



2002-2003  
Neighbourhood Renewal  
2004-2005  
Supporting People

**E283**

**BABERGH DISTRICT COUNCIL**

**DEVELOPMENT COMMITTEE**

**1 MARCH 2006**

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

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

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

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

## BABERGH DISTRICT COUNCIL

### DEVELOPMENT COMMITTEE

#### SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE DEVELOPMENT COMMITTEE

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

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

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

#### DELEGATION TO THE HEAD OF PLANNING (CONTROL)

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

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

#### **PLANNING POLICY**

**In the interests of economy the reports in this paper do not contain extracts from planning policy - simply the references. The County Structure Plan can be accessed online at: [http://www.suffolkcc.gov.uk/e-and-t/structure\\_changes/adopted\\_structure\\_plan/index.html](http://www.suffolkcc.gov.uk/e-and-t/structure_changes/adopted_structure_plan/index.html) and the draft Alteration no 2 to the Babergh Local Plan at: [http://www.suffolkcc.gov.uk/e-and-t/structure\\_changes/adopted\\_structure\\_plan/index.html](http://www.suffolkcc.gov.uk/e-and-t/structure_changes/adopted_structure_plan/index.html) The currently adopted Local Plan - Alteration no 1- is not available online, but all three documents can be inspected at the council offices during normal working hours.**

## **LIST OF ABBREVIATIONS USED IN THIS SCHEDULE**

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

## DEVELOPMENT COMMITTEE

1<sup>st</sup> March 2006

### ITEM 1

B/05/1942/FUL  
FULL

LONG MELFORD– PART SIDE GARDEN OF 44 SWANFIELD, LONG MELFORD

Erection of detached two storey dwelling and construction of new vehicular access.

Applicant: Mr. Calver

Case Officer: Richard Matthams

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**This application is brought to committee at the request of the local member.**

### SITE

1. The application site is an area of garden land adjacent to 44 Swanfield. The site has a frontage of approximately 20 metres and a depth of 16 metres. The application site supports a two-storey semi-detached dwelling within the defined built up area boundary of the village.

### PROPOSAL

2. The proposal includes the severance of the side garden of 44 Swanfield to provide a plot for the erection of a two-storey dwelling and construction of a new vehicular access for 44 Swanfield. The proposed dwelling has three bedrooms, kitchen / diner, living room, study and has a ridge height of 7.4 metres. It would be finished in brick and render construction under a tiled roof.

### HISTORY

3. None

### POLICY

4. **PPG3 – Housing**

PPG3 states that Local Planning Authorities should seek to achieve an efficient use of land seeking greater densities of development at places with good public transport and service provision.

5. **Suffolk Structure Plan 2001**

- CS3 (Housing Development)

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

- LP4, LP5 (Villages)
- LP17, LP18 (Infilling)
- LP79 (Setting of Listed Buildings)

7. **Babergh Local Plan Alteration No. 2**

- HS02, HS03 (Villages)
- HS12, HS14 (Infilling)
- CN01 (Design)
- CN10 (Setting of Listed Buildings)

OBSERVATIONS

8. PC raise the following objections:

- Over development of the site
- Adverse impact on surrounding area and properties
- Inadequate vehicular access and off street parking for the existing property
- Design and fenestration is out of character with the surrounding properties.

9. CHA – Recommend the imposition of standard conditions

10. 17 letters of objection and a petition with some fifty signatures have been received from local residents. The issues and objections raised are summarised as follows:

- Over development of the site
- Out of character with the surrounding pattern of development
- The proposed access will be dangerous
- The proposed dwelling will result in an increased number of cars using Swanfield
- The proposed dwelling will result in a reduction of amenity space to 44 Swanfield

ASSESSMENT

11. The site lies within the defined built-up area of the village and its development for residential purposes is, therefore, considered acceptable in principle. Indeed Government guidance (PPG3) seeks to promote the development of previously developed land (including gardens) and to make efficient use of such land by developing at densities than have hitherto been the case, subject to local character and identity being preserved.

12. The issues to be addressed in this case relate to whether the proposal constitutes acceptable infill in the context of the street scene and highway safety issues.

**Layout and Design**

13. The proposed dwelling continues the existing layout of this housing estate without being unduly prominent in the street scene. Therefore it is not considered that proposal will result in such demonstrable harm to the character of the area to warrant the refusal of planning permission.

14. The comments of the objectors in relation to the design are noted, the design of the proposed dwelling is considered to meet with the design requirements of extant and emerging local plan policies. As such, the refusal of planning permission on design grounds cannot be justified in this instance.

## **Highway Issues and Residential Amenity**

15. The concerns of the objectors in relation to the highway safety implications of this application are noted. The vehicular access to the site is within a 30 M.P.H. zone, where vehicles are travelling at a reduced speed. CHA do not raise objection to the proposed new access nor the continued use of the existing access and driveway for the proposed new dwelling.
16. The relationship of the proposed development to its neighbours is considered acceptable. It is not considered that there would be any significant loss of residential amenity caused by over looking or loss of light. Given that the access and driveway are existing and in use, their use in connection with one additional dwelling would not have a significant detrimental impact upon residential amenity of the occupiers of adjacent properties. It is not considered that a refusal of planning permission on highway safety grounds or impact upon neighbouring amenities can be justified in this instance. On this basis the recommendation is one of approval.

### **REASON FOR APPROVAL**

The proposal is considered to be in accordance with policies LP4, LP17, LP18, LP78, LP79, LP146 HS02, HS12, HS14, TP18, CN01, CN02a and CN10. In particular the proposed development is no considered to lead to any significant adverse impact upon the character of the areas or reduce the amenities enjoyed by occupants of neighbouring property. Furthermore the development is considered to be acceptable in terms of highway safety.

### **RECOMMENDATION**

Grant planning permission subject to conditions:

- Materials
- Removal of GPDO rights for the erection of extensions and new openings at first-floor level.
- Any as recommended by CHA

### **DECISION**

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BURES ST. MARY-PART REAR GARDEN OF PILGRIMS REST

(Erection of detached dwelling. Alterations to existing vehicular access)

Applicant: Mr Blakefield

Case Officer: Richard Matthams

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BACKGROUND

**Outline Planning Permission was granted by Members at the Development Committee meeting on the 9<sup>th</sup> June 2004 whereby it was resolved to attach a condition restricting the permitted dwelling to a one and a half storey design. (Refer to Site History)**

SITE

1. The application site forms part of the gardens of Pilgrims Rest (one of a pair of semi detached dwellings), has a frontage onto St. Edmunds Road and is approximately 0.026 hectares in size. The land rises from west to east and a domestic hedgerow marks the frontage boundary of the application site to St. Edmunds Road. It is situated within the built up area boundary, village Conservation Area and Special Landscape Area.

PROPOSAL

2. See report heading. The proposal is for the erection of a 2-storey dwelling with vehicular access onto St Edmunds Road. The walls are to be finished with brick and render and the roof clad with clay plain tiles. The dwelling has an approximate ridge height of 8 metres.

HISTORY

3. The relevant site history is as follows:-
  - 2004 – outlining planning permission granted for a one and a half storey detached dwelling (B/04/00475/OUT).
  - 2005 – submission of reserved matters application submitted pursuant to the outline planning permission B/04/00475/OUT); however this was withdrawn by the agent as the proposal was tantamount to a 2 storey dwelling (B/-5/1966/RES).

POLICY

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

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

### **PPG3 (Housing)**

- PPG3 states that Local Planning Authorities should seek to achieve an efficient use of land seeking greater densities of development at places with good public transport and service provision. The Government is committed to maximising the reuse of previously developed land (including garden severance plots).

### **Suffolk Structure Plan 2001**

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

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

LP4 (villages)  
LP17 (Density and Housing Type)  
LP18 (Design of new housing)  
LP70 (Conservation Areas)

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

HS02 (villages)  
HS12 (infilling)  
HS14 (Design of new housing)  
CR05 (Special Landscape Areas)  
CN01 (Design)  
CNO2a (Conservation Areas)

### **OBSERVATIONS**

5. CHA-recommends any planning permission granted should include conditions
6. PC- no comment
7. The residents of 2 Town Hill Cottages have expressed the following concerns:
- The development must only be a one and a half storey building
  - The proposed building would have a considerable visual impact on the surrounding area.
  - The height of the proposed building
  - Overlooking

### **ASSESSMENT**

8. As the application is situated within the built up area boundary of the village and has not been identified as an area of visually important open space or recreational amenity the lead development control policies are LP4 and HS02 and CP17 and HS12 which relate to infilling within the built up areas of villages. The development of the site with a single dwelling is, therefore, acceptable in principle. The issues considered central to the outcome of the application are:

- Impact upon the character of the conservation area.
- Impact upon highway safety
- Impact upon residential amenity.

**9. Impact upon the character of the Conservation Area**

The site is an open garden area to the rear of a pair of Victorian Cottages and is on higher land than Sudbury Road. The undeveloped nature of the site is not important to the character of the area and if developed would not detract from the character of the Conservation Area. The applicant submitted revised plans removing the vertical tiling replaced by render reducing the impact of the building on the surrounding area. The layout, design and external appearance of the dwelling is considered acceptable.

**10. Impact Upon Residential Amenity**

Concerns have been expressed regarding the height of the proposed dwelling, elevated nature of the site and the consequential potential impact of the development upon the amenities of the occupiers of 2 Town Hill, St Edmunds Lane to the north. The separation distance between the proposed dwelling and 2 Town Hill is satisfactory, given the fact that the spacing between both of these properties is approximately 15 metres. Therefore, it is not considered that the proposed development will lead to unacceptable levels of overlooking.

**11. Highway Considerations**

The scheme provides sufficient space for off road parking. CHA recommend standard highway conditions.

REASON FOR APPROVAL

12. The proposal is considered to be in accordance with policies LP4, LP17, LP18, LP46, HS02, HS12, TP18, CN01 and CN02a. In particular the proposed development is not considered to lead to any significant adverse impact upon the character of the areas or reduce the amenities enjoyed by occupants of neighbouring property. Furthermore the development is considered to be acceptable in terms of highway safety.

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 the following conditions:

- As recommend by CHA.
- Removal of Permitted Development Rights for outbuildings, extensions, alterations and windows.
- Boundary Treatment.

DECISION

BRETtenham – LAND ADJ. THE OLD GARAGE, THE STREET

Outline - Erection of 2 (No.) one and half storey dwellings and construction of new vehicular access.

Applicant: Mr. S Earle

Case Officer: Gemma Pannell

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**This application was deferred from committee on 9<sup>th</sup> November 2005 at the request of members in order to obtain additional information, regarding the impact of the proposal upon an existing tree.**

SITE

1. The application site is 0.06 hectares and was formerly a petrol filling station that has been vacant for a number of years. Two petrol tanks remain stored underground. The site is within the built up area of Brettenham and within the Brettenham Conservation Area. There are no other constraints affecting the site.

PROPOSAL

2. See report heading. The proposal is for the erection of two (no.) dwellings and the construction of a vehicular access to serve the proposed dwellings.
3. The application is in outline form with all matters reserved. The applicants agent has submitted an illustrative layout indicating how the site could be satisfactorily developed with two no. dwellings.

HISTORY

4. 1955 – Planning permission granted for the erection of dwelling, shop, and garage and two petrol pumps and construction of vehicular access, (S/1386/C refers)
5. 1962 – Planning permission granted for the erection of 3<sup>rd</sup> Petrol pump. (S/62/624/C refers)

POLICY

**PPG 3 (Housing)**

6. 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.
7. The following adopted and emerging Development Plan policies are considered relevant to this application;

## **Suffolk Structure Plan 2001**

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

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

LP4, LP5 (Villages)  
LP17 (Density and Housing Type)  
LP18 (Design of new housing)  
LP78 (Conservation Area)

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

HS02, HS03 (Villages)  
HS12 (Infilling)  
HS14 (Design of new housing)  
CN01 (Maintaining local distinctiveness)  
CN02a (Conservation Areas)

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

### OBSERVATIONS (to original application)

8. PC – Objects to this outline application with the following comments:

The PC does not object to the principle of development of this site. In our opinion the application does not preserve nor enhance the appearance of the conservation area of Brettenham for the following reasons:

- An appearance of overdevelopment would result from the proposed size and number of houses. The designated plots are disproportionate to the proposed dwellings.
- The close proximity of this development to the existing house “The Old Chapel” would cause significant impairment of light to this single storey building.
- Trees in the vicinity of this development would require removal and/or extensive pollarding,
- Off road parking is totally inadequate for these 3 or 4 bedroom houses.
- The proposed development would not enhance the appearance of the existing “Old Filling Station” house.

The PC would also like the following points to be taken into account regarding the development of this site:

- The current pedestrian path should be reinstated to a practical and conventional width.

- Additional drainage from this site should require appropriate design and constructed to avoid overwhelming existing sub-optimal soakaways.
  - Appropriate decontamination of this site.
9. CHA – Recommend standard conditions regarding access details, parking and manoeuvring details and provision of parking for The Old Garage.
10. HoES – Request a condition relating to the decontamination of the site.
11. SPS – Object to the application for the following précised reasons:
- Before the principle of development of this infill site is agreed its contribution to the character and appearance of the conservation area must be fully assessed.
  - The society is concerned about the outline nature of the application and would formally request that the LPA directs for the submission of full details. Without this information the application should be refused.
12. Two letters have been received objecting to the application for the following précised reasons:
- The erection of two dwellings is inappropriate for the size of the plot. The houses would be out of keeping with the surrounding properties being too high and not having sufficient space around them.
  - The proposed site comes within the Brettenham Conservation Area and the houses would be infilling. In the past similar applications have been turned down in “The Street” and if this one is granted it will set a precedent for others. This would lead to the village losing its character and undermine its conservation status.
  - The projected plan makes no allowance for garages and show inadequate off-street parking for what could amount to 4 cars. Also the existing house on the site has no garage and no off street parking.
  - No allowance has been made for the existing trees on the site, particularly the Ash on the adjoining property at the Old Chapel. The plans show building up to the Old Chapel which would necessitate removal of the tree.
  - The present footpath has been over grown and would need to be reinstated to allow safe passage of wheelchairs and pushchairs. This would limit the size of the plot.
  - The site was originally a garage and petrol station. The storage tanks are still there and one old car remains. The tanks could an explosive hazard. The soil could be contaminated over the years by leakage and storage of old vehicles.
  - We would have no objection to the site being cleared and made safe, the removal of the old house, which is rather derelict and an appropriate planning proposal for building either a single house or two small semi-detached bungalow to be in keeping with the existing properties and rural character of the village.

- Our house (The Old Chapel) is a single storey building and the plans do not show our bedroom area. If the application is approved the proposed building comes virtually up to our boundary and we would be completely overshadowed with a brick wall, blocking out all sunshine from our patio area. The plan also shows a window overlooking our patio area.
  - The site has been left in a mess to influence to the Council to grant planning permission.
13. One letter of support has been received stating that as adjoining neighbours they wish to register our full support for this scheme.

### ASSESSMENT

14. Adopted and emerging policies LP18 and HS14 state that all new housing development should be of a high standard of layout and design and the existing character of an area should be respected in the design and layout of any new housing. Furthermore, policies LP17 and HS12 state that planning applications for (inter alia) groups of dwellings will be refused where the proposal represents over-development to the detriment of the character of the area or if the proposal is of a scale, density or form which would be out of keeping with nearby dwellings or other buildings.
15. The application has been submitted in outline form, with all matters reserved for consideration in a later stage. Therefore the objections received with regard to the layout and design of the properties are unfounded as this information is not for consideration at this stage, and as such the concerns raised by the objectors will be taken into account at the reserved matters stage.
16. PPG3 encourages the efficient use of previously developed land, and 2 dwellings is, in our opinion an acceptable and efficient use of the site. The layout that has been submitted for illustrative purposes does not propose an acceptable form of development, by virtue of a single access through the middle of the site, however it does illustrate that the plot is of sufficient size to accommodate two dwellings.
17. The site, having been used as petrol filling station, is classed as a former employment site. However, given that the site has been vacant for a number of years and does not have any buildings on the site, it is not considered that the site should be marketed for employment purposes before consideration is given to a residential use on the site.
18. Although the Suffolk Preservation Society considered that the LPA should direct for further information in connection with the application, it was not considered that this was necessary for this site and it was acceptable that the other details in connection with this development could be considered separately from the principle of development.
19. With regard to the Ash tree within the garden of The Chapel, which was of concern when the application was considered on 9<sup>th</sup> November; the applicant's agent has submitted a plan that indicates how the site could be satisfactorily developed with two dwellings without detriment to the Ash. The Council's Arboriculturalist is satisfied that the plan submitted shows development that would be acceptable in terms of impact on the tree.

## REASONS FOR APPROVAL

20. The proposed development is considered to be in accordance with adopted Local Plan policies LP4, LP17 and LP18 and emerging policies HS02, HS11, HS12, HS14 and CN01 by reason of the scheme constituting acceptable infill development in terms of its, design, form, scale, materials and relationship to adjoining development. There is no highway objection to the proposal and there are insufficient grounds on which to justify refusal in terms of its impact upon residential amenity or the character and appearance of the village.

## RECOMMENDATION

Grant Outline Planning Permission subject to conditions –

- Materials
- Levels (existing and proposed finished ground levels and finished ground floor levels).
- Landscaping scheme (including retention of existing trees and hedgerows)
- Details of proposed boundary treatments.
- As recommended by CHA.
- Contamination
- Canopy fence to protect tree

## DECISION

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WENHAM MAGNA – LAND AT CHURCH CLOSE.

Extension of existing lay-by, construction of parking bay and hard surfacing of grass verge to form parking area.

Applicant: Babergh District Council

Case Officer: Richard Collins

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BACKGROUND

**The application is reported to Development Committee as Babergh District Council are the applicant's.**

SITE

1. The site is an existing grass verge partly used for informal off-road parking by those properties adjacent.

PROPOSAL

2. The proposal is for the extension of the existing lay-by opposite Nos. 15-20 Church Close with a bituminous surface, construction of new parking bay for 4 vehicles adjacent No.1 Church Close with a bituminous surface, and hard surfacing of the grass verge to form parking area opposite Nos. 9-14 Church Close with a Eco block paving (grass crete) to form the hard surface.

HISTORY

3. 1949 – Erection of house (W/374 refers)
4. 1950 – Layout of housing site (14 houses) (W/374/1 refers)
5. 1953 – Erect 12 dwellings (W/374/2 refers)

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 - Policy ENV3**
  - **Babergh Local Plan Alteration No. 2 – Second Deposit Draft - Policy CN01**

## OBSERVATIONS

7. PC – to be reported verbally if available
8. CHA – Recommend refusal. A standard car parking space should be 4.8 metres in length. The grass verge to the front of properties 9-14 is less than 4 metres in some places. The proposed scheme is not acceptable as parked vehicles would overhang onto the footpath or the road.

## ASSESSMENT

9. The relevant policies in this case are ENV3 and CN01, which seek to ensure that new development proposals will be of an appropriate scale and form.
10. The proposed parking area will provide parking for the surrounding dwellings, which currently have limited hard surfaced parking areas. The current situation is that vehicles are parked on the existing grass verges, which are then eroded leaving an unsightly verge consisting of mud and bare patches of grass, interspersed with some existing grassed areas.
11. The CHA has recommended refusal of this scheme. These comments are noted. However, vehicles are currently parking in this location in an informal manner, and the proposal will only be regularising the current situation, by using Eco block paving (grass crete), to improve the appearance of the area and mitigate the carrying of mud onto the highway. It is considered that the parking of vehicles on this grass verge will continue with or without this improvement.
12. The proposal will not have any material adverse impact upon residential amenity or any wider impact on the character and appearance of the surrounding area.
13. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made: -

## REASONS FOR APPROVAL

It is considered that having regard to the policies within the Development Plan, the proposed siting of the parking areas would not impact on the amenities of the adjoining residents and would not be detrimental to the character of the site and its surroundings.

## RECOMMENDATION

Grant Planning Permission.

## DECISION

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CHELMONDISTON – BARGE PANDORA, THE BARGES, PIN MILL

Erection of 2 no. jetties and shed, (as amended by revised plans received on 5<sup>th</sup> December 2005 to show revised position of jetty and shed, and as further amended by Certificate B received on 20<sup>th</sup> January 2006 and by faxed details received on 11<sup>th</sup> January 2006).

Applicant: Mr J Andrews

Case Officer: Lynda Bacon

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BACKGROUND

**A panel of Members visited the site on the 8<sup>th</sup> February in order to view the site and its surroundings and to establish a consistent approach to this application and any of a similar nature in future.**

SITE

1. Barge Pandora is a houseboat situated amongst other houseboats moored at the foreshore at Pin Mill, within the Suffolk Coasts & Heaths Area of Outstanding Natural Beauty and within the Consultation Zone for the Orwell Estuary Site of Special Scientific Interest.
2. Living accommodation is within an ‘arc’ shaped prefabricated superstructure above a traditional hull measuring some 14 metres in length. Access to the houseboat is via an existing jetty positioned between Pandora and the neighbouring barge ‘Adrianto’, over which there is currently a legal issue regarding ownership and access.

PROPOSAL

3. Planning permission is sought to erect two jetties and a shed adjacent to the houseboat:
  - Firstly, it is proposed to erect a jetty to the rear of the existing jetty between the application barge and its neighbour, Adrianto, measuring some 1.5m deep by 4m (maximum) wide, including steps down to the water. The applicant has confirmed that the jetty and steps are required to provide access to a dinghy and mooring ropes.
  - A second jetty is proposed to be erected to the front and side of the existing jetty to facilitate a separate access to Barge Pandora. This jetty will be positioned at right angles to the existing gang way approach and the main jetty area will measure approximately 3.5m by 5.5m. The front access jetty has been amended since initial submission in order to provide a defined separation between the existing jetty and the proposal.

- It is also proposed to erect a shed at the junction of the existing jetty and the proposed front entrance jetty, through which visitors to the barge will pass in order to access the front of the barge. The shed will measure 1.4m wide by 3.8m deep (*dimensions to be confirmed by the applicant*). The applicant has advised that the shed is required to provide for; the storage of items that would suffer outside; to reduce the need for a separate gate; to allow for the removal of muddy boots; to clean dogs and to enable the transfer of their daughter who is disabled (and her friends who are also disabled) from an all terrain (muddy) wheel chair to one for indoor use. The shed was originally sited immediately adjacent to the neighbours shed, situated on the existing jetty. The shed has been repositioned in order to overcome the maintenance/party wall issues that would have arisen if the proposed shed had been sited as originally proposed.
- A low-level walkway parallel to the river bank is to be reinstated and ‘post and rope’ will mark the edge of the jetties.

### PLANNING HISTORY

4. April 2000 – Planning permission granted for the retention of a wooden gangway to serve the houseboats Adrianto and Pandora’s Sox and the retention of a shed associated with the residential use of Adrianto, B/00/00108/FHA refers.
5. November 2000 – Enforcement investigations concluded that planning permission was not required for the superstructure placed on the vessel Pandora.

### POLICY

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

6. The following national planning guidance notes and adopted and emerging development plan policies provide the framework against which this application should be judged:
  4. PPS7 (Sustainable development in rural areas)
  5. PPS9 – (Biodiversity and Geological Conservation)

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

- ENV4 – Landscape quality and character of the countryside
- ENV7 – Areas of Outstanding Natural Beauty

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

- LP93 - Landscape quality and character of the countryside
- LP95 - Areas of Outstanding Natural Beauty
- LP104 – Character and ecology of estuaries
- BDC10 – supports the regularisation of moorings

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

- CR01 – Protection of the countryside
- CR02 - Areas of Outstanding Natural Beauty
- CR19 - Character and ecology of estuaries
- CR28 – New & replacement Jetties and storage buildings.

### OBSERVATIONS

#### **In respect of the proposal as originally submitted**

7. PC – 11<sup>th</sup> October 2005 - The planning committee of Chelmondiston Parish Council is concerned that this application involves a proposal to erect fixed structures to a ‘dry dock’ lying at the riverward end of the barge Pandora. Concerned at the continuing presence of the dry dock and the proposal to gain fixed access to it from a barge, which does not have planning permission and which may constitute steps towards further unauthorised development.  
  
24<sup>th</sup> October 2005 – Both Jetties adversely affect the amenity of the neighbouring barge Adrianto, such a development would increase the visual impact of an already very large non-marine structure in the AONB. Access to Pandora should be via an independent structure, logically as a spur from the side of the existing jetty at a point adjacent to the bank, the proposal to build a jetty and attached shed would be potentially dangerous as it would be a fixed structure abutting a moving boat and there is no access to rear of either shed for maintenance.
8. EA – Advises that Byelaw consent is required for the proposal.
9. Suffolk Coasts and Heaths – Barges have a chequered planning history and whilst boats could be seen as an important part of the character of the area, there is an associated sprawl of material in the water and on the land, which can be highly intrusive and has an adverse impact on the AONB. Will this development lessen sprawl by containing material in sheds or add to it by creating increased intrusive elements? Future care and maintenance of the additions is to be considered. The Planning Authority should be satisfied that the development would lead to an overall improvement of the situation if planning permission were to be granted.
10. The National Trust – is the freehold owner of the riverbank. The assessment of the Trust is that whilst there is no objection in principle to the construction of the jetty, there are two points of concern; The proposed jetty when combined with the large existing one, will produce an area of decking that will be of a scale that results in an unacceptable visual impact on the character of the area. The area of boarding should be reduced by teeing off the existing jetty and leaving an area of water between the two jetties. The reinstatement of the existing small jetty should not be structurally attached to the existing bank erosion barrier.
11. CHA – no observations.
12. Ipswich Borough Council – Own the riverbed. No objections.
13. English Nature – the application does not appear to have implications for the SSSI.

14. SWT – advises that English Nature should be consulted, see above.
15. Pin Mill Preservation Society – comments not received.
16. Letters - One received from the occupier of the adjacent barge Adrianto, the points raised are summarised as follows;
  - Application prompted by the outcome of a prolonged legal action.
  - With regard to the access jetty they have no objection so long as it is a self-supporting structure.
  - The proposal to build a shed backing onto theirs will deny them access to theirs for maintenance.
  - Object most strongly to the second jetty/platform/steps. The dry dock is more easily accessed from the applicant's own boat and has been submitted to cause further conflict.
  - Will an oil tank for heating be positioned on the jetty?

**In respect of the revised plans received;**

17. National Trust – pleased that the two points of concern that they raised earlier have been taken into account in the latest proposals. However, now concerned regarding the revised shed position, which should be visually associated with and sited close to the barge. The new position has brought it nearer to the river-bank where it will be visually unrelated to 'Pandora' and will give rise to an unsatisfactory impact on both the character of the area and the enhancement that is intended to be achieved. The reasoning given by the applicant for the position of the shed chosen is noted but that criteria could still be met by placing it closer to 'Pandora'
18. Letters – one received from the occupier of the neighbouring barge Adrianto and the comments made are summarised as follows;
  - The erection of a second jetty to be constructed at the seaward end of their jetty was never raised during the legal proceedings and does not form part of the agreement.
  - Object most strongly to this jetty as the privacy of Adrianto is affected by 13 windows on the side of Pandora overlooking their jetty and by the use of the roof of Pandora. The construction of the second jetty would further invade privacy and feelings of intimidation.
  - Can see no practical reason why access to the dry dock should not be made from the rear of Pandora.
  - The need for this jetty is tenuous as the applicants have accessed their moorings on the wreck on one occasion in the past 18 months, their moorings do not need to be made to the wreck.
  - The plan indicates the use of some dilapidated steps seaward of their jetty as foundation for the second jetty. Ownership of these is questioned, as the neighbours believe the steps belong to them.
19. All other comments received in response to the consultations currently underway will be reported verbally at the meeting.

## ASSESSMENT

20. The barge has a longstanding use as a residential houseboat although this situation has not been formally recognised via the issue of a Lawful Development Certificate (CLEUD). It should be remembered however, that there is no compulsion to apply for a Lawful Development Certificate as any development or activity that is immune from enforcement action is lawful for planning purposes, whether or not a CLEUD has been issued.
21. The barge is situated amongst other houseboats within the defined houseboat area at Pin Mill and as such the wider impact of the proposal on the countryside or the AONB is insignificant.
22. English Nature has confirmed that the proposal does not appear to have implications for the SSSI and therefore, the ecology of the estuary.
23. The primary policy relevant to the determination of this application is Policy CR28, which requires, inter alia, that the total number of jetties serving the area do not exceed 17, that they are constructed mainly from wood, their size is related to the need and any security measure is in the form of a simple gate. In this respect the two jetties proposed are additions to an existing larger jetty and do not therefore, increase the number of jetties in the area for the purpose of policy CR28. The jetties are to comprise a timber construction and are of a size commensurate to their purpose to accord with policy. In this instance, a secure gate is formed by the shed door to avoid the need for a separate access gate and given the joint access arrangements to the application barge and its neighbour, this arrangement is considered acceptable in this instance.
24. Policy CR28 goes on to state that planning permission will be granted for storage buildings on jetties where the proposal has a maximum height of 2.5m, has a maximum volume of 5.5 m<sup>3</sup>, is mainly a wooden construction and is in keeping with surroundings. The materials of construction are timber and of an appropriate design. The height of the shed will match the height of the neighbouring shed and the actual height is to be confirmed by the applicant. The volume of the shed exceeds 5.5m<sup>3</sup>, however it will be significantly smaller than the neighbouring shed and given that it serves as a covered entrance in addition to providing a storage facility, it is concluded that the shed is of acceptable proportions.
25. With regard to the impact on the privacy of the occupiers of barge Adrianto, (and vice versa) the existing situation regarding the number and position of windows in the side elevation of Pandora, access to the roof of the barge and the close proximity of the existing jetty to both barges, is beyond planning control and will continue to be the case in any event. The rear jetty comprises steps and an area of platform adjacent of some 3.4m<sup>2</sup> in area and will provide access to moorings. It is not therefore, likely to be used for prolonged or frequent periods and as such neighbouring amenity should not be significantly reduced beyond the level currently experienced by Adrianto.
26. Issues raised by the neighbour in respect of ownership and ongoing legal processes are to be pursued outside of the scope of planning control and are not material to the determination of this application.
27. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made.

## REASON FOR APPROVAL

The proposal, for the erection of 2 no. jetties and a shed, is considered to be in accordance with the provisions of policies LP93, LP95 and LP104 of the Babergh Local Plan (Alteration No.1) and emerging policies CR01, CR02, CR19 and CR28 of the Babergh Local Plan (Alteration No.2) - Second Deposit Draft. Having regard to the pattern of existing development in the area it is considered that subject to compliance with the conditions attached to this permission and owing to the siting, scale, design and layout of the proposal, the development would not materially harm the amenities of adjoining residents, the character of the AONB or the ecology of the estuary.

## RECOMMENDATION

Grant (Planning Permission) subject to condition –

- Details of materials to be used & colours (if any) to be applied
- No alterations to shed or jetty without planning permission

## DECISION

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LONG MELFORD – STABLES AND LAND AT WESTGATE STREET

Conversion of stable building to dwelling with internal and external changes (alterations to scheme approved under planning permission B/04/2065/FUL) Erection of 2 two-storey side and front extensions.

Applicant: Mr J. Tanner

Case Officer: Mrs. Christine Thurlow

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BACKGROUND

This application was “called in” to Committee by the Local Member and was the subject of a Site Inspection by Committee on the 8<sup>th</sup> February 2006 to assess the setting of the proposal and to determine the impact on the adjoining buildings.

SITE

1. The site supports an outbuilding currently used as stables and built in the 1980’s of Suffolk while bricks under a slate roof. The building (orientated to the north) is set back from Westgate Street (A1092) and positioned behind a 4.5 metre coniferous hedge. An existing vehicular access (onto the A1092) with parking behind the hedge currently serves the building although planning permission was granted in 2005 for a new vehicular access to serve the stables with the existing access being retained for exclusive future use by Westgate House.
2. The site lies within the built up area of the village, the Conservation Area and the Special Landscape Area. It also lies within the setting of Westgate House a grade II listed building; a public footpath (No.18) follows a route in close proximity to the stables.

PROPOSAL

3. See report heading. The proposal involves the conversion and substantial alteration and extension of the existing stable building to form a dwelling. Plans and some photographs will be displayed at the meeting.

RELEVANT HISTORY

4. 1962 – outline planning permission granted for the erection of 25 dwellings and construction of vehicular access(S/62/529/M)
5. 1983 – outline planning permission granted for the erection of 2 dwellings (B/83/00077)
6. 1993 – planning permission granted for the retention of entrance walls and gates and an exercise ring (B/83/0324/FUL)
7. 1997 - planning permission granted for the erection of a four port cart port shed with two flats over for staff B/97/00500/FUL

8. 1998 - planning permission granted for the retention of works in connection with the creation of a horse exercise surfaced area (B/98/01311/FUL)
9. 1999 - planning permission granted for the erection of a stable with store over(B/99/0103/FUL)
10. 2002 – planning permission granted for the erection of a stable block(B/02/789/FUL)
11. 2004 - planning permission granted for the conversion of the stable building to a dwelling(B/04/2065/FUL)
12. 2005 – planning permission granted for the construction of new vehicular access(B/05/597/FUL)

## POLICY

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

13. Authorities are required by section 66(1) of the Act, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.
14. The following adopted and emerging Development Plan policies are considered relevant to this application:-

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

- Policy ENV1 –(character and setting of conservation areas and listed buildings).
- Policy ENV – (design standards)
- Policy ENV8 –(Special Landscape Area).

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

- LP4 (Built up area of village)
- LP18 (Design of new housing)
- LP17 (Infilling)
- LP97 (Special Landscape Areas)
- LP78 (Conservation Areas )
- LP93 (Setting of listed Buildings)
- HS14 ( design of new housing)

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

- HSO2 (Built up area of village)
- CN01 (General Design)
- HS14(Layout and Design)
- HS12 (In-filling)
- CR05 (Special Landscape Areas)
- CN02a (Conservation Areas )
- CN10 (Setting of listed Buildings)

## OBSERVATIONS

15. PC – views awaited
16. CHA – views awaited
17. EA - no objection.
18. One letter of support has been received from a neighbour who considers the design is wonderful and sympathetically and discreetly flows into the landscape. Also considers that the building will be as heritage for the future.
19. One letter of no objection has been received from the other neighbour.
20. SCC (Footpaths) – views awaited
21. HoLS (Footpaths) – views awaited
22. The Ramblers - views awaited
23. Re-advertisement of the application has occurred to correct the description of development in the application – any views which are received prior to the expiry of outstanding publicity periods will be reported at Committee.

## ASSESSMENT

24. There is an extant planning permission for the conversion of the existing stable building to a dwelling together with alterations and a small extension. In view of this, there is no objection to the conversion of the stable to a dwelling in principle.
25. The lead planning policies and material considerations in this case are therefore:-
  - the impact of the proposed development on the setting of Westgate Street, a grade II listed building (policies LP93 and CN10),
  - the visual impact of the proposed works to the building on the character of the Conservation Area (policies LP78 and CNO2a) and
  - the visual impact of the proposed works to the building on the wider landscape which is designated as a Special Landscape Area (policies LP97 and CRO5).

In essence the above policies seek to safeguard the setting of listed buildings, and the character of Conservation Areas and Special Landscape Areas from development proposals. As assessment of the proposal against these policies and material planning considerations is as follows:-

## **The impact of the proposal on the setting of Westgate House**

26. The principal listed building within this group of buildings fronting onto Westgate Street is Westgate House itself (a grade II listed building). Originally it is thought that the small group of listed buildings to the west would have formed part of Westgate House together with the land to the east (the subject of this application including the existing stable building). However the former group of buildings have been occupied separately from Westgate House for some years. Westgate House is also due to be sold independently of the land to the east albeit substantial curtilage will be left (including the walled garden further to the north of the principal listed building) safeguarding its setting in this direction.
27. The proposal, to convert the stable block, involves the addition of a front extension to the north and two symmetrical two storey wings to each side of the building but angled inwards. The addition of the wing to the north will bring the western elevation of the converted stable much closer to Westgate House than the earlier approval ( see paragraph 11 above). However the siting, scale and orientation of the extensions away from the listed building and its screening by existing landscaping (which would remain) would result in the impact upon the setting of Westgate House being minimal. Similar landscaping occurs on the eastern part of the site such that the setting of other listed buildings to the east would not be adversely affected.

## **The impact of the proposal on the visual amenities of the area located within the Conservation Area and the Special landscape Area.**

28. The existing stable building is single storey in scale and is located behind the 4.5 metre coniferous hedge fronting onto Westgate Street. It has limited fenestration in its southern elevation being orientated by a largely glazed north elevation overlooking the open countryside to the north. The proposal seeks planning permission to substantially change its character by the addition of the two wings to the building (which together with other proposed alterations) will increase its resultant height and scale. The form and design of the alterations and additions is overtly classical in appearance giving the building a symmetrical character.
29. However given the topography of the site in relation to the wider countryside, and as the building will be satisfactorily screened from the east, west and south by landscaping, it is concluded that the proposal is acceptable in terms of its impact on the character of the Conservation Area and the Special Landscape Area. In view of the above the recommendation is one of approval.

### Notes

30. Public Footpath No.18 lies in very close proximity to the proposed extension of the eastern end of the stable building. The views of SCC on this footpath matter are awaited. Should any formal diversion of this route be required, this separate and necessary approval must be obtained by the applicant before works connected with any grant of planning permission can proceed. A note to this effect would form part of any grant of planning permission.

## REASON FOR APPROVAL

The proposal is considered to be in accordance with policies LP4, LP17, HS02, HS12, LP93, CN10, LP78 and CN02a and LP97 and CR05. As such the proposal is not considered to lead to any significant adverse impact upon the character of the Conservation Area, the Countryside or the setting of Westgate House, a Grade II Listed Building. Neither will the proposal cause any detriment to residential amenity or road safety.

## RECOMMENDATION

Subject to no new material issues being raised prior to the expiry of the publicity periods and by any outstanding consultees the Head of Planning (Control) be authorised to grant planning permission subject to conditions –

- Materials and detailing
- Alternative to planing permission reference B/04/2065/FUL
- Any as required in relation to outstanding consultees

## DECISION

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### ITEM 7

B/05/01336/FUL  
FULL

### NEWTON – NEWTON HALL BUILDINGS AND YARD, CHURCH ROAD

Continued use of agricultural land to allow parking of 5 no. Sewerage tankers and siting of portable storage unit

Applicant: Mr. Michael Oliver

Case Officer: Mrs. Christine Thurlow

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## BACKGROUND

**This application has been “called in” to be determined by Committee by the Local Member and was the subject of a Site Inspection on the 8<sup>th</sup> February 2006 in order to assess the suitability of the site and possible impact on residential amenity and highway safety.**

## SITE

1. The application site is located outside any defined built up area and is part of a larger group of farm buildings located on the eastern side of Church Road to the south of the Church. Church Road is an unclassified road serving dwellings and the Church together with this farm; it has a junction with the A134 within the centre of the village.

## PROPOSAL

2. See report heading.
3. It is proposed that an additional 5 farm vehicles will visit the site per day. There are 5 existing lorry parking spaces with no increase proposed.
4. The proposed hours of working (excluding emergencies) are 8am-6pm weekdays and 8am-1pm on Saturdays. There are currently 3 full-time employees with an additional 5 employees proposed.
5. Two letters have been submitted in support of the application. The following comprises a summary of the points raised: -
  - The applicant was approached by Tramar Tankering Limited to park sewerage disposal tankers within his farmyard. Eastern Traffic Area were consulted and their clearance of the matter leads us to conclude that highways matters should not prove an obstacle this application.
  - 5 tankers, a portable storage unit (3 metres by 4 metres) and some ancillary hosing are currently sited within the farmyard.
  - The vehicles and ancillary equipment will be kept within the red-lined site but not necessarily within the green area indicated on the plan as the vehicles may be required to move within the site as dictated by changes to the working of the farmyard.
  - It is rare that all tankers leave the site in any one day. On average there are 2 outward and 2 return journeys to the site each day with most journeys in the morning before, and in the evening after, rush hour traffic.
  - At times the tankers have to respond to emergencies outside working hours to avoid pollution.
  - Hope this extra use of the farmyard is supported as farm diversification providing employment and an essential service to the area.
  - No objection to imposition of the Environment Agency's condition but advise that the user operates tankers for the Environment Agency which must be fully emptied before coming to the application site.
6. A Traffic Assessment has been submitted by a consultant on behalf of the applicant. The following comprises a summary of the points raised: -
  - The applicant operates 5 goods vehicles but the size varies to suit the particular job involved. Usually 4 vehicles are used on a daily basis. The company can also be contacted on a 24 hour basis by the Environment Agency or Anglian Water to carry out emergency works.
  - Any traffic generation must be compared with the traffic movements generated by the historical lawful use of the farmyard before the applicant diversified and sold part of his landholding, which is subsequently farmed by others operating from other centres.

- 10 years ago there were 8 employees driving either tractors or lorries with at least two vehicular movements a day. The proposal therefore represents a net decrease in the amount of direct goods vehicle traffic from the farm using the road leading to Newton Green.
- Only one large tractor unit is now used by the applicant and previous fuel and cattle transport and feed deliveries no longer occur.
- Part of the lane is narrow so that two goods vehicles cannot pass each other except at existing gateways but there is no major overrunning of the verges because traffic volumes are low. There is sufficient verge to enable a small passing space to be provided.
- Do not consider that there is a sustainable highway objection to the development since the proposal merely replaces the established traffic movements from the site by similar vehicles, which did not cause any highway concern.
- In a recent edition of the village newsletter a resident of Church Road of 34 years has commented on the Parish Council's statement. They state that only one inward and one return journey is made per day and that there are only 2 HGV's at the site and HGV's have been stationed in Church Road for fifty years.

## HISTORY

7. 1965 – Outline planning permission granted for erection of dutch barn– S/65/00843
8. 1966 – Planning permission granted for erection of open dutch barn for hay store with lean-to for covered cattle yards – S/66/00019
9. 1985 – Planning permission granted for change of use of an existing cattle yard to stables for the care of horses – B/85/00087

## POLICY

### **Planning Policy Statement 7: Sustainable Development in Rural Areas**

10. Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should (inter alia) be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location.

**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: -

### **Planning Policy Statement PPS7-Sustainable Development in Rural Areas**

- Government planning guidance (PPS7) is supportive of the principle of farm diversification. Although proposals will need to be judged against material planning considerations.

### **Planning Policy Guidance PPG23-Planning and Pollution Control**

- Gives advice to Local Authorities on the measures to address pollution control in relation to planning

### **Suffolk Structure Plan 2001**

- ENV4 (Protection of the countryside)

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

- LP28 (Employment)
- LP49 (Farm Diversification)
- LP93 (Protection of the countryside)

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

- CR01 (Protection of the countryside)
- CR10 (Landscaping of development in the countryside)
- CR29 (Farm diversification)
- EM01 (Employment)
- EM13 (Establishment of businesses on sites in towns or Villages)

### OBSERVATIONS

#### 12. PC – Object:

- Church Road and its intersection with the A134 are not able to accommodate the proposed use.
- Church Road is a ‘No Through’ residential road whose residents should not be exposed to a potential 365 day, 24 hour operation of up to 5 HGV tankers.
- Application unclear about usage since 2003, it is in fact a maximum of 2 HGV tankers that “has not produced traffic problems” rather than the 5 proposed.
- Tramar Tankering hold an operating license for a maximum of 4 HGV vehicles not 5 as proposed.
- Very concerned with the manner that the operator license was obtained and varied without any notice of the application being advertised to the parishioners of Newton.

#### 13. EA – Object unless condition relating to provision and implementation of an emergency procedures plan is imposed to ensure an improved method of pollution control.

14. CHA – Taking into account all the information regarding the previous use of this site, we do not consider a highway objection to this change of use would be appropriate /sustainable. However there could be a minor increase in traffic movements during peak times and we consider a condition requiring the provision of a passing bay in Church Road between the two existing accesses to Newton Hall would be appropriate.
15. HoES – No adverse comments. No complaints of nuisance received regarding existing use. Hours of use acceptable. Views in respect of any contamination issues are awaited.
16. Letters – None received.

## ASSESSMENT

17. This planning application seeks to regularise the existing unauthorised use on the site (as described in paragraphs 2-4 and 6 above); it is currently operating from the site without the benefit of planning permission.
18. Whilst the use is clearly not an agricultural operation, it is an activity which should be viewed in relation to farm diversification policies in its broadest sense. However it is also akin to the establishment of a new business in a countryside location and consequently the lead development plan policies CRO1, EMO1 and EM13 which state, in summary, that the proposals should not adversely affect road safety resident amenity and the environment. An assessment of the proposal on these grounds follows:-
  - **Impact upon the character of the countryside and the environment**
  - **Traffic Generation and impact of the proposal on highway safety and residential amenity**

These are dealt with as follows:-

### **Impact upon the character of the countryside and the environment**

19. This farmyard lies in a relatively exposed location with very little landscaping around its perimeter although to some extent the buildings themselves offer some limited screening for the parked vehicles, containers and outside storage that lie within the remainder of the farm compound. The Site area, defined by the applicant as the area in which the vehicles would be parked, lies immediately in front of an existing agricultural building which is taller than the height of the parked vehicles and the portable building which is located between the vehicles and the building. On this basis and given that the parked vehicles appear very similar to the type of other parked vehicles elsewhere on the farm compound, it is considered that there are insufficient grounds on which to resist the proposal based purely on its impact on the character of the countryside or in visual terms.
20. With regard to the EA's considerations a condition is recommended to address their concerns. The views of the HoES have also been requested with regard to the proposal; any views will be reported at the meeting.

## **Traffic Generation and impact of the proposal on highway safety and residential amenity.**

21. The application has been the subject of discussion between your Officers and the Highway Authority on a number of occasions. The Highway Authority has also been made aware of the Parish Councils views on the matter. However their view is that a recommendation of refusal would be inappropriate/difficult to sustain albeit a passing bay is required in Church Road. As the agent has informally stated that this may be acceptable in principle, discussions are currently taking place with the agent to secure details of the passing bay and a date for its construction as part of this application. A further verbal report on this outstanding matter will be undertaken at the meeting.
22. Concerns have been raised by the Parish Council and local residents that the use will increase traffic through the village and place increased demands on the local road network including the junction of Church Road with the A134 and as a consequence this will affect road safety and residential amenity. Given the uses which take place on the farm and types of vehicles involved in the farming operation, the close proximity of this operation to the A class road, the size and scale of the Tramar Tankering operation , it is considered that there are insufficient grounds on which to justify refusal on issues of impact upon residential amenity. However it is important that the operation is restricted to the current mode of operation in terms of hours of operation and the number of vehicles such that the use does not further intensify without any such intensification being the subject of further assessment through the submission of a planning application (so that issues of impact on the environment, road safety and residential amenity can be considered).

### REASONS FOR APPROVAL

(N.B. subject to the satisfactory resolution of the outstanding issues discussed in the report)

23. The application for the continued operation of the business (at its current size and scale) has been judged against farm diversification policies in their widest sense but also in relation to policies which govern the the establishment of a business on the edge of a village in a countryside location(CRO1,EMO1 and EM13). The proposal is not considered to reduce the level of amenity enjoyed by occupiers of neighbouring properties so as to justify refusal of planning permission and the proposal is considered acceptable with regard to highway safety and the environment.

### RECOMMENDATION

Subject to the receipt of amended plans together with a date for the implementation of a passing bay and a favourable response from the CHA upon these plans , the Head of Planning (Control) be authorised to grant planning permission subject to conditions:-

- As recommended by EA. And HoES(see above)
- Provision of a passing bay and a date for its implementation as recommended by the Highway Authority.
- Restriction on hours of operation as submitted
- Restriction on numbers of vehicles

### DECISION

GREAT CORNARD – LAND TO REAR OF 41 TO 69 HEAD LANE, TOGETHER WITH  
69 HEAD LANE

Outline – Erection of up to 30 no. dwellings with garages and parking. Construction of new vehicular access onto Head Lane.

Applicant: Mr and Mrs A Moule and Mr C Moule

Case Officer: Mrs Christine Thurlow

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SITE

1. The application site is a former smallholding (last used as a piggery), and is 0.7 hectares in size. The northern boundary adjoins the Guilford Europe factory with residential development to the south and west and an electricity substation to the eastern boundary. The site, which is relatively flat and overgrown contains a number of old piggery buildings (single storey in scale). It lies wholly within the built up area boundary with vehicular access to the site being proposed through No 69 Head Lane (a bungalow).

PROPOSAL

2. See report heading. The application is in outline form with means of access included for consideration; all other matters are reserved.
3. The applicant has submitted a supporting statement (the complete text can be seen via arrangement with the case officer); a summary follows:
  - Site comprises vacant and overgrown land with derelict piggeries.
  - The site includes the bungalow and garden at No 69 Head Lane through which it is proposed to provide vehicular and pedestrian access as agreed with the Highway Authority. To provide adequate sight lines the junction will project into the existing carriageway with widening of the footpath on either side, creating localised narrowing of Head Lane which will be beneficial in terms of additional traffic calming.
  - Up to 30 dwellings are proposed i.e. equivalent to a density of 50 houses per hectare which equates approximately with the site being developed as Broom Street which also backs onto Guilford Europe.
  - New planting could be accommodated along the boundary with No. 67 Head Lane to mitigate the impact of traffic and pedestrian movements on the new access road.
  - Policy HS09a(b) allocates the site for 50 dwellings. Prior to modification the site area was 1.65 hectares, the site area was then reduced to 0.6 hectares but the number of dwellings remained at 50, the equivalent of 83 dwellings per hectare. This figure is unjustified and represents double that of any other allocation. The figure of 30 dwellings makes efficient use of the site whilst not overdeveloping in the context of the surrounding area.

- The Local Plan Inspector reached the conclusion that the site is suitable in principle for residential development at a reasonably high density is sustainable, the impact on wildlife would not be significant and a technically acceptable form of access could be provided.
  - Prepared to enter into a Section 106 Obligation where appropriate.
  - The contamination report concludes that the site can be classified as Low Environmental Risk but the underlying geology is classed as a Major Aquifer so great care must be taken in construction to prevent any contaminative spillages entering the ground and surface waters.
  - Environment Agency advises surface water drainage measures are required, this can be the subject of conditions as imposed on the sites at Radiator Road and Broom Street.
  - The bio-diversity report did not find evidence of any protected species such as would prevent development of the site. The roof void and some trees at No 69 have potential bat roosting sites, if evidence of such use is found an application can be made to close off the roost and alternative provision can easily be made as part of the new development. The site provides abundant opportunities for nesting birds and high levels of bird activity were present during site visit. Relatively small areas of suitable reptile habitat.
  - The noise survey indicates that at present the noise from the adjacent factory only occurs during daytime. There are no practical mitigation measures available or necessary for the daytime period as the existing noise climate satisfies established criteria for gardens. Mitigation will only be needed if the factory operates at night and conditions could be attached to any planning permission to provide an acceptable internal noise climate.
  - No evidence of unacceptable odours or any other emission relating to the adjoining factory.
4. The Environmental Noise Assessment, Environmental Risk Assessment and Ecological Assessment for the proposed development are set out in detailed reports produced by consultants. Members may inspect the full supporting statements via arrangement with the Case Officer.

#### HISTORY

5. None

#### POLICY

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

6. 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.

7. Local planning authorities should:
- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net);
  - encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
  - seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

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

8. In planning for new open spaces and in assessing planning applications for development, local authorities should seek opportunities to improve the local open space network, to create public open space from vacant land, and to incorporate open space within new development on previously-used land.
9. Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs.

### **PPG23 – Planning and Pollution Control**

10. This document outlines the considerations to be taken into account in determining planning applications relating to pollution and its control.

### **PPG24 – Planning and Noise**

11. This document outlines the considerations to be taken into account in determining planning applications both for noise sensitive developments and for those activities that will generate noise.
12. The following adopted and emerging Development Plan policies are considered relevant to this application;

- **Suffolk Structure Plan 2001**

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

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

LP3 (New housing development in towns)  
LP16 (Housing Density)  
LP17 (Density and Housing Type)  
LP18 (Design of new housing)  
LP19 – (10% public open space)

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

HS01 (New housing development in towns)

HS08(Affordable Housing)

**HS09A(b) allocates this site as part of a larger land allocation ;some of the land allocation (Area 2 at Guildford Europe) however already has the benefit of planning permission and is currently being constructed. The remainder of the land allocation forms the site area of this application. HSO9A(b) states that the larger land allocation should be suitable for the erection of 50 dwellings and specifically states that a footpath/cycle route through the site linking Broom Street to Head Lane and vehicular access will be from Head Lane with only a small amount of properties to be served from Broom Street**

HS11 (Housing density)

HS12 (Infilling/groups)

HS15(10% public open space)

HS14 (Design of new housing)

HS18(Mix of housing to meet housing need)

EN24, EN25 and EN26 impact of noise generating development

CR14(Protected Species)

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

## OBSERVATIONS

13. PC – Recommend refusal on the following grounds:-

- Object to loss of habitable property at 69 Head Lane;
- location of proposed access close to school and existing road narrowing measures;
- single access is not ideal for emergencies;
- this vacant site is a haven for flora and fauna with 13 species designated as ‘rare’ on the DAFOR scale and should permission be granted the recommendations in the Ecological Assessment should form part of the conditions;
- great care must be taken to ensure any contaminative spillages are prevented from entering ground and surface water;
- a sustainable drainage system using soakaways is not a realistic option here as the surface water system in Great Cornard is at full capacity and the Engineering Services Manager should be consulted;
- will involve loss of residential amenity, including light pollution;
- if approved recommend that the access should be moved to no 41 Head Lane,
- HS08 and HS18 should be used for senior citizens in the village,
- HS16 financial contribution and S106 agreement used for the benefit of Great Cornard,
- large remaining trees to be protected by TPO and

- full ecological survey carried out.
14. CHA – Recommend imposition of standard highways conditions.
  15. SCC Education – views awaited
  16. Archaeology – No objection.
  17. Health and Safety Executive – Not near hazardous installations. Transco should be consulted to ensure no high pressure pipelines are in the vicinity.
  18. Suffolk Wildlife Trust – Bat survey should be carried out prior to determination of this application and a mitigation plan submitted as appropriate. Slow worms have been found at this site and mitigation for reptiles prior to any site clearance will be necessary.
  19. HoES – on contamination and noise issues - views awaited
  20. HoTS – views awaited
  21. Eight letters of objection (from seven addresses) have been received. The issues and objections raised are summarised as follows;
    - The new access will be almost opposite Cornard Upper School where there are already traffic and parking problems.
    - Traffic on Head Lane is already heavy and the new housing developments at Broom Street, Bakers Mill and the Rugby Club will already add to it. A traffic survey should be carried out.
    - How will the roads and medical, police and fire services cope with the increased population?
    - New access would be approximately 5 foot from my bedroom window removing the privacy and peace and quiet currently enjoyed.
    - New access will create noise disturbance and lights from vehicles exiting the site will shine directly into bedroom.
    - New access will be one metre from our bedroom and living room.
    - Removal of trees on site will cause considerable disruption and loss of privacy.
    - During Local Plan Alteration No. 2 consultation stage CHA revealed their requirements to be purchase of two plots; visibility splays to either side of 60 metres and entrance line 4.5 metres back from the kerb. All greatly at variance to this proposal which is understood to have received approval from CHA.
    - Access through No. 41 is preferable.
    - A well is located 0.9 metres away from the proposed access road.
    - Environmental Noise Assessment is flawed and inaccurate.

- Site is greenfield as it has historically been zoned as agricultural.
- Local economy cannot sustain increased population and commuting will increase.
- Noise Assessment is flawed and there is significant extraction equipment noise at night during warm temperatures.
- Car ownership in Great Cornard is well above the national average and a fair assessment of the residential approvals at the rugby club (306 dwellings), Broom Street (30 dwellings) and Cornard Mills (40 dwellings) indicates an additional local traffic volume of 531 vehicles. Increasing to 573 vehicles when including the proposed development.
- The high density housing will be out of character with the surrounding Edwardian and Victorian properties.

22. Transo – views awaited

### ASSESSMENT

23. The application has been screened under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and it has been concluded that it would not have such a significant impact on the environment as to warrant an Environmental Impact Assessment.
24. The site lies within the built up area boundary of Sudbury, Great Cornard and Chilton and adjacent to the premises of Guildford Europe; the underused commercial parts of which are currently being developed (Areas 1 and 2) for residential development. Although negotiations took place with Guildford Europe (at the time of submission of their proposals) in order to secure the inclusion of this site within those applications (as part of a PPG3 solution to unlocking under-utilised areas of land), these negotiations did not succeed. However the Urban Capacity study linked to the emerging Local Plan identified the potential of this site as a land allocation in its own right and this resulted in the site being identified as suitable for housing under emerging policy HSO9A(b). Originally this land allocation was larger as it included the whole of Area 2 (within the Guildford Europe premises). However as Members will be aware this now has the benefit of planning permission and works have started on site in connection with an approved scheme. Consequently this proposal relates to the remainder of the land allocation site without the benefit of planing permission and excluding the electricity substation and access leading thereto under policy HSO9A(b).
25. As such the principal considerations in respect of this application are therefore:-
- **Allocation of Land for housing (Policy HS09A(b),**
  - **PPG3 density considerations and impact of the electricity substation, development of adjoining land and connectivity to Broom Street as required by HSO9A(b)**
  - **Noise issues**
  - **Contaminated land**
  - **Highway issues**
  - **Public open space and education contributions;**
  - **Surface Water and Drainage issues**

- **Trees and Protected Species**

These are dealt with as follows:-

**Allocation of Site for housing (Policy HS09A(b))**

25. The last use of the land (many years ago) was as a piggery. The existing buildings are in poor condition and the land is in a predominantly residential area with the obvious exception of the Guildford Europe premises. As such and given the content of paragraph 24 above and the fact that PPG3 encourages Local Authorities to constantly review housing supply and demand, this land was allocated (following the Urban Capacity Study) under emerging policy HSO9A(b). As stated above this land allocation includes other land that now has the benefit of planning permission. However in the light of this land allocation policy and as the proposal relates to the development of an under-utilised site for residential development, the principle of residential development is supported.

**PPG3 density considerations and impact of the electricity substation, development of adjoining land and connectivity to Broom Street (as required by HSO9A(b))**

26. The outline application proposes up to 30 dwellings in number to reflect the reduction of the size of the allocated site (explained in paragraph 23 above). This would appear to be reasonable (particularly if the site were developed for flats given the size and scale of the adjoining Guildford Europe buildings.) However further investigations are taking place with EDF Energy and the Health and Safety Executive to determine whether the presence of an electricity station of the size and scale that exists adjacent to the site would restrict this number in any way. A further report on this unresolved matter will be undertaken at the meeting.
27. Negotiations are also taking place to ascertain whether any other land in the vicinity that may be inefficiently used could be included within the application. A further verbal report on this matter will be undertaken at the meeting. Whilst the Local Plan policy HSO9A(b) requires a footpath to be provided from Broom Street to this site, this element of the policy was included when the land allocation was larger and included a frontage onto Broom Street. As this is no longer the case the provision of a footpath cannot be secured as this would cut through the electricity substation itself which would be inappropriate.
28. Otherwise development of this site should allow for the provision of 35% affordable housing and the provision of smaller houses to meet housing need as advocated by Policy HS14.

**Noise issues**

29. The premises of Guildford Europe and the Electricity Substation lie immediately adjacent to the site. The submitted noise assessments are the subject of discussion with the Head of Environmental Services to ascertain any ameliorative measures that may be required in order to address noise concerns.

**Contaminated land**

30. Given the previous use of the site and the proximity of the Guildford Europe the site may be contaminated and require the imposition of conditions to address contamination issues. A further report on this matter will be undertaken at the meeting

### **Highway issues**

29. Although the Highway Authorities views are currently awaited it is understood informally from Highways that the submitted road junction details onto Head Lane have been the subject of full consultation with them and that they have no objections to the submitted details.

### **Public open space and education contributions;**

30. Adopted and emerging policies require that 10% public open space be provided on site and the proposal is of sufficient size and density to trigger education contributions. The views of SCC (Education) are currently awaited and a further verbal report will be undertaken at the meeting. If required they would be secured under the legal Obligation recommended below.

### **Surface Water and Drainage issues**

31. The EA has no objections to the proposal and the views of HoTS and Anglian Water are awaited with regard to drainage matters. A further verbal report on this matter will be undertaken at the meeting.

### **Trees and Protected Species**

32. Although there are trees on the site, none of the trees are of sufficient merit in their own right to warrant the service of the Tree Preservation Order. Whilst no objections have been raised to the scheme by the Suffolk Wildlife Trust the Parish Council have raised ecological issues which are currently the subject of discussion with the agent and the Suffolk Wildlife Trust. A further verbal report on this matter will be undertaken at the meeting to confirm whether it is appropriate to safeguard wildlife interests by condition.

### **REASONS FOR APPROVAL**

Subject to the resolution of the outstanding matters above the proposed development is considered to be in accordance with the provisions of adopted and emerging Development Plan policies ENV3, LP3, LP16, LP17, LP18, LP19, HS01, HS11, HS12, HS14, HS16, HS18 EN24-26 inclusive, CRO5 and HSO9A(b) by reason of the scheme constituting acceptable redevelopment of an allocated site, density, and , relationship to adjoining development (including the commercial premises of Guildford Europe), ground conditions and public open space provision. There is no highway objection to the proposal and there are insufficient grounds on which to justify refusal in terms of its impact upon residential amenity, or the character and appearance of the town.

### **RECOMMENDATION A**

1. Subject to no new issues and satisfactorily responses/conclusions from all outstanding technical consultees and satisfactory resolution of all outstanding matters the Solicitor to the Council be authorised to secure an Obligation under S106 of the 1990 Act to secure the affordable housing, education contributions, provision of public open space together with a commuted sum(if appropriate)

2. Upon securing the necessary legal Obligation the Head of Planning (Control) be authorised to grant outline planning permission subject to the following conditions: -
- Any as requested by the County Highway Authority;
  - Reserved matters conditions (to omit means of vehicular access);
  - Landscaping condition;
  - Fencing condition;
  - Levels
  - Ecological conditions to safeguard wildlife interests (if appropriate)
  - Any as required following resolution of all outstanding matters.
  - Any as required by the Head of Environmental Services.
  - Any as required from outstanding technical consultees.

#### RECOMMENDATION B

Otherwise refuse on the following grounds:

- Any as may be appropriate and as recommended by Consultees and /or inadequate affordable housing, education and public open space contributions.

#### DECISION

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R J Watson  
Head of Planning (Control)

20<sup>th</sup> February 2006