildings)

OBSERVATIONS

11. PC – To be reported verbally if available.
12. CHA – Recommends the imposition of six planning conditions.
13. Letters – None received.

ASSESSMENT

14. The main issues to be considered in the determination of this application are:-
 - Policy Considerations
 - Impact Upon the Landscape
 - Residential Amenity

Policy Considerations

15. Policy LP8 of the Babergh Local Plan (Alteration No.1) and Policy HS05 of Alteration No. 2 require that replacement dwellings in the countryside should, amongst other things, involve only a modest increase in size (a maximum of 50% increase in floorspace as specified by Alteration No.2); be of an appropriate scale, appearance and character; be well related to its setting and not perpetuate a serious traffic hazard.
16. The principle of replacing the existing bungalow with a larger dwelling has been firmly established by the grant of planning permission in 2003 for a two and a half storey dwelling (see paragraph 7 above). The approved replacement dwelling (under p.p. B/03/01082/FUL), has a total floor area of 196 square metres, as opposed to the existing bungalow, which has a total floor area of 80.1 square metres. The approved dwelling therefore resulted in a total increase of approximately 145% in total dwelling floor space.

17. The proposal property in this instance has a total floor area of approximately 251 square metres with a further 39 square metres of floor space above the proposed garage. This would result in an increase of some 213% in total floor space (dwelling only).
18. Although the proposed dwelling is significantly larger in floorspace terms than the existing building, and larger still than the previously approved dwelling, it should be noted that the proposed floorspace is to be provided over three levels and that the total site area measures some 0.5 of a hectare. Consequently, the proposed replacement dwelling is not considered to have any material adverse visual impact upon the countryside character of the locality or upon the setting of the neighbouring listed building. The detailed design of the dwelling and outbuilding are thought to be appropriate for the site and its setting and offer a visually acceptable development.
19. It is acknowledged that the proposal infringes elements of adopted and emerging Development Plan policies by virtue of the increased floorspace of the proposed dwelling. However, given the overall net benefit of the proposal, by virtue of the loss of numerous unattractive outbuildings, enhanced visual appearance and more appropriate siting of the dwelling and with regard to the existing planning consent on the site for a larger dwelling, it is considered that on balance, the scheme offers a significant improvement upon the existing arrangement and is therefore considered acceptable in this instance.

Impact Upon the Landscape

20. It is considered that the design of the proposed dwelling is in keeping with the Suffolk vernacular and would not therefore, detract from the character or visual appearance of the adjacent SLA or significantly adversely affect the qualities and character of the sites' countryside setting. The removal of existing outbuildings and bungalow and subsequent replacement with the proposed development presents a significant visual enhancement, and as such, the proposal is considered to be in accordance with adopted and emerging Development Plan policies.
21. In this instance the proposed method for the disposal of foul sewage is a Bio-Disc system with supplementary reed bed if required. Full details would be required by this authority prior to any scheme being implemented and this can be confirmed by the imposition of an appropriate planning condition.

Residential Amenity

22. The proposed layout of the structures has been arranged so that the potential for privacy loss to neighbouring properties has been minimised and to respect the character of the site and its setting. The proposal property is to be sited some 50.0m away from the neighbouring property, and given this distance, the relationship of the proposed property and that of the neighbouring dwelling and existence of mature planting to the site boundaries, it is considered that the proposal will not offer any significant detriment to the level of residential amenity that occupants of the neighbouring property could reasonably expect to enjoy.

Conclusion

23. In view of the above and having regard to the relevant development plan and its policies, the following recommendation is made.

RECOMMENDATION

Grant Planning Permission subject to following conditions: –

- Materials
- As recommended by CHA
- Prior demolition of existing buildings
- Drainage details (including location and output details)
- Landscape (including boundary treatment and surface details for parking area)

DECISION

ITEM 8

B/05/01061/FUL & B/05/01062/LBC
FULL AND LISTED BUILDING CONSENT

STRATFORD ST. MARY – CLOCK TOWER BUILDING, STRATFORD HILLS FARM, BILLYS LANE

B/05/01061/FUL – Conversion of redundant farm building into 3 No. Self-contained living units for occupation by employees of Stratford Hills Farm.

B/05/01062/LBC – External and internal alterations to allow conversion of redundant farm building into 3 No. Self-contained living units for occupation by employees of Stratford Hills Farm.

Applicant: Lockett Farms

Case Officer: Martyn Fulcher

SITE

1. The application site is situated to the north-east of the village within a designated AONB. The proposal building is located within the curtilage of The Clock House, a Grade II listed house dating from the c17 but subsequently remodelled early c20.

PROPOSAL

2. These applications seek permission for the implementation of external and internal alterations to allow conversion of a redundant farm building into 3 No. Self-contained living units for occupation by employees of Stratford St. Mary.

3. Two units are to be provided at ground floor level (1 x 2 bed, 1x 1 bed) and a further one bedroomed unit at first floor level, accessed via an external staircase.
4. The applicant's agent has submitted letters in support of the application, the salient points are as follows: -
 - Clock Tower building originally built as stables with ancillary support accommodation for feeding, look after horses and groom accommodation and was part of and linked to a much larger 'Clock House';
 - 40-50% demolished in the 1960's and a new replacement main estate house further northwards in the estate;
 - Building last used for seed potato 'chitting' (up until 1974 when the farm stopped growing potatoes). Since then used only for general household storage;
 - In the last few years pig fattening has been phased out (ceased 1999) and starting with the first building in January 2002 and second in October 2002, providing inside accommodation for 40 horses with the pig buildings converted into stables and a successful, ever expanding equine business established;
 - Consideration for commercial use of the building has been considered but was seen as totally unworkable with it being sited mid-estate with very limited access and being immediately adjacent the Clock House;
 - Overall holding amounts to 450 acres/183ha and the current dominant use is for equine activities. The first livery clients used the stables on a DIY basis;
 - There are currently 3 no. F/T grooms and 3 no. P/T grooms and this is operational 7 days a week. There have been several requests for on site accommodation over the past 2 years and a potential employee had to be turned away as she was unable to find anywhere suitable/affordable to live;
 - On site accommodation would have many benefits including 24hr emergency cover, reduction in staff vehicular movements and restoration of the building to a new use in sustaining Stratford Hills Farm; and
 - Proposals in accordance with PPS7 and the Development Plan.

HISTORY

5. No planning history for proposal building.

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

6. 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.
7. Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification
8. Planning authorities should be able to determine most applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural or other consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural, or other business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.

PPG15 (Planning and the Historic Environment)

9. Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question.
10. 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.

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

Suffolk Structure Plan 2001

- Policy ENV1 (Conservation of the Built Environment)
- Policy ENV2 (Re-Use of Rural Buildings)
- Policy ENV3 (Design Standards)
- Policy ENV4 (The Countryside and Coast)
- Policy ENV6 (New housing in the countryside)
- Policy ENV7 (Conservation of Designated Landscapes)
- Policy CS1 (Distribution of new development)
- Policy ECON1 (Expansion of existing employment use)

Babergh Local Plan Alteration No.1

- Policy LP49 (Farm Diversification)
- Policies LP50 – LP52 (Conversion of Under-used Buildings in the Countryside)
- Policy LP78 (Listed Buildings)
- Policy LP79 (Setting of listed buildings)
- Policy LP93 (Countryside)
- Policy LP95 (AONBs)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy CN10 (Listed Buildings)
- Policy CN01 (General Design)
- Policy CR01 (Landscaping Quality)
- Policy CR02 (AONBs)
- Policy CR14 (Protected Species)
- Policy CR29 (Farm Diversification)
- Policy CR30 (Buildings in the Countryside)
- Policy CR31 (Buildings in the Countryside – Residential)

OBSERVATIONS

12. PC – Recommend approval of both applications.
13. CHA – No objections subject to the imposition of a single condition relating to the provision and subsequent retention of parking/manoeuvring area.
14. EA – Submit advisory comments.
15. SWT – Recommend the building is surveyed for bats prior to determination.

16. English Nature (summary of letter sent to applicant) – A licensed bat surveyor has found evidence of occupation by brown long-eared bats in the form of droppings and feeding remains. Applicant is strongly advised to take further advice from a suitably qualified bat consultant before the application is determined
17. SPS – The Society is doubtful about the wisdom of residential development on this very isolated rural site in the AONB. If the principle is accepted, these proposals represent over-development and the units too urban an approach. The Society would suggest that a maximum of 2 no. Units should be created and that the elevations need to remain as close to the existing as possible in order that the character of the building is retained.
18. Letters – None received at the time of writing.

ASSESSMENT

19. The principal issues in the determination of this application are as follows:-
 - Policy Considerations
 - Alternative Use Exploration
 - Design and effect on setting of listed building
 - Bats

Policy Considerations

20. Adopted and emerging Development Plan policies generally support farm diversification where, amongst other things, the proposal facilitates economic activity, has no detrimental effect on landscape characteristics, has no adverse impact upon residential amenity or the highway network and results in the satisfactory retention or restoration of traditional farm buildings. These policies reflect the aims of Government as stated within PPS7 in supporting the re-use of rural buildings for economic purposes and for farm diversification in general.
21. The Adopted Local Plan policies relating to ‘conversions’ expand upon the more general policy in the Suffolk Structure Plan. Local Plan policy establishes that the re-use of redundant or under-used buildings in the countryside for residential purposes is always a last resort, and a range of preferred uses is listed within Policy LP51 and have to be investigated and ruled out before a residential use of the building is considered. In addition, the policy restricts the principle of a residential use to traditional buildings that are worthy of retention for their landscape, historic or group value. Although adopted policy does not rule out most of the preferred alternative uses from such buildings, it states that holiday accommodation will not be suitable.
22. The ‘conversions’ policies (CR30 and CR31) within the Second Alteration to the Local Plan state that the use of ‘traditional’ buildings for conversion into dwellings or holiday accommodation is acceptable. Although the requirement for any applicant to demonstrate that the ‘preferred’ uses are unsuitable before a residential use is considered remains within the policy, there is no such requirement for conversions to dwellings or holiday accommodation to be ‘ruled out’ in a similar way before residential development is favourably considered.

23. In this instance, the building is of historic interest and forms a curtilage structure to a Grade II listed dwelling. It is understood that the building was formerly linked to the main house but has over time, become separated from that building. The proposal for the conversion of the building into 3 no. self-contained units of accommodation for use by employees of Stratford Hills Farm is considered to accord with the general aim of retaining buildings that make a positive contribution to the landscape by bringing about a viable and productive use for the building that would complement the existing equine operations undertaken at the farm. The applicant's agent has confirmed that if necessary, they would be agreeable to entering into an s106 agreement to the effect of limiting the use of the accommodation to personnel working/engaged in the Stratford Hills Farm business activities.

Alternative Use Exploration

24. The application documentation concludes that due to the location of the building within the estate, the form and siting of the access track and close proximity of a residential dwelling renders the building unsuitable for commercial operation.
25. It is agreed that many forms of commercial or community use would result in an unacceptable level of disturbance, by virtue of vehicular movements and activities undertaken in and outside of the building. To this end, the use of the building for small-scale B1 (Office) purposes has also been considered. However, even this level of development is likely to lead to a marked increase in vehicles accessing the site, which is situated midway within the farm estate, directly adjacent a residential dwelling and to the end of a narrow access road. Given these factors, it is considered, on balance, that a residential conversion is the most appropriate form of development in this instance. Moreover, the proposed development aims to provide accommodation for potential employees which may be attracted to the business, who at this time, are unable to source accommodation locally by virtue of current sale or rental prices, comparable to income levels expected with such positions. The availability of accommodation on the site therefore would allow further job creation.
26. In addition, and given the above, the building, due to its size and position, is not thought to be compatible with modern farming practices, and together with the close proximity to an existing dwelling, any realistic opportunity for this building to be used for business, agricultural, community or recreational purposes is severely limited. On this basis, it is agreed that the building is unlikely to be considered entirely suitable for any use other than residential/holiday let and as such, a marketing campaign has not been required of the applicant.

Design and effect on setting of listed building

27. The proposals require internal and external alterations to the building, primarily to the fenestration and access arrangements throughout the building. These alterations are considered acceptable and thought to retain the intrinsic character of the building, whilst ensuring a positive use and longevity for the building. As such, the design approach undertaken is considered acceptable in both its appearance and resultant impact upon the site and its setting.

Bats

28. English Nature recommend that further bat surveys are carried out in order to fully assess the impact of the development on the bats using the building and us this to design an appropriate mitigation plan. Bats are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994, and accordingly, full assessment is required in relation to the potential impact of the development upon the species prior to determination. As such, an appropriate mitigation plan is required. A verbal update will be given at the meeting in this respect.

Conclusion

29. The application building makes a positive contribution to the character and visual amenity of the area. Although a marketing campaign has not been pursued to investigate the 'preferred' alternative uses of the building, it is considered that the proposal offers the most appropriate re-use of the building. The created accommodation would provide on-site affordable housing for future employees and thereby being of some secondary economic benefit. The restricted access width and proximity of the building to residential dwellings limit any other viable alternative use, and in the absence of any harmful impact upon the character of the locality, and with regard to the relevant Development Plan policies, the following recommendations are made:

RECOMMENDATION A

B/05/01061/FUL

Upon the receipt of satisfactory mitigation plans in relation to bats, the Head of Planning (Control) be authorised to grant planning permission subject to those conditions he deems appropriate but to include: -

- Materials as per application
- Landscaping
- As recommended by CHA
- As recommended by English Nature/SWT
- Details of communal domestic areas (i.e. waste bin storage area, clothes drying area etc)

Otherwise,

RECOMMENDATION B

Refuse planning permission – Contrary to Policy CR14 – Adverse impact on protected species (Bats).

RECOMMENDATION C**B/05/01062/LBC**

The Head of Planning (Control) be authorised to Grant Listed Building Consent subject to those conditions he deems appropriate, but including:

- Materials as per applications
- Details of staircases
- Joinery details
- Details of fenestration

DECISION

ITEM 9B/05/00895/FUL
FULL

GREAT CORNARD – OLD JOE’S DRIVING RANGE, JOES ROAD

Retention of golf ball ‘stop’ netting for a temporary period of 6 years.

Applicant: Messrs. F. Fison & Son

Case Officer: Gareth Durrant

SITE

1. The application site supports an existing golf driving range and pitch & putt course on former agricultural land. The site is situated within the countryside for the purposes of planning policy. A public footpath runs alongside the west boundary of the site. The site is included within the extension to the Special Landscape Area which forms part of the emerging Second Alteration to the Babergh Local Plan (Second Deposit Draft version). The site is not part of the Special Landscape Area of the adopted Local Plan (Alteration No.1).

PROPOSAL

2. See report heading. Five (no) six-metre high posts have been erected, and these are taller than the posts proposed to be retained. The application proposes the retention of three only of these posts at a height of 4.5 metres. With the netting, these will form a fence approximately 18 metres in length. The purpose of the netting is to protect users of part of a small part of the pitch and putt course from stray golf balls from the driving range. The posts and netting are required for a period of six years to give new planting an opportunity to establish itself and serve the same purpose as the netting.

HISTORY**Application Site**

3. 1991 – Planning permission granted for the change of use from agricultural land to golf driving range. Erection of building to accommodate driving bays, office, toilets and store. Installation of foul drainage unit and alteration of existing vehicular access. Application number B/91/00232/FUL refers.
4. 1991 – Planning permission granted for use of land to form part of the gold driving range granted under reference B/91/00232/FUL. Application number B/91/00717/FUL refers.
5. 1992 – Planning permission refused for the variation of condition 07 attached to planning permission B/91/00232/FUL to vary the times of use of the driving range. Application number B/92/00316/ROC refers. A subsequent appeal against the refusal of planning permission was allowed.

6. 1993 – Planning permission (temporary) refused to allow the golf driving range to open during the period 24th October 1993 to 27th March 1994 during the hours of 1800 to 2100 Monday to Saturday and 1700 to 2000 hours on Sunday. Application number B/93/00767/FUL refers.
7. 1994 – Planning permission (temporary) refused to allow the golf driving range to open during the period 23rd October 1994 to 26th March 1995 during the hours of 1800 to 2100 Monday to Saturday and 1700 to 2000 hours on Sunday. Application number B/94/00390/FUL refers. A subsequent appeal against the refusal of planning permission was dismissed.
8. 1995 – Planning permission refused for a proposal to allow the golf driving range to open during Greenwich Meantime for the following hours:- Monday to Saturday 1800-2100 hours (last sale of balls 1930 hours, Sunday 1700-2000 hours (last sale of balls 19:30 hours) and the formation of an embankment across the access opposite Grassmere Cottage and the creation of a new field access to the range. Application number B/95/01033/FUL refers. A subsequent appeal against the refusal of planning permission was dismissed.
9. 2000 – Planning permission granted to allow the golf driving range to be open during the following additional hours (Greenwich Meantime):- Monday to Saturday 1800 – 2030 hours (last sale of balls 2000 hours) Sunday 1700 – 1800 hours (last sale of balls 1730 hours). Formation of ten 1.2 metre high earth mounds to provide ‘Berm’ ground level floodlighting system and 3 floodlights replacing existing floodlights. Application number B/00/00320/FUL refers.
10. 2005 – Enforcement action authorised by Development Committee to secure the removal of 5 (no.) 6.5 metre high posts. Paper D271 from 17th March 2005 Development Committee.

Land Adjacent to the Application Site

11. 1999 – Planning permission refused for the change of use of agricultural land to extension to pitch and putt course (9 to 18 holes). Application number B/99/00432/FUL refers.
12. 2002 – Planning permission refused for the change of use of agricultural land to extension to pitch and putt course (9 to 18 holes). Application number B/02/00802/FUL refers. A subsequent appeal against the refusal of planning permission was dismissed.

POLICY

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

Suffolk Structure Plan 2001

- ENV4 – Protection of the countryside.
- ENV8 – Special landscape areas.
- REC3 – Recreation in the countryside.

Babergh Local Plan, Alteration No. 1

- LP93 – Protection of the countryside.
- LP116 – Small scale recreational facilities and uses in the countryside.

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

- CR01 – Protection of the countryside.
- CR05 – Special landscape areas.
- RE08 - Small and medium scale recreational facilities and uses in the countryside.

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

OBSERVATIONS

14. PC (Great Cornard) – recommend approval.
15. PC (Newton) – no objection to the proposal.
16. Two letters of objection to the proposal has been received. The issues and objections raised are summarised as follows:-
 - The development is in open countryside, is close to a public footpath and is within the Special Landscape Area extension. The proposed development is a visual eyesore.
 - The development facilitates the expansion of the pitch & putt to be contrary to one of the Government's key planning aims of achieving sustainable development.
 - The proposed development does not meet criteria set out at policies ENV4, LP93 and CR01.
 - The application is contrary to the fundamental requirements of relevant Special Landscape Area policies (ENV8).
 - The safety aspect of footpath users seems to have been overlooked.
 - Policy REC3 states that proposals will only be acceptable where the effects of structures, noise, light emissions or other characteristics are compatible with the character of the countryside.
 - The Council has already allowed the movement of several hundred tons of soil and the laying of over 750 metres of pipes in this recent SLA development, contrary to government guidance and planning policies. Further overlooking of policy must be avoided.

- The development is visible from the adjacent Grade I listed building (Abbas Hall).
- There is no reason for changing the view of the Council on the grounds as to why enforcement action was suggested in the first place.

ASSESSMENT

17. The proposed development is considered acceptable in principle given that the structure is ancillary to the use of the site as a golf driving range and pitch & putt course. The principal issue is the impact of the structure upon the character and appearance of the countryside and Special Landscape Area.
18. The five poles which have been erected at the site are approximately 6 metres in height and are prominent features in the landscape, including the Special Landscape Area extension. Indeed Members resolved to take formal enforcement action to remove these structures at their meeting on 16th March 2005 (please refer to paper D271).
19. This planning application has since been received to retain three of the poles at a reduced height of 4.5 metres. The service of a formal enforcement notice has been deferred pending the outcome of this planning application and (in the event of planning permission being granted) amendments being undertaken to fencing in accordance with the application. The three poles will remain visible locally, although the visual impact will be greatly reduced by the reduction in height of the poles and the removal of two of them. The three poles (reduced in height) and netting are not considered to have such an impact upon the character of the countryside and Special Landscape Area such as to justify a refusal of planning permission.
20. If planning permission is granted it would be our intention to delay further enforcement action for a three month period to enable the 2 poles to be removed and the reduction in height of the remaining 3 poles to be achieved.

REASONS FOR APPROVAL

21. The proposed development to retain an 18-metre length of 'ball stop' fencing to a maximum height of 4.5 metres above ground level is not considered to comply with the provisions of adopted and emerging Development Plan policies ENV4, ENV8, REC3, LP93, LP116, CR01, CR05 and RE08 insofar as the proposal is ancillary to an existing recreational facility and would not have such a detrimental visual impact upon the character and appearance of the countryside and special landscape area to warrant a refusal of planning permission.

RECOMMENDATION

Grant planning permission, subject to conditions;

- Removal of the structure in its entirety six years following the grant of planning permission.

- Amendments to the fence in accordance with the plans submitted with the planning application.
- No lighting or other forms of illumination to be attached to the poles.

DECISION

ITEM 10

B/05/00815/FUL & B/05/00816/FUL
FULL

BOXFORD – GREENLAWNS BONSAI NURSERY, HADLEIGH ROAD

B/05/00815/FUL – Retention of residential caravan for temporary period of two years.

B/05/00816/FUL – Erection of detached two-storey dwelling.

Applicant: Mr D G Paget

Case Officer: Gareth Durrant

BACKGROUND

These applications are reported to Committee at the request of the local Member. A panel of Members visited the site on 27th June 2005 to assess the impact on the surrounding area. One of the applications is for new permanent dwelling in the countryside and Members were asked to consider whether the proposal would cause sustainability and security problems.

SITE

1. The application site is the former Nursery in Hadleigh Road. There is a large glass house which is currently used as a sales area by the business and a number of redundant/under-used poly tunnels all of which have remained in situ following the closure of the nursery. The site is outside the defined built up area boundary of the village and is, therefore, deemed to sit within a countryside location for the purposes of planning policies.

PROPOSAL

2. See report heading. Two planning applications have been submitted for consideration. The first is a full application for the erection of a dwelling for the site owner and operator of the Bonsai tree business. The dwelling has been designed with the appearance of a converted barn, with black weatherboarded walls and clay tiles to the roof. The dwelling is proposed to face south to take advantage of solar gain with the consequence of the rear elevation facing towards Hadleigh Road. It has a ridge height of approximately 8.8 metres and contains two bedrooms.

3. The second application is for the retention of a mobile home for a temporary period of two years. The mobile home has already been sited on the land and is occupied by the applicant. The mobile home is required whilst the dwelling referred to above is constructed (assuming planning permission is granted).
4. The applicant has submitted a number of his own letters in support of the application for a new dwelling, to provide further information regarding the character of the business and use of the site to justify a need for the provision of a dwelling for the business. Also submitted is a letter the applicant has received from an insurance company stating that a condition of the insurance policy (theft cover) that the applicant be resident at the premises. A business plan has also been submitted. These documents can be viewed in full via prior arrangement with the case officer, but the letters are summarised as follows:-
 - My Bonsai business has been established at this site for the last four years.
 - I have spent the last four years developing half of the 2-acre site as a specialist Bonsai Centre and have shown a profit on the first three years accounts.
 - We have applied for brown tourist signs on the main road and we are having coloured brochures printed for distribution.
 - Every Bonsai centre I know in Britain has the owner living on site, not only because of the value of the stock but because of the very nature of Bonsai and their specialist needs.
 - I produce many Bonsai myself and also stock imported trees as they can take many years to become good saleable trees. I also grow raw material and run workshops teaching people how to create and maintain their own Bonsai.
 - The vagaries of the English climate means that I need to be on hand to check throughout the day whether the sun or wind has dried out the pots and to respond immediately.
 - In the colder months a proportion of my native tree stock needs to come under shelter. I need to be aware of night time temperatures and need to be on site in case of unexpected frosts or heavy winds.
 - Since buying the nursery in June [2004] I have been clearing the other half of the site with a view to increasing production of maples and bamboos.
 - I am fully occupied with the business and my partner works five days a week with me. I fully expect to increase the workforce in the future.
 - I have now obtained a pet shop license to sell Koi Carp and other pond fish as they traditionally go along with Bonsai.
 - By buying the site I have secured the business but living on the site would also mean that we could put more of the profit back into the business.

- I would like to point out a couple of Bonsai Nurseries that have received planning permission to build homes on their site in the past. They are Bodiam Bonsai in Bodiam, East Sussex and Greenwood Gardens, Ollerton Road, Arnold, Nottingham.
 - I believe the dwelling could be classed as infill (even though it is outside the village envelope) due to there being a row of houses opposite and the last house of the row this side would make it a minor extension to current dwellings.
 - The front elevation of the dwelling faces away from the road and faces south-east so as to make use of the passive solar energy gain. The bathroom windows upstairs facing the road would be frosted glass.
5. The applicant has also submitted four letters in support of the planning application for the erection of a dwelling and these are summarised in the 'observations' section of this report.

HISTORY

6. 1963 – Planning permission refused for residential development and construction of access. Application number S/63/559 refers.
7. 1988 – Outline planning permission refused for the erection of a dwelling to be used in connection with the nursery and occupied by a Director. A subsequent appeal against the refusal of planning permission was withdrawn. Application number B/87/01291/OUT refers.
8. 1988 – Outline planning permission refused for the erection of a dwelling. A subsequent appeal against the refusal of planning permission was dismissed. Application number B/88/01086/OUT refers.
9. 1991 – Outline planning permission refused for the erection of a dwelling and office, rest room and toilets. A subsequent appeal against the refusal of planning permission was dismissed. Application number B/91/01235/OUT refers.
10. 2000 – Planning permission granted for the erection of 2.4 metre high panel fence and 2.4 metre high wire fence. Application number B/00/01438/FUL refers.

POLICY

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

11. Isolated new houses in the countryside will require special justification for planning permission to be granted. Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural

areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area.

12. 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.
13. It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings.
14. 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.
15. The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one.
16. 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.

17. There may be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings.
18. The following adopted and emerging Development Plan policies are considered to be relevant to this application;

Suffolk Structure Plan 2001

- CS3 – Location of housing development
- ENV 3 – Design standards
- ENV 4 – Landscape quality and character of the countryside
- ENV 6 – No new dwellings in the countryside except agricultural workers' dwellings

Babergh Local Plan, Alteration No. 1

- LP4 – New housing development in villages
- LP5 – List of villages
- LP18 – Design of new housing.
- LP93 – Landscape quality and character of the countryside

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

- HS02 – New housing development to villages
- HS03 – List of villages
- HS04 – Housing in the countryside
- HS14 – Design of new housing
- CR01 – Protection of the countryside
- CR10 – Landscaping of new development in the countryside
- CR24 – Agricultural dwellings
- 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

Planning application number B/05/00815/FUL (retention of mobile home)

19. PC (Boxford) – offer the following comments:-

“The Parish Council strongly approve this application as wanting to support a thriving local business.”

20. PC (Polstead – as adjacent Parish Council) – offer the following comments:-
 “Refuse on the grounds it will set a precedent of development in the countryside.”

21. CHA – has no observations.

Planning application number B/05/00816/FUL (erection of dwelling)

22. PC (Boxford) – offer the following comments:-

“The Parish Council strongly approve this application as wanting to support a thriving local business.”

23. PC (Polstead – as adjacent Parish Council) – offer the following comments:-

“Refuse on the grounds it will set a precedent to develop in the countryside.”

24. CHA – recommend that in the event that planning permission is approved, conditions be imposed to ensure the proposed parking/manoeuvring areas are provided and the approved details thereafter provided and retained and that any frontage means of enclosure to be erected at the site is set back (a minimum) of 2-metres from the edge of the carriageway of the adjacent highway.

25. Six letters have been received in support of the planning application. Four of these were submitted by the applicant with the application. The letters are summarised as follows:-

- The bonsai trees could be stolen without the owner living on site.
- A grant of planning permission would be both beneficial to the long-term owners of the Nursery as well as tidying up the site in planning and visual terms.
- Green Lawns Bonsai have often looked after my valuable Bonsai collection. Of utmost importance is that the trees receive regular attention. In some cases this means the trees are watered up to three times a day with the most important period being dusk. Clearly on-site staff are able to accommodate this requirement in a cost effective manner.
- Kaizen Bonsai supply Bonsai Trees, plants and other related products to Green Lawns Bonsai on a sale or return basis. It is not possible to insure our trees and plants but because the applicant is on site 24-hours a day we are happy that our stock is reasonably secure. However, because of the vulnerability of the site and its fairly high public profile we would be forced to withdraw our support for the business were the current arrangements changed.

ASSESSMENT

26. The application site lies outside of the defined built up boundary for Boxford and is therefore classified as countryside for settlement planning policy purposes where rural area planning policies of restraint apply. There is therefore a strong presumption against residential development at this location. 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.
27. In planning terms, the bonsai tree business is not an agricultural (or horticultural) use of the land. The vast majority of the tree stock is imported for sale to the site by specialists, mostly as a finished product. This is more akin to a retail use of the site. Furthermore, Koi Carp is to be retailed from the site, teaching and information workshops are undertaken and the proprietor looks after a number of bonsai trees on behalf of collectors. The bonsai tree operation is considered to differ from a conventional nursery (which is considered agricultural) in a similar way to a garden centre, i.e. that the vast majority of stock for sale is imported to the site rather than grown/produced on it. A garden centre is a class A1 (retail) use. Planning permission has not been sought for the change of use of the site from agriculture (i.e. horticulture) to the current retail use.
28. PPS7 sets out the criteria against which planning applications for agricultural workers' dwellings are considered. The document also states that there may be special circumstances where a workers dwelling could be justified for a 'rural based enterprise' (please refer to paragraph 17 above). In such cases it advises that the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings should be applied. A summary of the criteria against which applications for agricultural workers dwellings is provided at paragraphs 11-15 above and is taken from Annex A of PPS7.
29. The dwelling (and mobile home) is proposed principally to provide additional on-site security for the bonsai tree business, although it is also stated within the application that the stock has special watering needs through the day and may need to be tended at night in extreme weather conditions during the winter. Government Guidance is firm that dwellings to house key personnel employed in agriculture (or rural based enterprises) should only be granted in exceptional circumstances and where the need for the dwelling is established and clearly demonstrated.

30. It is considered that the case expressed by the applicant fails the tests set out in PPS7. Firstly, it is not clearly explained why the business has to be based in a countryside location as opposed to a site within the built up area of a town or village. Secondly, there is insufficient justification for the provision of a new dwelling, nor the siting of the mobile home. PPS7 is firm that the issue of security cannot, in itself, be used to justify the provision of a new dwelling contrary to established settlement policies. No convincing evidence has been provided to demonstrate that a worker needs to live on site to tend to the plant stock at anti-social hours on a daily basis throughout the whole year. No explanation is given as to why one of the existing dwellings in Hadleigh Road cannot be used to serve the same purpose as the proposed dwelling/mobile home, or indeed a dwelling in the main part of the village. Finally, planning permission has not been sought or granted for the continuing retail use of the site and PPS7 is firm that in order to justify a key workers' dwelling, the rural enterprise must be permitted and acceptable in its location (please refer to paragraph 17 above).
31. In light of the above it is considered that the applications fail the tests of PPS7 and the proposed development's should be regarded as additional dwellings at an unsustainable location in the countryside, being contrary to adopted and emerging Development Plan policies. Approval of these applications would have a detrimental impact upon the character and appearance of the countryside and set a serious and undesirable precedent for similar developments in the locality and throughout the District, to the further detriment of the countryside.
32. It is worthy of note that in the event of planning permission being granted for this development, the Council could not be justified in imposing a condition to restrict the occupancy of the dwelling to an agricultural, horticultural or forestry worker because the current operator of the site would be unable to comply with it. As such, the granting of a planning permission for this development would allow an unrestricted dwelling to be erected at this countryside location, contrary to a number of established settlement policies.
33. There were three separate planning applications submitted between 1988 and 1991 for the erection of a dwelling at this site to house a worker in connection with the previous nursery use of the site (please refer to paragraphs 7-9 above). All three planning applications were refused by the District Council as it considered an insufficient 'agricultural' case had been made on each occasion and a departure from established settlement policies could not be justified. Appeals were made against all three decisions. The first was withdrawn, the second and third were both dismissed.

34. The proposed dwelling has been designed to take advantage of solar gain. As a consequence, the front elevation faces away from the road to the south and the dwelling backs onto the highway. Whilst the application site is well screened from the road at the present time by mature and tall hedgerows, there is no guarantee this will be retained at its current height in perpetuity and a condition requiring retention of the hedge at any height above 3 metres would probably be considered unreasonable. The applicant has indicated his intention to lower the height of this hedgerow in due course so it does not interfere with the overhead lines on that boundary. As such, there is a strong possibility that the proposed dwelling will become visible in the street scene at some point in the future.
35. Whilst there are no objections to the applicants intentions with regard to taking advantage of the solar gain from the south (rear) of the site, it is considered that the north (or front) elevation of the proposed building should be more appropriately designed for its position in the streetscene. Furthermore, it is considered that the design and positions of doors and fenestrations needs to be improved so the building appears more as a converted barn and less a conventional dwelling. This could be achieved through non-standard door/window designs and sizes and the avoidance of symmetry in their positioning on the building.

RECOMMENDATIONS

1. **Planning application number B/05/00815/FUL (mobile home)**

A. Refuse planning permission. Reasons –

- Unsustainable and unacceptable development in the countryside with insufficient justification, contrary to PPS7 and policies ENV4, ENV6, LP4, LP93, HS02, HS04 and CR01.

And;

B. (1) The Solicitor to the Council be authorised to serve an enforcement notice under Section 172 of the Town and County Planning Act 1990 (as amended) to secure the removal of the unauthorised mobile home.

(2) That in the event of the Enforcement Notice not being complied with within the specified period for compliance, then the Solicitor to the Council be authorised to institute proceedings in the Magistrate's Court pursuant to Section 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. **Planning application number B/05/00816/FUL (dwelling)**

Refuse planning permission. Reasons –

- Unsustainable and unacceptable development in the countryside with insufficient justification, contrary to PPS7 and policies ENV4, ENV6, LP4, LP93, HS02, HS04 and CR01.

- Poor design and form of the dwelling having a detrimental impact upon the character of the area. Contrary to policies ENV3, LP18, HS14 and CN01.

DECISION

ITEM 11

B/05/00901/OUT
OUTLINE

ACTON - O.S. 2996, NEWMANS GREEN

Outline – Erection of part single-storey and part 1½-storey dwelling. Construction of new vehicular and pedestrian access.

Applicant: Mr & Mrs Pociecha

Case Officer: Gareth Durrant

BACKGROUND

This application is being reported to Development Committee at the request of the Local Member. A panel of Members visited the application site on 27th July 2005. In particular, the visit was undertaken to enable Members to familiarise themselves with the site given its location outside the village and to assess the suitability of the site for the proposed use.

SITE

1. It measures approximately 0.07 hectares and is situated on an ‘island’ enclosed by roads and is situated outside the built up area boundary of Acton. Despite being severed from it by a highway, the application site forms part of the curtilage of Walnut House and contains two domestic outbuildings used ancillary to that dwelling. All three boundaries of the site are marked by substantial and mature hedgerows with trees.

PROPOSAL

2. See report heading. The application is in outline form and is for the erection of a part single-storey and part 1½-storey detached dwelling. All details, with the exception of vehicular access are reserved from this application. A new vehicular access is proposed to serve the development and is to be taken from the east. An existing access from the north is to be closed. The site plan submitted with the planning application indicates the position of the new vehicular access an illustrative layout to demonstrate how a dwelling might be sited.
3. Two statements have been submitted in support of the application. These can be viewed in full by prior arrangement with the case officer. Comments made in connection with the application site are summarised as follows;

- The site is approximately 2 miles from the centre of Sudbury and 1 mile from the village of Acton. Accordingly, shops, schools, medical and the social amenities are all within a short distance.
- Bus services operated by both Chambers and Felix mini buses serve Newman's Green, including direct access to Tesco's supermarket.
- The nearest primary school is at Acton with a middle school within 1 mile.
- The application site is clearly a sustainable one with many facilities within close proximity. It is worthy of note that many of the facilities are closer than those available in Great Cornard or on residential estates on the southern side of the town.
- Newman's Green is an established settlement in which residential infill development has been allowed over the years.
- The most recent permission being a large detached house opposite the application site which was granted in 2001.
- The revised access arrangement has been discussed with the County Surveyor and this proposal is fully supported. This re-arrangement will improve the amenities of the owners opposite the existing access and the occupier of the proposed dwelling on the application site should planning permission be granted.
- The application site is previously developed land as defined in PPG3 and the proposal reflects the Government's commitment to "making more efficient use of land by maximising the re-use of previously developed land."
- It was recommended that an application for development at Hadleigh Heath be refused on grounds of sustainability, but was subsequently allowed on a unanimous vote of the Development Committee. Hadleigh Heath is a far less sustainable location than Newman's Green.
- Your Council considered an application at their June meeting for development at Chattisham. I believe this site to have been in a totally unsustainable position, but nevertheless, was recommended to the Development Committee for approval, which was subsequently given.
- Planning authorities are required to make better use of previously developed land and to control new house building away from established settlements. The application site is previously developed land and lies within the established settlement of Newman's Green.

HISTORY

4. 1970 – Planning permission refused for a dwelling and access. Application number B/70/00184 refers.

5. 1975 – Planning permission refused for the erection of a private dwelling. Application number B/75/00425 refers.
6. 1991 – Planning permission granted for the erection of single-storey extension, entrance porch and detached storage shed. The proposed extensions related to Walnut House. The proposed storage shed was positioned on the application site. Application number B/91/00191/FHA refers.

POLICY

PPS1 (Delivering Sustainable Development)

7. Land of a suitable quality in appropriate locations should be brought forward to meet the expected needs for housing, taking into account issues such as sustainability and sustainable transport needs, the provision of essential infrastructure. Provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport, rather than having to rely on access by car, while recognising that this may be more difficult in rural areas.

PPG3 – Housing

8. To promote more sustainable patterns of development and make better use of previously developed land, the focus for additional housing should be for existing towns and cities.
9. Not all development can take place within urban areas. How much development should take place outside existing areas will depend on the overall need for housing land, the capacity of existing urban areas to accommodate additional housing and the efficiency with which land is developed. Where development has to take place outside urban areas, the Government is looking to local planning authorities to utilise the most sustainable option.

PPS7 – Sustainable Development in Rural Areas

10. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.
11. Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

12. 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.
13. In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should (inter alia) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.
14. Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside.

PPG13 – Transport

15. By shaping the pattern of development and influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel, reduce the length of journeys. Consistent application of these planning policies will help to reduce some of the need for car journeys (by reducing the physical separation of key land uses) and enable people to make sustainable transport choices.
16. The following adopted and emerging Development Plan policies are considered relevant to this application:-

Suffolk Structure Plan 2001

Policies:

- ENV4 (Protection of the Countryside);
- ENV6 (New Housing in the Countryside);
- ENV17 (Retention and appropriate management of existing trees, hedgerows and woodlands);
- CS1 (Sustainable Development), and
- CS3 (Location of new Housing Development).

Babergh Local Plan, Alteration No.1

Policies:

- LP4 (Housing Development in Villages);
- LP5 (Villages);
- LP93 (Protection of the Countryside)

Babergh Local Plan, Alteration No.2

Policies:

- HS02 (Housing);
- HS03 (Villages);
- HS04 (New Residential Development in the Countryside);
- CR01 (Protection of the Countryside);
- CR08 (Trees);
- CR10 (Landscaping of development in the countryside);
- CR11 (Protection of hedgerows);
- 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

17. PC – recommends that the application should be granted and makes the following observations:-
 - If this application is granted then the Parish Council asks that conditions be imposed to retain all existing trees and hedges on the site other than those to be removed to provide vehicular access and to remove permitted development rights for future extensions which could lead to the over-development of the site.
18. CHA – recommends that any planning permission granted should include four conditions regarding the completion of the new vehicular access and associated visibility splays, the stopping up of existing access, details of areas for the parking and manoeuvring of vehicles and means to prevent the discharge of surface water from the development to the highway.
19. Chief Fire Officer – comments that access to buildings for fire appliances and fire fighters must meet with the requirements specified in the Building Regulations.
20. Five letters of objection have been received in connection with the planning application. The issues and objections raised are summarised as follows:-
 - The proposal represents overdevelopment of the site.
 - The site is surrounded on all sides by roads. These are narrow roads with poor visibility. There are at least nine driveways that use this small area around the site.
 - The proposed dwelling will overlook our property encroaching on our privacy. Two of the objectors raise this objection; Orchard Cottage and Greenways.

- There have been problems at Newmans Green with ditch water and effluent from septic tanks. This site is not suitable for this type of drainage or other forms of drainage.
 - The trees/hedges will have to be cut down to provide light into the dwelling.
 - The provision of a building on this site will cut out light to our property (Orchard Cottage) in summer and winter.
 - The development will cause severe traffic problems in lanes too narrow to absorb them (potential occupants of the dwelling, their visitors, deliveries etc.).
 - The proposed house/bungalow would not fit in with a rural neighbourhood such as Newman's Green and would damage the ambience.
 - The site is outside the defined settlement boundary of Acton and, consequently, is contrary to a number of planning policies.
 - This triangular piece of land is an important structural and visual feature in the settlement. If housing is to be built, it should be built around rather than on the triangle to complement the existing houses that surround it.
21. One letter has been received in support of the planning application. The supporter comments that the site used to be an unsightly waste ground although the applicant has maintained it for the last 15 years. If planning permission were granted for a property sympathetic to the location this would only enhance Newman's Green.

ASSESSMENT

22. Newman's Green lies outside of the defined built up boundary of Acton and is therefore in the open countryside where rural area planning policies of restraint apply. There is therefore a firm presumption against further residential development here. It should be noted that no justification has been made that the proposed additional dwelling is for key personnel to be employed in agriculture, horticulture or forestry, nor is the proposed dwelling cited as an 'exceptions' site for local needs housing.
23. However, the application site is currently well screened by existing trees and hedges on all sides and even if the hedgerows were to be lowered to 3 metres, the development of the plot would have no impact upon the character of the countryside as it would be viewed against the backdrop of the hedges and trees and other dwellings. The issues considered central to the outcome of this application are;
- i) whether the proposal constitutes a sustainable form of development, and
 - ii) whether it is possible to develop the site without the loss of the trees and/or significant lengths of hedgerow, or without future pressure for felling/removal to allow light to the dwelling.

Sustainable development

24. Government Planning Guidance with regard to the location of new housing development and achieving sustainable development with regard to housing provision is well documented within the 'Policy' section of this report above.
25. The application site is situated within a small group of 27 dwellings, and is devoid of local services, social and employment facilities. It follows that the occupiers of the proposed dwelling are likely to travel to access shopping, education, employment, recreation, and social facilities and the majority of these journeys would be by the motor car. Furthermore, the dwelling would create demand for additional trips for visitors and service vehicles. As such, the proposal for a new dwelling at this countryside location clearly represents an unsustainable form of development.
26. New housing infill development has been permitted at Newman's Green as recently as 2001. Such development was permitted by virtue of a clause in PPG7 which allowed for sensitive infilling of existing clusters of development in countryside locations (i.e. in addition to those villages with defined settlement boundaries). PPG7 has since been replaced by PPS7 and this clause no longer forms part of Government planning policy and guidance. Instead the philosophy is to achieve sustainable patterns of development by focusing new development in existing towns and cities and (if required) at sustainable rural settlements. This is to cut down on the number and length of motorised trips. A list of the villages where new residential development is considered acceptable in principal is contained in policy HS03 of the emerging Local Plan (Alteration No.2 – Second Deposit Draft version. Acton village is included in the list of villages, but Newman's Green is not classified as a village where new housing can be accommodated and is thus situated within the countryside.

Impact upon boundary trees and hedges

27. All three boundaries of the application site contain substantial tree and hedgerow planting. This planting is considered important, not only to the character and appearance of the area, but also to help screen or soften the impact of any development proposed at the site. The application proposes the construction of a new vehicular access to the eastern boundary. The County Highway Authority has requested provision of visibility splays to serve the development and, according to their current advice, it is likely that the majority, if not all, of the trees and hedgerows currently in situ. on that boundary will have to be felled or removed to provide the required splays. The applicant has been asked to accurately plot the location of all boundary trees and hedgerows on a plan together with details of the required visibility splays and submit this for further consideration. Members will be updated of progress in this matter at the meeting.
28. There is also a concern that the erection of a dwelling at this site may directly result in the loss of trees and/or reduction in height of hedgerows or place future pressure on these from future occupiers of the dwelling seeking to increase light into the dwelling. Investigations into this particular issue are on-going and Members will be verbally updated of progress at the meeting.

Other issues

29. Some concerns have been expressed that the erection of a dwelling at this site would lead to overlooking of existing dwellings nearby and reduce light to those properties. The siting, design and external appearance of the dwelling are matters reserved for a later date, but given the character and scale of existing boundary landscaping, officers are satisfied that a dwelling can be sited and designed for the site without detriment to the amenities enjoyed by occupants of existing dwellings in the vicinity.
30. Further concerns have been expressed with regard to the drainage of the site. Information submitted with the planning application indicates that a packaged treatment plant is proposed for foul water drainage (a self contained system that re-cycles the waste product), whilst surface water will be discharged to soakaways. There will be no discharge to watercourses and a septic tank facility is not proposed.

RECOMMENDATION A

Subject to the satisfactory resolution of the outstanding issues discussed at paragraphs 23 and 24 above, the Head of Planning (Control) be authorised to refuse planning permission. Reasons -

- i) Unsustainable development – contrary to PPG3, PPG13, CS1, CS3, CS10, ENV6, LP4, HS02 and HS04

Otherwise,

RECOMMENDATION B

Refuse planning permission. Reasons -

- i) As stated at A i) above, and,
- ii) Loss of trees and hedgerows required to screen/soften the impact of the proposed development, thus being detrimental to the character of the area and the countryside. Contrary to policies ENV6, ENV17, LP4, LP93, HS02, HS04, CR01 and CR11.

DECISION

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ITEM 12B/05/00985/OUT
OUTLINE

SUDBURY – GAINSBOROUGH YARD, SANDY LANE

Outline – Erection of building for light industrial use (Class B1)

Applicants: C H N and J R A Chamberlain

Case Officer: Gareth Durrant

BACKGROUND**This application is reported to Members of Development Committee at the request of the local Member.**SITE

1. The application site is situated outside the settlement boundary of Sudbury and is formed by a small part of a larger site which contains a building currently used for Class B1 (light industrial) purposes. There is a large area of open land situated in front of the existing building and it is part of this area, close to the existing vehicular access, where it is indicated the proposed building is to be erected. The application site is approximately 300 square metres in size. The entire site is 0.39 hectares in size. The site is situated within the Special Landscape Area.

PROPOSAL

2. See report heading. The application is in outline form and is for the erection of a building to be used for light industrial use (Class B1) The following definition of a class B1 light industrial use is given within the planning legislation:-

A B1 use must be capable of being undertaken in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

3. All details of the building (siting, design external appearance), vehicular access and the landscaping of the site are reserved from this application. Information submitted with the planning application indicates the building will have a floor space of 432 square metres (it is not indicated whether there will be a first floor in the building). It is anticipated that the proposed development will by 15 cars, and 4 light goods vehicles (up to 7.5 tonnes GVW) will visit the building each day. Proposed hours of working are 7am to 8pm (including Sundays and Bank Holidays). No new vehicular or pedestrian accesses are proposed to serve the development.

HISTORY

4. 1992 – Planning permission granted for the use of waste land as builders yard and waste sorting station.

5. 1995 – Planning permission granted for continued use of portable buildings in connection with use of land as a builders yard and waste sorting station. Application number B/95/00883/FUL refers.
6. 1998 – Outline planning permission granted for the erection of a building for Class B1 (light industrial) use. Application number B/98/01207/OUT refers.
7. 1999 – Reserved matters submitted under outline planning permission B/98/01207/OUT for the siting, design and external appearance of, the means of access to and the landscaping of the site for 6 Class B1 light industrial units.

POLICY

PPG4 (Industrial, Commercial Development and Small Firms)

8. The characteristics of industry and commerce are evolving continuously, and many businesses can be carried on in rural and residential areas without causing unacceptable disturbance through increased traffic, noise, pollution or other adverse effects. Individual planning decisions will of course depend on such factors as the scale of the development, the nature of the use of the site and its location.
9. It is now generally recognised that it may not be appropriate to separate industry and commerce-especially small-scale developments-from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale - particularly in existing buildings - which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation.
10. Many urban areas contain large amounts of land, once used for industrial purposes but now under-used or vacant. Getting this land back into beneficial use is important to the regeneration of towns and cities. Optimum use should be made of potential sites and existing premises in inner cities and other urban areas, taking into account such factors as accessibility by public transport, particularly in the case of labour-intensive uses.
11. Planning applications for speculative development should be considered on their land-use planning merits; authorities should not normally seek to investigate whether the developer already has particular prospective purchasers or tenants; this will seldom be a material consideration.

PPS7 – Sustainable Development in Rural Areas

12. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.
13. Priority should be given to the re-use of previously developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.
14. 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.
15. Planning authorities should support a wide range of economic activity in rural areas.
16. The following adopted and emerging Development Plan policies are considered relevant to this application:-

Suffolk Structure Plan 2001

Policies -

- CS1 (Distribution of new development and the provision of associated infrastructure).
- CS2 (Economy and employment)
- ENV3 (Design standards)
- ENV4 (Protection of the countryside)
- ENV8 (Special landscape areas)
- ENV17 (Retention and appropriate management of existing trees, hedgerows and woodlands).
- ECON1 (Expansion of an existing employment use)

Babergh Local Plan, Alteration No.1

Policies -

- LP28 (General employment policy);
- LP93 (Protection of the countryside);
- LP95 (Special landscape areas).

Babergh Local Plan, Alteration No.2

Policies -

- EM01 (General employment policy);
- EM12a (Expansion of existing employment uses);
- EM13 (Small scale industry);
- CR01 (Protection of the Countryside);
- CR05 (Special landscape areas);
- CR10 (Landscaping of development in the countryside);
- CR11 (Protection of hedgerows);
- 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

17. TC – Refuse: Excessive hours of operation. Concerns over highways issues and excessive traffic on such a narrow lane. Inconsistency in the application re the number of vehicle movements and the parking spaces provided.
18. CHA – Standard condition regarding parking and manoeuvring.
19. Archaeology – Standard archaeological watching brief condition
20. HoES – comments awaited.
21. One letter received from the Local Member, Martyn Booth, objecting for the following précised reasons:-
 - Sandy Lane is a narrow lane with difficult access to the existing industrial units and the household waste site. I am amazed that more industrial development close to the conservation area and water meadows is being proposed.
 - Since we already have critical traffic problems in this area of Sudbury and no chance of a bypass for 12 to 15 years (if ever) I object most strongly to more development pressure which attracts commercial and HGV traffic anywhere near this area. This type of development should be concentrated on the new Chilton Industrial Estate.

- It is bad enough that we approved Chilton without insisting on the Western Bypass – to allow further industrial development south of the Stour without direct access to a relief road is clearly ludicrous.
- I cannot emphasis enough the anger of local residents about the inadequacy of this part of Sudbury to cope with more industrial expansion and the associated traffic.

22. Letters –

- One letter (signed by 11 people) objecting to the proposal. They feel that the proposal will worsen the traffic situation that already exists in Sandy Lane and increase the noise and nuisance level in the area. There are already cars and vans with trailers etc. all going to and from the dump, also oil tankers from the existing units in the Gainsborough Yard. This will detract from our entitlement to peace and enjoyment in a residential and conservation area.
- One letter (submitted by 4 people) objecting to the increase in development and the volume of traffic and fumes. More traffic already generated by the waste disposal and recycling centre following the introduction of the “Blue” bins. The Total Butler lorries are becoming larger and more frequent and the skip lorries at the tip all cause tailbacks. Object to developing Chamberlains Field since it must increase the volume of traffic.
- Three further individual letters of objection have been received; objecting to the increase in traffic, the potential increase in noise and the fact that the whole area will be surrounded by industrial development.

ASSESSMENT

23. The application site proposes the intensification of an existing employment site. As such, and in accordance with adopted and emerging policies (in particular ECON1 and EM12a), the erection of a new building for Class B1 (light industrial) use is considered acceptable in principle.
24. The proposed use of the building for Class B1 purposes will, by definition, have to be operated without detriment to the amenities of adjacent residential properties (please refer to paragraph 2 above). If any business or use which might occupy one of the buildings at the site (assuming planning permission is granted) operates in such a manner as to cause conflict with residential amenity, it is likely to be deemed a Class B2 use (General Industrial) and would require planning permission for change of use. If such a business operates from the site in a manner causing conflict with residential amenity, the Council could (depending upon the circumstances of the case) take formal enforcement action to secure the cessation of the use.

25. The application site is situated within the countryside and Special Landscape Area. Given the nature of existing uses at and surrounding the application site and the degree of existing mature trees and hedgerows in its vicinity, it is not considered that the erection of the building would have a detrimental impact upon the countryside and Special Landscape Area such as to warrant a refusal of planning permission.
26. Traffic generation has been raised as a significant issue by objectors to the scheme. The application site and adjacent sites are already in use for employment related purposes and there is a long history of employment use of these sites along Sandy Lane. The County Highway has not objected to the application, but has recommended the imposition of controlling conditions. In light of these matters, it is not considered that a highway safety/traffic generation objection to this proposal can be sustained.
27. Given the small size of the submitted application site (approximately 300 square metres) and its close proximity to the north boundary of the site, close to an existing hedgerow, the applicant has been asked to consider increasing the size of the application site to allow some flexibility in the siting of the building in order to ensure that it can be positioned a reasonable distance from the boundary hedgerow. Furthermore, the applicant has been asked to confirm how 432 square metres of floor space (as is proposed for the building) can be accommodated on a site approximately 300 square metres in size. Unless the accommodation is proposed over two-storeys, this is likely to result in an increase in the size of the application site area. These potential amendments are likely to require a further round of consultation (in particular, the County Highway Authority), but Members will be updated of progress in these matters at the meeting.

REASONS FOR APPROVAL (if appropriate)

28. The proposal for the erection of a building to be used for Class B1 (Light industrial) purposes at this existing employment site is considered to be in accordance with the provisions of adopted and emerging Development Plan policies CS2, ENV4, ENV8, ECON1, LP28, LP93, LP95, EM01, EM12a, EM13, CR01 and CR05. The development is not considered to have a detrimental impact upon the character of the countryside and Special Landscape Area and is considered acceptable with regard to traffic safety and convenience. Furthermore, the proposed development is not considered to impact upon the amenities enjoyed by occupants of dwellings in the vicinity of the site.

RECOMMENDATION A

Subject to the satisfactory resolution of the outstanding issues discussed at paragraph 27 and no objections to the application being received from HoES, the Head of Planning (Control) be authorised to grant planning permission, subject to conditions –

- Reserved matters (including the landscaping of the site);
- As may be recommended by CHA;

- As may be recommended by HoES;
- Withdrawal of GPDO rights for change of use to B8 (to be imposed if the building is less than 235 square metres in floor space, planning permission is required for changes of use of buildings in excess of this size);
- No external lighting;
- No outside storage or working.

Otherwise,

RECOMMENDATION B

Refuse planning permission. Reasons;

- As may be recommended by CHA
- As may be recommended by other consultees (i.e. HoES, EA etc.)

DECISION

ITEM 13B/05/00013/FUL
FULL

BENTLEY - DODNASH PRIORY FARM, HAZEL SHRUB ROAD

Erection of general agricultural building

Applicant: Mr C Bacon

Case Officer: Richard Collins

SITE

1. The application site is located outside of the main settlement of Bentley, and situated to the north of the main farm complex buildings at Dodnash Priory Farm, alongside a similar general agricultural building approved in 2003. The site is accessible from a track to the farm buildings off Hazel Shrub Road, with the nearest residential properties being approximately 160 metres away. The site is also located with the Special Landscape Area.

PROPOSAL

2. This planning application seeks permission for the erection of a general agricultural building. The proposed building measures 15 metres by 15 metres, with a maximum ridge height of 7 metres. The walls of the proposed building will be constructed in plastic coated composite cladding (black in colouration), with a plastic coated composite sheeting roof (red in colouration). There will be a roller shutter door.
3. The applicant has advised the local planning authority that the building is required for the storage of tractors, hay and fertiliser.

RELEVANT HISTORY

4. 2005 – Planning application for a general agricultural building (B/05/00152/FUL refers). The application has been withdrawn.
5. 2003 – Planning permission granted for a general purpose agricultural building (B/03/01827/AGD refers).
6. 1999 – Planning permission granted for the erection of a steel framed building (B/99/00654/AGD refers).
7. 1997 – Planning permission granted for the erection of a steel framed agricultural building (B/97/01463/AGD refers).
8. 1994 – Planning permission granted for the change of use of existing farm buildings to 5 Class B1 light industrial units and construction of 5 additional car parking spaces (B/94/00667/FUL refers).
9. 1988 – Planning permission granted for the change of use of farm buildings for use as light industrial premises (B/88/01408/FUL refers).

POLICY

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

PPS7 ‘Sustainable Development in Rural Areas’

10. PPS7 states that the government’s objectives is to promote sustainable, diverse and adaptable agriculture sectors, where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity.
11. The following policies provide the framework against which this application should be judged.

Suffolk Structure Plan 2001

- ENV4 ‘The Countryside’

Babergh Local Plan (Alteration No. 1)

- LP93 ‘Landscape Quality’
- LP105 ‘Agriculture building and operation’

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

- CR01 ‘Landscape Quality’
- CR20 ‘Agriculture’

OBSERVATIONS

12. PC – Recommend Refusal. Advises that should the local planning authority grant permission they request the roof of the proposed building be a more acceptable colour i.e. green to blend with the environment.
13. Letters - One letter has been received objecting to the proposal and their comments are summarised as follows:-
 - Serious Detriment to the Environment -
 - There are sufficient agricultural buildings on this land;
 - The existing agricultural buildings are akin to a growing industrial estate operation and is an eyesore in the countryside;
 - Not in keeping with nearby Ancient Woodland, Special Landscape Area and County Wildlife sites;
 - Highway Danger;
 - Application lacks detail as to the use of the building, bearing in mind other buildings have become industrial units;

- Serious Traffic Intrusion;
 - The use of Bergholt Road and the road around the Dodnash site is totally unsuitable for more traffic of the type that serves industrial units;
- Noise and Lights;
 - Local residents should not have to put up with any increase in noise and light pollution if this building is turned into industrial units as has happened to all or most of the current agricultural buildings;
- Preserved Oak trees all along Bergholt Road;
 - These are likely to be damaged by vehicles used to supply the industrial units already advertised at this location;
- Future Development;
 - It would be intolerable if the applicant took over the field and covered it in agricultural buildings that a simple change of use would make into industrial buildings.

ASSESSMENT

14. The main issues to be considered in the assessment of this application are:-

- The reasonable agricultural need for the building; and
- Impact on the landscape and in particular the SLA.

Agricultural Justification

15. Policy LP93 and CR01 states that the countryside will be protected by restricting development to that which is essential for the efficient operation of agriculture. A short time after the submission of this application a further application was submitted by the applicant for an agricultural building of the same size at Dodnash Priory Farm (B/05/00152/FUL refers). There was no evidence or justification to demonstrate that there was an overriding agricultural need for these developments, and coupled with a recent approval in 2003 for an agricultural storage building (B/03/01827/AGD refers), and concerns expressed from an objector, the Council has instructed an independent agricultural consultant to assess the needs for these buildings, and the findings of the report are summarised below:-

- The farm amounts to 67 hectares of land. A proportion of the land is ex orchard land and the farm is now predominately grass for the production of hay and occasional grazing with other areas used for horses. There are areas of wood and steep areas ideal for wildlife but of little use in commercial agriculture.

- The land is light and drought prone and is more ideally suited to grass production than crops. There is a continuing programme of reseeded areas to good quality grass in order to concentrate on hay production.
 - An area of 12.5 hectares of grass will be used for hay production in 2005 but is likely to increase to approx. 20 hectares as more areas are improved by reseeded.
 - The farm has a range of machinery to carry out the grass establishment and maintenance. This includes three tractors, JCB digger, two self-propelled mowers, plough, power harrow, drill, swipe and trailers.
 - The farm currently has a range of traditional buildings with some that have been granted planning permission for alternative uses. There is only one existing building that is suitable for modern agricultural needs (that approved in 2003). Two further buildings are located at the farm of a reasonable size, but have eaves height of only 3 metres that restricts their use for storage as the height restriction at the sides is prohibitive.
 - The assessment of the agricultural storage requirements of the holding are as follows:-
 - Machinery – 98 square metres.
 - Fertiliser – 20 square metres.
 - Other stores – 10 square metres.
 - Hay – 180 square metres (equivalent to 150 tonnes to 5 metres high ave.
 - The above shows a requirement for two buildings. The existing building, approved in 2003, would suffice for general and machinery storage. The building being proposed under this planning application would be suitable for the hay storage with a floor area of 225 square metres.
16. In summary, the farm is commercial in its agricultural activities. It is not possible to store good quality hay outdoors without significant deterioration, and machinery should ideally be stored under cover to reduce depreciation but also to ensure against theft. Likewise storage of farm goods such as fertiliser need to be in secure buildings and not stored on open ground. Therefore, storage is required for equipment, fertiliser and hay.
17. The consultant advises only one building at present on the farm is ideal for the purpose of storage, leaving a requirement for an additional building as requested under this application. As far as the additional planning application (B/05/00152/FUL) is concerned, as there is one building present that is suitable the consultant cannot see an agricultural need for the second building within the present farming system. The applicant has been advised of this and consequently has withdrawn planning application B/05/00152/FUL.

Landscape Impact

18. One of the Council's corporate objectives is to develop and support the local economy. Agriculture continues to play an important role in that economy. Moreover, Development Plan policy generally presumes in favour of the expansion of an existing business, subject to there being no significant adverse impact on the environment. It is necessary to ensure that all new development preserves the natural beauty of the landscape in accordance with the guidance set out in PPS7. The principal issue in this case is, therefore whether the proposed development would have a material adverse impact on the landscape character of the Special Landscape Area.
19. The siting of the proposed building is alongside the building approved in 2003, which in itself is located on the edge of the existing farm buildings. It is considered that the proposed building, subject to colour of materials, would not have a significant impact on the landscape quality of this part of the Special Landscape Area.

Objections

20. It appears that the principal reason for objection against the erection of an agricultural building is the potential to change the use of the building in the future to an industrial building. There is no indication that this is the case, and the agricultural consultant's report has established the need for an additional building for the efficient operation of the farm.
21. Members will note from the planning history of the site in paragraph's 4-9, there are existing farm buildings which have the benefit of planning permission for a change of use to Class B1 units. However, there appears to be one agricultural building currently being used for vehicle repairs in breach of planning control. This matter has been passed to the Planning Enforcement team for investigation.
22. The Parish Council and objector have commented upon the choice of colouration to the agricultural building approved in 2003. This building has black cladding walls and a red cladding roof. The choice of colours was to give the appearance of a traditional rural building (black for weatherboarding and red for pantiles). If this is considered in appropriate and planning permission is granted for this proposed building, a more sympathetic colour can be controlled via the imposition of a condition.

REASON FOR APPROVAL

23. It is considered that having regard to policies ENV4, LP93, and CR01, the proposed siting and design of the building would have a minimal adverse impact on the countryside, subject to securing the colouration of the building (by condition).

RECOMMENDATION

Grant (Planning Permission) subject to following condition –

- Colouration of materials

DECISION

ITEM 14B/05/01070/FUL
FULL**HIGHAM – HIGHAM PLACE, HIGHAM ROAD**

Retention of part ground-floor area for office use in connection with nursery business and part ground-floor area for ancillary office and storage use in connection with the residential occupation of Higham Place, plus retention of staff living accommodation at first-floor level within the existing stable/cartlodge outbuilding.

Applicant: Major C Fenwick

Case Officer: Mrs Clare David

SITE

1. Higham Place is located on the east side of Higham Road, opposite its junction with the B1068. The application site lies within the Dedham Vale Area of Outstanding Natural Beauty, the existing stable/cartlodge lies just outside the Conservation Area. Adopted and emerging local plan policies do not identify Higham as a village and as such, it does not have a defined built up area boundary.

PROPOSAL

2. See report heading.
3. The existing stable/cartlodge, which was granted planning permission in 2002, forms an L shape and measures approximately 15.1 metres wide, 19.2 metres long and 6 metres deep, and has a ridge height of approximately 5.2 metres. The walls are painted weatherboard above a red brick plinth, with a natural slate roof.
4. The first floor staff accommodation provides the following:-
 - Living room, kitchen/dining room, 1 bedroom, 1 bathroom, 2 stores and a boot/coat room.
5. One letter has been submitted in support of the application. The following comprises a summary of the points raised: -
 - Security is not only essential for the major domain, but also buildings on the estate and the horticultural trial beds which form part of the estate. Experience has shown that people on site on a 24-hour basis has reduced the number of incidents at Higham Place.

- The existing cartlodge and upper storey of the stable block are occupied by employees of the estate who work either on site or elsewhere within the family business.
- The tenant of the stable block first floor is responsible for the maintenance and protection of the horticultural trial beds on site. This requires attention at all times from both security and maintenance aspects.
- The office use in the stable block is related to the family business connected with garden centres and associated concerns. The use is based on two personnel for five days each week – one Company Secretary and one part-time employee.
- There is also a storage and office use that is ancillary to the occupation of Higham Place.

HISTORY

6. 1988 – full planning permission and listed building consent granted for the erection of a cartlodge – B/88/00785/FUL and B/88/80125/LBC.
7. 1998 - full planning permission and listed building consent granted for the conversion of a former cartlodge to a single storey dwelling and double garage – B/98/00067/FUL and B/98/00068/LBC.
8. 2002 - full planning permission and listed building consent granted for the erection of a stable block – B/02/00073/FUL and B/02/00080/LBC.
9. 2005 - application withdrawn for retention of office use to part ground-floor and staff living accommodation at first-floor level, within existing stable/cartlodge – B/05/00334/FUL.

POLICY

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

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

Suffolk Structure Plan 2001

- Policy ENV1 (Conservation Areas)
- Policy ENV2 (Re-use of redundant buildings in the countryside)
- Policy ENV7 (Area of Outstanding Natural Beauty)

Babergh Local Plan Alteration No.1

- Policy LP50 (Re-use of redundant buildings in the countryside)
- Policy LP70 (Conservation Areas)
- Policy LP95 (Area of Outstanding Natural Beauty)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy CR02 (Area of Outstanding Natural Beauty)
- Policy CR30 (Re-use of redundant buildings in the countryside)
- Policy CN02a (Conservation Areas)
- Policy EM16 (Working from Home)

OBSERVATIONS

11. Parish Meeting – To be reported if available.
12. EA – Standard advisory comments regarding small residential development (with private treatment plant).
13. CHA – Recommend that the use should be personal to the applicant, and imposition of standard highway conditions.
14. HoES – No adverse comments.
15. Letters – None received.

ASSESSMENT

16. The adopted and emerging local plan policies do not identify Higham as a village. It is therefore classified as countryside for settlement planning purposes, where rural area planning policies of restraint apply. There is therefore a presumption against residential development here.
17. The accommodation is occupied by staff employed in association primarily of the tending of the horticultural trial beds on the estate. Furthermore, it is accommodation that has been provided within an existing building, albeit a relatively new one. The fact that the building exists and has a tangible relationship with the main house and other curtilage buildings results in a situation where there is no demonstrable harm to the countryside and surrounding landscape qualities.
18. The office use in connection with the applicant's business is also considered acceptable. It is a low key use, employing two staff. There are no calling customers or visitors and as such, it is not considered that the use is inappropriate in this location having regard to residential amenity, highways issues and the countryside location.
19. The ancillary use of the building for storage and office use is also considered acceptable for similar reasons.
20. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made -

REASON FOR APPROVAL

Despite being contrary to local plan policy LP93 and emerging policies HS04 and CR01, the proposal for the retention of staff accommodation is considered acceptable as it does not cause adverse impact upon the character of the area, residential amenity or highway safety and thus accords with policies that seek to preserve and enhance Conservation Areas. The retention of the office use in connection with the applicant's nursery business and the ancillary storage and office use in connection with the occupation of the main house are also considered acceptable and relate to those policies of the development plan that seek to balance the economic development with the protection of the countryside.

RECOMMENDATION

The Head of Planning (Control) be authorised to grant planning permission subject to the following conditions:-

- Restrict office use to that applied for;
- Restrict occupation of residential unit to a member of staff connected to the principle occupation of the main house;
- As recommended by the CHA.

DECISIONITEM 15

B/05/00981/VOC
VARIATION OF CONDITION

STRATFORD ST MARY – R & D SCHOFIELD LTD, THE OLD MALTINGS,
LOWER STREET

Variation of Condition 03 attached to Planning Permission B/90/00648 to allow the parking of 9 cars (in lieu of 3) and 7 commercial vehicles (in lieu of 5). As amended by letter and plan received on 29/7/2005.

Applicant: R & D Schofield Ltd

Case Officer: Mrs Clare David

SITE

1. The application site is located on the east side of The Street and lies wholly within the Stratford St Mary Conservation Area and the Dedham Vale Area of Outstanding Natural Beauty. Part of the access which forms the application site lies outside the built up area boundary for the village.

PROPOSAL

2. Planning permission B/90/0648 for the continued permanent use for storage of furniture was granted on 24th July 1990. Condition 3 of that permission states:-

"Vehicles parked at the site during the day shall be limited to three cars and a maximum of five commercial vehicles used for the delivery and collection of furniture and documents to and from the property. Between the hours of 6.00pm and 8.00am the number shall be restricted to three commercial vehicles. Commercial vehicles visiting the site shall not be repaired or maintained at the site (other than in an emergency)."

3. The reason for this condition was:-

"In the interests of visual amenity and to protect the amenities enjoyed by local residents."

4. The current application seeks to vary Condition 3 to allow the parking of nine cars (in lieu of three) and seven commercial vehicles (in lieu of five).

5. There are currently 12 employees, with no additional staff proposed. Nine cars, four LGVs and three HGVs visit the site daily with no further increase proposed. There are three car and five lorry parking spaces, with an additional six car parking spaces proposed. The hours of working are 7.30am-6pm weekdays and 8 am-1pm Saturdays with no change proposed. Occasionally a vehicle may leave the site at 5.30 am, this is very unusual as 'early starts' are nearly always taken to the depot at Langham to avoid neighbour disturbance.

6. One letter has been submitted in support of the application by the applicant. The following comprises a summary of the points raised: -

- Normally 3 or 4 removal vans are present during the day. We do not wish any of our vehicles to be at the depot during the day, it all depends on the amount of work at the time.
- The number of cars during the day can be from 4 to 9, including secretarial staff.
- At night there are normally between three and five.
- Cars at night are at a minimum. Mostly there are none, occasionally there may be up to three.
- The number of customers and suppliers to the site is approximately four or five per day. For deliveries or pick-ups these park outside the main door.
- At all times we try to be as quiet and neighbour friendly as possible, and only one or two complaints in about 30 years bears witness to that fact.

HISTORY

7. 1982 – Change of use granted from farm storage building (apple store) to furniture repository – B/82/00116
8. 1985 – Planning permission granted for permanent use of building as furniture repository – B/85/00297
9. 1987 – Planning permission granted for continued use of building as furniture repository – B/87/00452
10. 1990 - Planning permission granted for continued permanent use for storage of furniture – B/90/00648

POLICY

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

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

Suffolk Structure Plan 2001

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

Babergh Local Plan Alteration No.1

- Policy LP28 (Employment)
- Policy LP70 (Conservation Areas)
- Policy LP95 (Area of Outstanding Natural Beauty)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy CR02 (Area of Outstanding Natural Beauty)
- Policy CN02a (Conservation Areas)
- Policy EM01 (Employment)

OBSERVATIONS

12. PC – Accept this application provided the rights of way are protected.
13. EA – No objection.
14. CHA – No observations.
15. HoES – No complaints have ever been received regarding the operation of this business. The business is clearly very well managed and I have no concerns regarding this proposal. The reference to a 5.30am start apparently means once a year – therefore of no consequence.

16. Letters – Five received. The following comprises a summary of the objections and issues raised: -

- Have right of way through the yard and on several occasions in recent years that right of way has been blocked.
- The original permission has been abused many times with up to seven lorries and ten to twelve cars, not including delivery vehicles.
- An application was recently refused for development on land adjacent to the access road due to the anticipated increase in traffic.
- Our main concern is that R & D Schofield will increase the vehicles stored there to an unacceptable level as they have not adhered to the arrangements already in place.
- Carefully consider the detrimental effect on the visual impact of the area and the inconvenience to the residents of this quiet area.
- The unmade track has been poorly maintained and increased use will create more damage, dust blowing into the house and puddles splashing the house and fence.
- Increased lorry use will add to the noise and many scars on the house from lorries hitting it.
- If approved, there should be a weight limit and the track be maintained to a higher standard.
- My 500 year old building has been hit by vehicles three times in the last four years.
- Heavy commercial vehicles use the track daily between 7am and 7pm.
- Children living in Lower Street use the track to walk home from school, increased vehicle use and the restricted visibility will be hazardous to their safety.
- It appears from the planning application that R & D Schofield's are expanding their business, perhaps an alternative site should be sought in an industrial area rather than a conservation area.
- The three car parking spaces will block the entrance to my land and also interrupt the rights of way for the other residents.
- The plans outline the lane as well as the depot/yard in red, I trust this is for information only as the land is not owned by Messrs R & D Schofield.

ASSESSMENT

17. The main issues to be considered in the assessment of this application are:-

- The impact upon residential amenity
- The impact upon visual amenity and the Conservation Area
- Highway issues.

Impact upon residential amenity

18. Neighbours have objected to the proposal on the grounds of increased noise. It is not considered that the minor increase in vehicular parking proposed would have a significant adverse impact upon neighbouring amenity and it is not anticipated that there will be any significant increase in vehicular movements as a result of the increased parking.
19. Amended plans have been received which illustrate that the proposed increase in vehicular parking can be adequately accommodated within the site without obstructing the three public rights of way.

Impact on Visual Amenity and the Conservation Area

20. The level of vehicular parking proposed is not considered to result in any significant adverse impact upon the character of the Conservation Area or the Area of Outstanding natural Beauty by virtue of the existing usage of the site. The site is well screened from public view by virtue of the surrounding buildings and will not detract from the special qualities of the designated area.

Highway Issues

21. The application site is of sufficient size to adequately accommodate the proposed increase in vehicular parking without adversely affecting highway safety or neighbour access, increased parking within the site is considered preferable to on-street parking. The Highways Authority has no objections to this application.
22. The issue of the ownership of the lane is currently under investigation and a verbal update will be provided at Development Committee.

Conclusion

23. 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 variation of a condition to allow the parking of nine cars (in lieu of 3) and seven commercial vehicles (in lieu of five), is considered to be in accordance with the provisions of policies LP28, LP70 and LP95 of the Babergh Local Plan (Alteration No.1) and emerging policies EM01, CR02 and CN02a of the Babergh Local Plan (Alteration No.2) Second Deposit Draft. In particular, the proposal would not reduce the amenities enjoyed by occupants of neighbouring properties, would not result in the loss of any significant trees and is acceptable in terms of highway safety and convenience.

RECOMMENDATION

Subject to confirmation of the ownership of the lane, and the correct notice served upon those owners, the Head of Planning (Control) be authorised to grant planning permission:-

- Restrict parking to the number applied for.

DECISION

ITEM 16

B/05/1116/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 & Country Planning General Regulations 1992 – Construction of new vehicular access and parking bays.

Applicant: Babergh District Council

Case Officer: Steven Bainbridge

SITE

1. The application site is located between two terraces of modern two-storey dwellings that are perpendicular to Hillside Road, and are situated within the defined built up area of Sudbury. There are no constraints that affect the site.

PROPOSAL

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 lay-bys for general parking – approved. B/02/170/DPA

POLICY

6. 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

- CN01 (design)

Suffolk Structure Plan 2001

- ENV3 (siting and design)

OBSERVATIONS

7. TC – Approve.
8. CHA – Views awaited- to be reported verbally at the meeting
9. Letters – None received.

ASSESSMENT

10. It is considered that the access will not have a detrimental effect on Hillside Road, and will in fact alleviate congestion caused by parked cars.
11. The access will be of an appropriate design, scale and materials in accordance with policy.
12. Subject to the CHA raising no objection to the proposal and having regard to the relevant development plan and its policies, the following recommendation is made.

REASON FOR APPROVAL

13. Subject to the CHA raising no objection to the proposal, the proposal is considered to be in accordance with policies LP141, LP143, CN01 and ENV3 by reason of its scale, design, materials and relationship to its surroundings.

RECOMMENDATION

Subject to the CHA raising no objection to the proposal, the Head of Planning (Control) be authorised to Grant Planning Permission subject to conditions:

- Any as recommended by the CHA

DECISION

ITEM 17B/05/1112/OUT
OUTLINE

SUDBURY – PART REAR GARDEN OF 39 LANDSDOWN ROAD

Outline – Erection of 1 No. bungalow

Applicant: Mr. R. Pearson

Case Officer: Steven Bainbridge

SITE

1. The application site is the part rear garden to No.39 Landsdown Road – a modern bungalow within the Built Up Area Boundary for Sudbury. The rear garden of No. 39 terraces uphill causing the proposed dwelling to have an elevated position when compared to adjoining properties. There is an existing access to garages immediately north of the site that the applicant intends to use for the benefit of the proposal. There are no other constraints that affect the site.

PROPOSAL

2. See report heading. The application is in outline form with means of access included for consideration at this stage. The proposal is for the erection of one (no.) single storey dwelling with the vehicular access to be on to Landsdown Road.

RELEVANT HISTORY

3. No relevant history.

POLICY**PPG 3 (Housing)**

4. PPG 3 states that Local Planning Authorities should seek to achieve an efficient use of land seeking greater densities of developments at places with good public transport and service provision.
5. The following policies provide the framework against which this application should be judged:

Suffolk Structure Plan 2001

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

Babergh Local Plan (Alteration No. 1)

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

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

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

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

OBSERVATIONS

6. TC – Approve
7. CHA – recommends the imposition of standard highway related controlling conditions to ensure the access and turning/parking areas are provided
8. HoEs – Advisory note regarding potential contamination
9. Letters – Two letters of objection to the proposal have been received from local residents. The issues and objections raised are summarised as follows:-
 - Access to the proposed dwelling would be via a shared private road and garage block. The entrance to the proposed dwelling would be across the front of my garage, which will cause problems for parking and access.
 - The proposed dwelling will directly overlook my bungalow and gardens and I feel there is a privacy issue.
 - Overdevelopment of the area. At the moment all the properties are adjacent to each other with garages to the back. Beyond this is an Industrial estate, I feel there is already maximum usage of land and another dwelling will add unnecessary problems.
 - Due to the lay of the land being higher at Number 39 any building erected would tower over us and affect our quality of life.
 - Our privacy, daylight and view will all be encroached if the proposal was to go ahead.

ASSESSMENT

10. The application site is situated within the built up area boundary of the town and its development for residential purposes is, therefore, acceptable in principle. Any applications for similar development elsewhere in the vicinity of the site will be considered on this basis and in relation to the specific circumstances of the proposal, the site and its surroundings. The grant of planning permission for the development of this site will not set an undesirable precedent for further development elsewhere.

11. Given the residual garden left to the existing dwelling (39 Landsdown Road) and the garden intended for the proposed dwelling, the proposal is not considered to overdevelop the site.
12. The access proposed to serve the development utilises an existing access to garaging for several dwellings, including no. 39 Landsdown Road. There is sufficient space within the site to enable a car to park and the County Council, as local highway authority, has not objected to the planning application. In light of the above, the proposal is considered acceptable with regard to all highway safety related issues.
13. Given the nature of the site, which slopes up to the rear, it is considered that in order to determine the potential for overlooking from the proposed dwelling a section through the site is required. This information has been requested from the agent and it is intended to update members verbally on this issue at the meeting. The outcome of the application will be dependent on an assessment of this information.

REASON FOR APPROVAL (if required)

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

RECOMMENDATION A

Subject to satisfactory details being submitted with regard to a section through the site the Head of Planning Control be authorised to grant planning permission subject to the following conditions:-

- Materials
- Levels (existing and proposed finished ground levels and finished ground floor levels).
- Details of proposed boundary treatments.

RECOMMENDATION B

Otherwise: Refuse planning permission

- Contrary to LP4, LP17, LP18, HS02, HS12 and HS14 by virtue of an unacceptable relationship to adjoining development, given the sloping nature of the site.

DECISION