

## **7. CHAPTER 7 – THE BUILT ENVIRONMENT AND CONSERVATION**

### **7.1 PARAGRAPH 7.3 INTRODUCTION**

#### **The Objections**

##### **1356 English Heritage**

The objectives should refer to the protection and enhancement of archaeology.

#### **Inspector's Reasoning and Conclusions**

7.1.1 In its written response to objections, the Council suggest the addition of archaeology to the list of objectives. I consider that this is reasonable and meets the objection.

#### **RECOMMENDATION**

Modify the Plan by the inclusion of the word "archaeology" to Paragraph 7.3/1a/1.

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### **7.2 PARAGRAPH 7.3(1) OBJECTIVES**

#### **The Objections**

##### **9497 Tesco Stores Ltd/Littman & Robeson**

Addition of wording considering the benefits and needs to be met by a development against the negative impacts it may have on the visual amenity of a conservation area.

#### **Inspector's Reasoning and Conclusions**

7.2.1 While the potential benefits of development are clearly relevant considerations, I find that the most appropriate way these can be assessed is at planning application stage and the suggested addition to the paragraph is therefore unnecessary.

#### **RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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### **7.3 POLICY CN01 MAINTAINING LOCAL DISTINCTIVENESS – New Development, Open Spaces, Crime Prevention and Accessibility**

## The Objectives

### **1624 Tesco Stores Ltd/Littman & Robeson**

Policy is over prescriptive and will frustrate opportunities for innovative design. SPG is the appropriate method to provide advice on these matters.

### **5635 Suffolk Preservation Society**

The society objects to the word "might" in the final line as this does not give certainty or clarity.

### **9498 Tesco Stores Ltd/Littman & Robeson**

Additionally: It is noted that a reference to contemporary design has been made in supporting text, this should be included in the Policy wording.

## **B.D.C is proposing a change to Policy CN01 Pre-Inquiry Change 122**

Amend CN01 as follows: 'All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials\* for the location'. And to place '\*' before 'In some locations, contemporary modern design: ...'

*[existing bullets points retained unaltered]*

## The Objections

None

## Inspector's Reasoning and Conclusions

- 7.3.1 In terms of Tesco's concerns, following changes made at Second Deposit stage and by pre-inquiry change 122, I find that the Policy is now sufficiently flexible to address new and innovative design, and no further amendment is necessary with respect to these objections.
- 7.3.2 As regards the Suffolk Preservation Society's concerns, I concur that the use of the word "might" does not give certainty or clarity. It is clear from this part of the Policy that modern design will only be acceptable in certain locations, and to further qualify this statement is unnecessary. Therefore I consider that the word should be replaced by the term "will".

## **RECOMMENDATION**

Modify the Plan in accordance with Pre-Inquiry Change 122.

Replace the word "might" with **will** in the final sentence of the Policy's last paragraph.

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7.4 POLICY CN31 MAINTAINING LOCAL DISTINCTIVENESS – New Development, Open Spaces, Crime Prevention and Accessibility

### **The Objections**

#### **9499 Tesco Stores Ltd/Littman & Robeson**

The use of the word "need" in place of "seek" is not appropriate as certain constraints may mean that it is not always possible to achieve the aims of the policy.

### **Inspector's Reasoning and Conclusions**

7.4.1 I consider that the use of the word "need" in the Second Deposit version of the Policy is appropriate as it is clear from PPS1 that these are legitimate planning considerations. Where there are good reasons why these cannot be met, these can be assessed on receipt of a planning application.

## **RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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7.5 PARAGRAPH 7.21a LISTED BUILDINGS

### **The Objections**

#### **5636 Suffolk Preservation Society**

The society believes that the contents of para 7.21a are so fundamental and important to the retention of the local distinctiveness of Babergh that it should be a Policy in its own right.

#### **5637 Suffolk Preservation Society**

The society believes that there needs to be a firm commitment within the time scale of the local plan to securing the full re-survey of listed buildings in the district. The current wording of 7.21a does not provide such a commitment and therefore it is possible that a re-survey may never be achieved.

### **7633 Hadleigh Town Council**

Objecting against the text because it concedes the list is out-of-date and incomplete. Objector would like the text to be strengthened to show that the Council will undertake the work.

#### **Inspector's Reasoning and Conclusions**

7.5.1 While I appreciate that the lack of an up to date survey of listed buildings in the District is frustrating, it is beyond my powers to require the Council to do what is proposed, as this matter falls outside the remit of the development plan process. Such surveys are carried out by English Heritage on behalf of the Department of Culture, Media and Sport.

#### **RECOMMENDATION**

Make no modification to the Plan in response to these objections.

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### 7.6 PARAGRAPH 7.23 LISTED BUILDINGS

#### **The Objections**

##### **1362 English Heritage**

Helpful in the text to stress that all applications for change of use of listed buildings should be accompanied by plans showing internal and external changes required to implement the new use.

#### **Inspector's Reasoning and Conclusions**

7.6.1 Paragraph 7.23 clearly states that external and internal alterations to listed buildings both require listed building consent. The Plan, therefore is perfectly clear and it is not necessary to add the suggested wording to the paragraph.

#### **RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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### 7.7 POLICY CN09 LISTED BUILDINGS

#### **The Objections**

##### **710 GO-East**

Request re-wording to offer certainty and clarity relates to development and land use otherwise relegate to supporting text.

**1361 English Heritage**

Suggest the Policy be amended to reflect the criteria set out in para 3.19 of PPG 15

**Inspector's Reasoning and Conclusions**

7.7.1 I consider that both concerns have been met by changes made at the Second Deposit stage, which improves the clarity and certainty of the Policy and provides a cross reference to PPG 15 paragraph 3.9.

**RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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7.8 POLICY CN10 LISTED BUILDINGS

**The Objections**

**711 GO-East**

Request re-wording to offer certainty and clarity relates to development and land use otherwise relegate to supporting text.

**1360 English Heritage**

A combined policy for listed buildings and conservation areas presents problems. A policy ensuring that new development preserves or enhances the character or appearance of the conservation areas is needed.

**1626 Tesco Stores Ltd/Littman & Robeson**

It is inappropriate for the policy to use prescriptive terms such as 'must' in the second bullet point. Also demolition might be acceptable if wider needs are served.

**4574 Mr C J Hunt**

Objector would like the deletion of bullet point 2, regarding elements, components and features of a building.

**4575 Mr C J Hunt**

Objector would like the deletion of bullet point 7, relating to thatch roofs.

**4576 Mr C J Hunt**

Objector would like the 2nd bullet point reinstated as shown in the 1st deposit.

**5639 Suffolk Preservation Society**

The society feels that provision needs to be made for good contemporary modern designs within this policy.

### **5640 Suffolk Preservation Society**

Within the third bullet point reference needs to be made to proportion.

### **9500 Tesco Stores Ltd/Littman & Robeson**

Also demolition might be acceptable if wider needs are served. The text should include the words "consider" or have "regard to" the criteria listed.

## **Inspector's Reasoning and Conclusions**

- 7.8.1 I find that Go-East, English Heritage and the first part of Tesco's stores objections have all been met by changes made at Second Deposit stage and no further amendment is necessary in terms of these objections.
- 7.8.2 As regards Tesco's concerns about the acceptability of demolition, I consider that this has been correctly addressed by Policy CN09 - it must be remembered that there is a presumption against the demolition of such buildings and the Policy allows for demolition only in exceptional circumstances. Furthermore, I do not consider that the Policy's wording should be changed to use a phrase such as "will consider" or "have regard to" as these phrases would reduce the certainty of the Policy.
- 7.8.3 Development affecting listed buildings often requires both Listed Building Consent and Planning Consent. Many detailed considerations that require Listed Building Consent would not require Planning Permission, although this is often a matter of fact and degree best related to specific proposals. The detailed criterion laid out in Policy CN10 includes matters that can only be addressed through listed building consent. In deciding applications for Listed Building Consent, the development plan remains a material consideration. In this context I consider that bullet points 2 and 7 are acceptable matters for a Policy such as CN10, not least because of guidance found in PPG15. These two bullet points give more explicit guidance than the second bullet point that was deleted from the first deposit draft, assisting the clarity of the Plan.
- 7.8.4 Regarding Suffolk Preservation Society's comments on the acceptability of modern design, in this instance I find that there is nothing in the Policy that excludes modern design and that there is no need for a specific bullet point to address this matter, especially given the contents of Policy

CN01. In terms of the Suffolk Preservation Society's comments on the detailed wording of the third bullet point, I do not consider that the suggested additional wording adds any clarification to the Policy, because the use of the term "harmonise" in this bullet point already addresses the matter of proportion.

## **RECOMMENDATION**

Make no modification to the Plan in response to these objections.

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### 7.9 POLICY CN14 LISTED BUILDINGS

#### **The Objections**

##### **2765 Suffolk Preservation Society Conditional Withdrawal**

Recommend that the requirement for limewash on historic rendered buildings be a clause on its own.

#### **Inspector's Reasoning and Conclusions**

7.9.1 Changes made at Second Deposit stage have addressed the Suffolk Preservation Society's concerns, and I note that this objection has been conditionally withdrawn.

## **RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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### 7.10 POLICY CN13 LISTED BUILDINGS

#### **The Objections**

##### **804 GO-East**

Request that the Policy should relate to development and land use and be relegated to supporting text.

#### **Inspector's Reasoning and Conclusions**

7.10.1 Policy CN13 would not form the basis for the grant of either Planning or Listed Building Consent and as such amounts to a statement of intent as to the Council's position on neglected or at risk listed buildings. This is clearly contrary to PPG12. It does not

therefore justify its status as a specific policy. However the text of the Policy is informative and should be retained as supporting text.

## **RECOMMENDATION**

Modify the Plan by deleting Policy CN13. Transfer the text of the Policy to the supporting text.

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### 7.11 POLICY CN16 BUILDINGS OF LOCAL INTEREST

#### **The Objections**

##### **714 GO-East**

Request that the policy should relate to development and land use and be relegated to supporting text.

#### **Inspector's Reasoning and Conclusions**

7.11.1 I find that, despite several alterations to the text of both Policies CN16 and CN17, these policies remain far from clear. Effectively the Policies amount to a statement of intent and would not form the basis for the assessment of development proposals. Furthermore, to have two policies that effectively address the same issue is unduly repetitious, which is again contrary to advice in PPG12. Both Policies should be deleted and the following statement added to the Policy's supporting text.

## **RECOMMENDATION**

Modify the Plan by deleting Policies CN16 and CN17 and insert the following wording into the Plan's supporting text;

**Sympathetic new uses will be sought for non-listed buildings of local interest in order to enable their retention. The incorporation of such buildings into any development or redevelopment proposals will be encouraged.**

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### 7.12 POLICY CN17 BUILDINGS OF LOCAL INTEREST

#### **The Objections**

##### **715 GO-East**

Request that the Policy should relate to development and land use and be relegated to supporting text.

### **B.D.C is proposing a change to Policy CN17 Pre-Inquiry Change 123**

Amend first sentence of CN17 as follows: 'In retaining non-listed buildings of local interest, will look for sympathetic new uses will be sought. Sympathetic new uses will be sought **in order to retain non-listed buildings of local interest.** '

#### **The Objections**

None

#### **Inspector's Reasoning and Conclusions**

7.12.1 See my response to objections to Policy CN16 above.

#### **RECOMMENDATION**

Modify the Plan by deleting Policies CN16 and CN17 and insert the following wording into the Plan's supporting text;

**Sympathetic new uses will be sought for non-listed buildings of local interest in order to enable their retention. The incorporation of such buildings into any development or redevelopment proposals will be encouraged.**

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7.13 PARAGRAPH 7.15 CONSERVATION AREAS

#### **The Objections**

##### **1358 English Heritage**

Conservation area boundaries should be shown on the proposals map.

#### **Inspector's Reasoning and Conclusions**

7.13.1 In its response to this objection the Council has agreed that Conservation Area boundaries should be shown on the Proposals Map, where they are not currently shown. I agree that this is informative and that the change should be made.

## RECOMMENDATION

Modify the Proposals Map by the addition of relevant Conservation Area Boundaries.

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### 7.14 POLICY CN02a CONSERVATION AREAS

#### The Objections

##### **5634 Suffolk Preservation Society**

The society feels that provision needs to be made for good contemporary modern designs within this policy.

##### **8007 Mrs D G M Judd**

Policy HS09Q conflicts with new policy CN02a in that it will have an impact on the views into or out of the Gt Waldingfield Conservation Area. Both HS09Q and CN02a should be subject to re-scrutiny and submission to the public.

##### **9501 Tesco Stores Ltd/Littman & Robeson**

The policy should provide that the criteria have regard to rather than dictating the circumstances as to when approval will be given. Regard or consideration should also be given to the potential benefits arising from the new development and the needs that are to be met as a result of it.

#### Inspector's Reasoning and Conclusions

- 7.14.1 As regards Suffolk Preservation Society's concerns I find that the fifth and sixth bullet points of the Policy preclude the use of modern and innovative design. I accept that modern design is supported by the amended Policy CN01 but in this instance the requirements of these bullet points exceed what would reasonably be required to protect the character and appearance of most conservation areas, in terms of the development of unlisted buildings.
- 7.14.2 The development of listed buildings, be they in or out of conservation areas, has been addressed by Policy CN14. If it were necessary for the Council to address such detailed considerations in order to protect a Conservation Area this would be most appropriately dealt with by the use of an Article 4 (2) Direction. I have amalgamated and modified the two bullet points to address this concern.
- 7.14.3 I do not consider that there is conflict between Policies CN02a and HS09Q. The housing site at Folly Road does

not directly about the Great Waldingfield conservation area and is to some extent hidden by trees. Any detailed application would of course have to take the presence of this conservation area into account in its detailed design but this is a matter that would be best addressed at planning application stage.

- 7.14.4 In terms of Tesco's considerations I find that overall the Policy's approach is reasonable as any exceptional circumstances or planning benefits can be assessed as part of the application process. Plan policies should provide certainty and to alter the Policy's wording the manner suggested would reduced this.

### **RECOMMENDATION**

Modify the Plan as follows

The fifth and sixth bullet point be deleted and replaced with the following text:

**Use of materials and components that complement or harmonise with the character and appearance of the area.**

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## 7.15 POLICY CN02 CONSERVATION AREAS

### **The Objections**

#### **1359 English Heritage**

Conservation area boundaries should be shown on the proposals map.

### **Inspector's Reasoning and Conclusions**

7.15.1 For the reasons, I set out above under objections to Paragraph 7.15, I find that all conservation area boundaries should be shown on the Proposals Map.

### **RECOMMENDATION**

Modify the Proposals Map by the addition of Conservation Area boundaries.

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## 7.16 PARAGRAPH 7.15b CONSERVATION AREAS

### **B.D.C is proposing a change to Paragraph 7.15b Pre-Inquiry Change 121**

Revise the second bullet point in 7.15b to read:

'Possible areas for designation as conservation areas following detailed survey and consultation work are:

Holbrook; The Royal Hospital **School** Site, ..... '

### **The Objections**

None

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## 7.17 POLICY CN18 CONSERVATION AREAS

### **The Objections**

#### **716 GO-East**

SPG can be used to supplement parts of the plan but not to delegate decisions. The criteria against which applications are to be judged must be set out in a policy in the plan.

#### **1627 Tesco Stores Ltd/Littman & Robeson**

The policy is over prescriptive in requiring all schemes to agree with the principles of the Suffolk Conservation Manual. If it is not SPG it should not be referred to.

### **Inspector's Reasoning and Conclusions**

7.17 In term's of the Go-East objection, although the Council has amended the Policy at Second Deposit stage to broadly set out what the Suffolk Conservation Manual addresses, I find that in this instance the Plan still unreasonably delegates decisions to Supplementary Planning Guidance. Where the matters addressed by this Policy relate to either the grant of planning permission, or Listed Building and Conservation Area Consent, then they can be addressed by other policies in the Plan, and therefore I consider that there is no benefit in trying to reword the Policy. Policy CN18 should therefore be deleted, although I find that its contents, with some slight amendment, would usefully inform the supporting text.

7.18 I consider it would be beneficial if the Plan was clearer as to the status of the Suffolk Conservation Manual. Changes made at Second Deposit go some way to address this but I have

also recommended a change to the supporting text to further clarify the status of the document.

## RECOMMENDATION

Modify the Plan as follows:

Add the following sentence to the end of Paragraph 7.34 **This document has been adopted as SPG by the District Council, along with all Suffolk Local Planning Authorities.**

Policy CN18 should be deleted and the following wording added to the supporting text as a new paragraph, after the end of Paragraph 7.34 (as amended)

**All new development proposals and enhancement schemes which have the potential to affect public spaces or create new public spaces (including the highway, and enhancement schemes and other authorities and organisations) should adhere to the principles of the Suffolk Conservation Manual.**

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## 7.18 POLICY CN20 STREET FURNITURE AND OVERHEAD WIRES

### The Objections

#### 718 GO-East

Request that the Policy should relate to development and land use and be relegated to supporting text.

### Inspector's Reasoning and Conclusions

7.18 As currently worded this Policy does not form a basis for decision making either for Planning or Listed Building and Conservation Area Consent – effectively the Policy is a statement of intent, contrary to PPG12. I find that where the preservation of such items of street furniture is within the remit of Planning or Listed Building and Conservation Area control then these considerations are adequately addressed by the Plan's design and conservation policies. Therefore I consider that the Policy should be deleted. As Paragraph 7.36 already sets out the importance of

street furniture I can see no benefit in including the Policy as supporting text.

### **RECOMMENDATION**

Modify the Plan by deleting Policy CN20.

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#### 7.19 PARAGRAPH 7.38 STREET FURNITURE AND OVERHEAD WIRES

##### **The Objections**

##### **1730 National Grid Transco/Malcolm Judd & Partners**

Would like to see supporting text in paragraph to cover only low voltage overhead wires.

##### **Inspector's Reasoning and Conclusions**

7.19 See CN21 below.

### **RECOMMENDATION**

Modify the Plan by including at the end of paragraph 7.38  
**In view of the substantial practical, technical and cost disadvantages involved, the undergrounding of high voltage power lines (275kV and above) will only be sought in exceptional circumstances.**

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#### 7.20 POLICY CN21 STREET FURNITURE AND OVERHEAD WIRES

##### **The Objections**

##### **1726 National Grid Transco/Malcolm Judd & Partners**

Object to the reference to the automatic undergrounding requirement of all their lines.

##### **Inspector's Reasoning and Conclusions**

7.20 Policy CN21 mentions low, medium and high voltage lines. I had understood that high voltage national power lines are 275kV and 400kV and that local distribution is low voltage at 132kV and below.

- 7.21 It is not clear to me what a medium voltage would be? However, regardless of this, I consider that the revised wording of policy CN21 suggested by the Objector has some merit but does not fully recognise the importance of Conservation Areas. Because of this the wording of the first sentence of Policy CN21 should remain as written. The second sentence should be revised by deleting reference to high and medium voltage lines.
- 7.22 Although I agree with the basic approach in Policy CN21 I consider it unrealistic to expect high voltage lines to be placed underground. In my view this requirement fails to recognise the massive costs involved, not only in undergrounding and the maintenance of the system, but also the sterilisation of land above the line, and the impact of the major terminal towers and buildings where the line goes underground.
- 7.23 Paragraph 7.38 of the supporting text already recognises the high cost of undergrounding. This could be further emphasised by including part of the wording suggested by the Objectors in paragraph 7.38 (see my recommendation). I believe this wording to be an explanation as to how the policy will be implemented, rather than part of the policy itself.

## **RECOMMENDATION**

Modify the plan by deleting reference to high and medium voltage lines in the second sentence of Policy CN21

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## **7.21 PARAGRAPH 7.39 STREET FURNITURE AND OVERHEAD WIRES**

### **The Objections**

#### **1118 Mr T H Underwood**

Bures St Mary must be considered as a high priority for the undergrounding of cables.

#### **1179 Mr C A Reeve**

Undergrounding the overhead wires in Prentice Street should be a priority and not be dependent on 'when resources permit'

#### **1276 The Lavenham Society**

Undergrounding the overhead wires in Prentice Street should be a priority and not be dependant on 'when resources permit'.

#### **1728 National Grid Transco/Malcolm Judd & Partners**

Request that the Policy should refer only to low voltage overhead wires.

**3738 Nayland with Wissington Conservation Society**

Request that the High Street, Court Street, Birch Street, Mill Street and other parts of Nayland Conservation Area be included for possible undergrounding schemes.

**Inspector's Reasoning and Conclusions**

7.21 For brevity I will address all the objectors' concerns regarding this paragraph and Policy CN22 (below) together as these concerns are interrelated.

7.22 While it is informative that the Council set out its intended program for the removal of overhead wires and cables in the supporting text, I cannot require them to include locations within this programme, nor can I instruct them to give priority to any particular proposal as these matters are outside the remit of the land use planning system. Paragraph 7.39 of the supporting text refers only to "possible" areas where undergrounding may take place, and is a preamble to Policy CN22 which relates to wires as well as electricity cables.

7.23 While I cannot deny the impact of cables on the street scene, any program for the undergrounding of cables is clearly not a matter by which development proposals can be assessed. The Policy is a statement of intent and should be deleted. However the Policy does provide useful information as to the Council's intentions regarding this matter and it would be useful for it to be retained in the supporting text.

**RECOMMENDATION**

Modify the Plan by deleting Policy CN22 but retain the content in the supporting text.

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7.23 POLICY CN22 STREET FURNITURE AND OVERHEAD WIRES

**The Objections**

**199 The Dedham Vale Society**

Surprised that removal of overhead wires in Thorington Street is not included in 7.39 and CN22

**720 GO-East**

Request that the policy should relate to development and land use and be relegated to supporting text as it relates to maintenance and funding matters only.

**1277 The Lavenham Society**

Undergrounding the overhead wires in Prentice Street should be a priority and not be dependent on 'when resources permit'.

**1727 National Grid Transco/Malcolm Judd & Partners**

Objects to the reference to undergrounding and suggest amending the policy to refer to low voltage (132Kv and below) only

**Inspector's Reasoning and Conclusions**

7.22 In terms of other objectors' concerns I have addressed these issues in Paragraphs 7.21 and 7.22 above. For the reasons given there I have deleted the Policy.

**RECOMMENDATION**

Modify the Plan by deleting Policy CN22 but retain the content in the supporting text.

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7.23 POLICY CN24 SHOPFRONTS, ADVERTISEMENTS AND HOARDINGS

**The Objections**

**589 GO-East**

SPG can be used to supplement parts of the plan but not to delegate decisions. The criteria against which applications are to be judged must be set out in a Policy in the plan.

**Inspector's Reasoning and Conclusions**

7.23.1 In this instance the cross reference to the SPG, relating to the display of adverts in the Policy is acceptable as it forms part of a broader, criteria based assessment framework. The Policy does not place undue emphasis on the use of SPG and I do not consider that there is any necessity for its modification.

**RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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## 7.24 PARAGRAPH 7.19 HISTORIC PARKS AND GARDENS OF SPECIAL HISTORIC INTEREST

### **The Objections**

#### **1357 English Heritage**

Helpful to list the registered parks and gardens in the district and make it clear the register is kept under review and additions may be made within the plan period. The boundaries of the register should be marked on the proposals map.

### **Inspector's Reasoning and Conclusions**

7.24.1 Following changes made at Second Deposit the Plan now refers to the list of registered historic parks and gardens and it is now clear that this list is updated regularly. It may be helpful if these sites were added to the Proposals Map for information, given that the Plan now contains appropriate references to both the local and national register of such parks and lists of such sites in Paragraph 7.19, but I do not consider this to be essential.

### **RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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## 7.25 POLICY CN26 ARCHAEOLOGY

### **The Objections**

#### **934 English Heritage**

Request a caveat be added that sites can be scheduled at any time and the list may be expanded. Appendix 3 also refers.

### **Inspector's Reasoning and Conclusions**

7.25.1 The statutory list of Scheduled Ancient Monuments can be amended or updated at any time throughout the plan period, but I do not consider that it would serve any purpose to state this in Policy CN26, as the Council is responsible for the updating of any such list within the Plan.

### **RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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7.26 POLICY CN27 ARCHAEOLOGY

**The Objections**

**724 GO-East**

Request that the policy should relate to development and land use and otherwise relegated to supporting text.

**1365 English Heritage**

State policy is excellent and suggest minor amendment to the wording of criteria c) to 'Council will seek mitigation of the impact.'

**1628 Tesco Stores Ltd/Littman & Robeson**

State that the policy is not consistent with government guidance on archaeology. Field evaluation not necessary in all situations prior to determining an application. Desk studies and/or a watching brief might be appropriate.

**1921 Bellway Homes Ltd**

Request changes to the policy to ensure it fully adheres to Government guidance as set out in PPG 16.

**2778 Suffolk Preservation Society**

Recommend re-wording of criteria d) to make less ambiguous

**Inspector's Reasoning and Conclusions**

7.26.1 Following amendment to the Policy at Second Deposit stage, I find there is nothing unacceptable about the Policy in terms of the Go-East concerns. The Policy clearly relates to the implications of development for archaeological remains and forms a clear Policy for the assessment of such development.

7.26.2 As regards English Heritage's concerns I note its broad support for the Policy, but do not consider that the suggested amendment adds any clarification to the Policy and should not be made.

7.26.3 I find that Policy CN27 is worded so that where archaeological remains exist, field evaluation will always be necessary. PPG16 is explicit that such evaluation is not necessary in all such instances, as alternative methods of evaluation may well be appropriate in certain circumstances. In many cases field evaluation would be an appropriate and accurate method of survey. I therefore

have suggested a rewording of the first criterion below so that it reflects PPG16 more closely.

- 7.26.4 With regard to concerns over criterion d, I consider that the criterion as worded is unambiguous and does not need any further amendment.

## **RECOMMENDATION**

Modify the Plan by replacing Criterion A of Policy CN27 with the following text;

**If research indicates that archaeological remains exist a developer will be required to submit a comprehensive evaluation of these remains, using an agreed methodology, before planning permission is determined.**

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## 7.27 POLICY EN04 OPEN SPACE WITHIN SETTLEMENTS

### **The Objections**

#### **1238 Miss A Stephenson**

The open areas of land between the River Brett and Hadleigh High Street should be kept open and retained as grassland. This should be acknowledged in the Local Plan.

#### **6120, 6326, 6327 Mrs A Chapman**

The land being considered no longer has any visual and/or recreational merit. The objector would like housing developments to be discreet, like that away from the road-side in Brandeston.

#### **8837 Dr D E Chapman/Mr M Munt**

Keeping the land as open space does not enhance visual amenity. The objector would like the development of the house site and orchard site, with the housing set back from the road. This would preserve views and remain an attractive area of land.

**B.D.C. is proposing deletion to an Area of Visual and/or Recreational Amenity at Hitcham Pre-Inquiry Change 71**

### **The Objections**

None

#### **9022 Mrs J Hynes/Tim Harbord Associates**

There is no definition within the Draft Local Plan as to what criteria were used to define AVRAs and there is no specific policy relating to them. However they are clearly intended to signify land which is more important visually than the rest of the built up area and on this basis the objector considers that the Plan has erroneously included her land either side of Boxford Lane, Boxford within such an area.

**9558 Punch Taverns/D L & P Consultants Limited**

Objecting to the Proposals Maps. Objector would like them to be amended to delete reference to Areas of Visual and/or Recreational Amenity and reference to this designation removed from the Key.

**9559 Punch Taverns/D L & P Consultants Limited**

The term used in the Key is not one that can be related to Policy EN04 or to any revision or replacement of the Policy in the Second Deposit Plan.

**9560 Punch Taverns/D L & P Consultants Limited**

Objecting against the Proposals Maps showing AVRAs outside BUABs.

**9561 Punch Taverns/D L & P Consultants Limited**

To apply such a policy outside Built Up Area Boundaries would be a duplication of policy, and is contrary to PPG12.

**B.D.C is proposing a change to Policy EN04 Pre-Inquiry Change 124**

Development leading to the loss of **Areas of Visual and/or Recreational Amenity**, important open spaces, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted.

**The Objections**

**13227 House Builders Federation**

Concerned that these additional categories are very much subjective and open to wide interpretation. Furthermore they could be easily used on a basis to refuse many types of residential planning. Changes would be likely to have an adverse impact on the ability of developers to bring forward brownfield sites for residential development.

**Inspector's Reasoning and Conclusions**

7.27.1 The open land to the north of the Brett Works is in part proposed as an open space allocation but see my report concerned with the Brett Works and adjoining land in the

Hadleigh Town Centre Chapter where I address this matter more fully.

- 7.27.2 In terms of Mrs/Dr Chapman and Mr Munt's objections, the Council agree that the land in question no longer has any recreational or amenity merit and has proposed the deletion of the Areas of Visual and/or Recreational Amenity (AVRA) allocation of the site through PIC 71. I note that this site already has the benefit of full planning permission, and to maintain the AVRA designation would be illogical.
- 7.27.3 In terms of non-site specific issues it would be helpful if I clarify the recent changes to the Plan in terms of Policy EN04. Although deleted at Second Deposit stage the Council states that the Policy should have been moved from Chapter 2 to Chapter 7 in the Second Deposit version and this is clarified by the addendum to the Second Deposit plan. This Policy has been subsequently amended by PIC 124.
- 7.27.4 The Council's criteria for the allocation of AVRA's is set out in CD95 " Built Up Area Boundaries and Areas of Visual and/or Recreational Amenity." I consider that the broad policy approach to AVRA's set out in this document is acceptable in terms of its approach to such land in urban areas and accords with national planning guidance, in particular PPS1. I have addressed the specific merits of some AVRA sites in the housing chapter. I have no issue with the policy reasons why the Council consider that AVRA's should be identified outside built up area boundaries, but find that to allocate such areas would be a duplication of protection that the open countryside has. PPG12 warns against unnecessary duplication in Plans. Policies HS04 and CR01 protect the Countryside from inappropriate development, in terms of both housing and more general development.
- 7.27.5 Furthermore, policies in the Plan's recreation chapter, notably RE03 protect both public open space and playing fields from unacceptable development. Where landscape quality is such that areas of land require special protection then the Plan allows for their identification as Special Landscape Areas. In addition both PPS1 and PPS7 both strongly resist development in unacceptable locations in the open countryside.

- 7.27.6 I have not been presented with any specific evidence as to why these areas require an increased level of protection. Given the very high level of protection that currently exists for open countryside as a whole, the identification of AVRA's outside built up areas, is clear policy duplication and unnecessary. Therefore I consider that all AVRA's outside built up settlement boundaries should be deleted.
- 7.27.7 I find that the wording introduced to the Policy by Proposed Change 124 does not make it in anyway clearer and duplicates what is already in the Policy, particularly so given that I do not consider that AVRA's should be identified outside of settlement boundaries. I therefore do not consider that this change should be made.

## **RECOMMENDATION**

Modify the Plan by deleting all AVRA's outside settlement boundaries.

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## 7.28 POLICY OR TEXT OMISSIONS

### **The Objections**

#### **851 Mr R J Prosser**

Plan does not incorporate a policy on enabling development to fund, in exceptional circumstances the repair of listed buildings.

#### **1051 Hadleigh Town Council**

More of the existing buildings should be listed and thereby protected. Believes efforts should be made to undertake this work

### **Inspector's Reasoning and Conclusions**

- 7.28.1 I note that Paragraph 7.25 has been added to the Plan, explaining the role of enabling development in protecting historic buildings. This cross refers to English Heritage's Policy statement on such matters. However I do not consider that this is a matter that is appropriate for a specific policy, as such development can be adequately assessed against existing policies in the Plan that protect the historic built environment, whilst taking the benefits of the specific development into account.

7.28.2 While there may be a Policy in the St Edmundsbury Local Plan, there is no requirement in either PPG 12 or PPG15 for such a Policy to be included in all plans. I have limited information as to the circumstances that necessitated the use of such a policy in the St Edmundsbury Plan and the current status of that Plan, but nothing suggests to me that the approach taken by the District Council would not be sufficient to adequately address this issue.

7.28.3 English Heritage are responsible for the listing of buildings and the Council has no authority concerning this issue. It would therefore be illogical for me to alter the Plan in this respect.

### **RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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7.29

MISCELLANEOUS

### **The Objections**

#### **912 The Hadleigh Society**

Concern over the need to cross reference policies in chapter 3, 5, 6 and 7 of the plan.

### **Inspector's Reasoning and Conclusions**

7.29.1 PPG 12 is clear that the Plan should be read as a whole and there is limited need for cross referencing between policies. I find that to include such cross references in this instance would be both unnecessary and repetitious.

### **RECOMMENDATION**

Make no modification to the Plan in response to this objection.

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