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2004-2005
Supporting People

E312

BABERGH DISTRICT COUNCIL

DEVELOPMENT COMMITTEE

29 MARCH 2006

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

INDEX

<u>Item</u>	<u>Page No.</u>	<u>Application No.</u>	<u>Location</u>	<u>Officer</u>	<u>Decision</u>
1.	6	B/06/00311/FUL	LAWSHALL – Land off Churchill Close	GP	
2.	10	B/05/01947/FUL & B/05/01948/LBC	ALPHETON – Barns at Alpheton Hall, Church Lane	GP	
3.	15	B/06/00182/FHA & B/06/00183/LBC	LONG MELFORD – Flemings, The Green	GP	
4.	20	B/05/01961/FUL & B/05/02099/LBC	LONG MELFORD – Melford Valley Tandoori	GP	
5.	24	B/05/02110/FUL	COCKFIELD – Old Hall Green Farm Barn, Old Hall Lane	GP	
6.	27	B/06/00253/FUL	COCKFIELD – Part Garden Great Green Farmhouse, Great Cornard	GP	
7.	29	B/05/01637/OUT	BRETtenham – Land adjoining The Old Garage, The Street	GP	
8.	36	B/05/02121/FUL	COCKFIELD – Buttons Green Farm, Buttons Green	DB	
9.	44	B/06/00229/FUL	GREAT CORNARD – Old Joes Driving Range, Joes Road	DB	
10.	48	B/06/000288/FUL	HARTEST – 5 The Row	DB	
11.	50	B/05/02159/OUT	BALLINGDON – Former Ballingdon Oil Depot, Middleton Road	DB	
12.	58	B/06/00219/FUL	BILDESTON – 137 High Street	DB	
13.	61	B/06/00014/OUT	GREAT CORNARD – Land to rear of 41 – 69 Head Lane together with 69 Head Lane	CT	
14.	71	B/06/00043/FUL & B/06/00044/LBC	HADLEIGH – 28-32 Benton Street	RC	
15.	76	B/06/00095/FUL	HOLTON ST MARY – Holton Place, Sandpits Lane	RC	
16.	85	B/06/00278/FUL	HOLBROOK – All Saints Church, Church Hill	CLD	
17.	88	B/06/00330/RES	HADLEIGH – Former Hadleigh Building Supplies, Benton Street	CLD	
18.	92	B/06/00321/FUL	POLSTEAD – Copella Farm	CLD	
19.	96	B/06/00159/FUL	LEAVENHEATH – Woodburn Farm	AT	

20.	100	B/06/00185/OUT	GREAT CORNARD – Cornard Mills, Bures Road	RM
21.	114	B/06/00277/TEL	PINEWOOD – Land adjacent Brookvale, Grove Hill	MF

R J Watson
Head of Planning (Control)
22 March, 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 COUNCILDEVELOPMENT COMMITTEESCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE DEVELOPMENT COMMITTEE

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

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

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

DELEGATION TO THE HEAD OF PLANNING (CONTROL)

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

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

PLANNING POLICY

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

DEVELOPMENT COMMITTEE
29 March 2006

ITEM 1

B/06/00311/FUL
FULL

LAWSHALL – LAND OFF CHURCHILL CLOSE.

Erection of 12 no. dwellings and a garage block (following demolition of existing garages).
Construction of new vehicular access.

Applicant: Suffolk Heritage Housing Association.

Case Officer: Gemma Pannell

SITE

1. The application site comprises a vacant area of land approximately 0.46 hectares in extent, adjacent to a playing field. On the other three sides is existing residential development, and the site is wholly within the defined built-up area boundary for the village.

PROPOSAL

2. This application seeks permission for the erection of:
 - 2 no. bungalows and 2 no. chalet bungalows for sale (these are intended to be sold, at discount, to older people wishing to downsize from larger homes in the village) and;
 - 8 no. two-storey dwellings, to be managed as affordable housing by a registered social landlord; of these 2 are for shared ownership and 6 are to be for rent.
3. The applicant has submitted a supporting statement and it is summarised as follows:
 - This scheme is part of the Council's approved Social Housing Programme which is an integral part of our current Housing Strategy to deliver 700 affordable houses across the District over the next 5 years.
 - The scheme has been developed in partnership with Lawshall Parish Council, Babergh District Council, the Suffolk Rural Housing Enabler and Flagship Housing Group.
 - The local housing needs survey confirms that 18 local people require affordable housing in the village and the requirements of these people have been considered resulting in a scheme with a range of dwellings and tenure types. This has been reflected in the design of the scheme, which includes a mix of 2 and 3 bedroom properties for rent, shared ownership and open market sale.
 - In addition a site appraisal/design statement has been submitted; this can be viewed by arrangement with the case officer.

RELEVANT HISTORY

4. 1972 – Outline planning permission granted for residential development. (S/72/0407/M)
5. 1974 – Planning permission granted for erection of 20 no. dwellings and garages. (S/74/00243/M)
6. 1978 – Planning permission granted for use of land for playing fields. (B/78/00969/FUL)

7. 1990 – Planning permission granted for erection of two stables, tack room and feed store for use for domestic purposes. (B/90/00148/FUL)

POLICY

PPG3 (Housing)

8. PPG3 states:
- that Local Planning Authorities should achieve an efficient use of land seeking greater densities of developments at places with good public transport and service provision;
 - rural affordable housing provision may be augmented by an exceptions policy, whereby land within or adjoining existing villages may be released for such housing (para 18);
 - villages will only be suitable locations for accommodating significant additional housing where that housing will support services, where local housing needs will be met and where sympathetic design can be achieved.

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

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

Suffolk Structure Plan 2001

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

Babergh Local Plan Alteration No.1

- Policy LP4 (Housing Development in Villages)
- Policy LP10 & 11 (Local Needs Housing)
- Policy LP17 (Criteria for Infilling & Groups)
- Policy LP18 (Layout and Design)
- Policy LP146 (Parking)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS02 (Housing in Villages)
- Policy HS06 & 7 (Local Needs Housing)
- Policy HS08a (Affordable Housing)
- Policy HS12 (Criteria for Infilling and Groups)
- Policy HS14 (Layout and Design)
- Policy HS16 (Public Open Space)
- Policy TP18 (Parking)
- Policy CN01 (General Design)

OBSERVATIONS

10. PC – To be reported if available
11. CHA – To be reported if available

12. Letters - None received to date

ASSESSMENT

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

- Planning Policy, Affordable Housing and Housing Need
- Layout, Design and Landscaping
- Highways
- Public Open Space

Planning Policy, Affordable Housing and Need

14. Policies LP4 and HS02 refer to residential development within villages and the emerging policy permits 1-3 dwellings within a village such as Lawshall. As such this proposal (for 12 dwellings) is contrary to this policy.

15. However given the size of the site a development of 3 houses would represent an inefficient use of land, contrary to the provisions of PPG3. This application proposes 4 dwellings for general needs; the remaining 8 dwellings are proposed to be managed by a Registered Social Landlord to meet an identified local housing need. This element of the proposal is therefore in accordance both with PPG3 (see para 8 above) and emerging policies HS06 & 07, in providing land for affordable housing within the built up area of the village, albeit that the overall scale of the development is in excess of what settlement policy would accept. The proposal can then be viewed as having two elements; the 4 general needs dwellings, which only slightly exceed the policy limits for the village) and the 8 affordable houses, which are in accordance with policy.

16. The application proposes that the 8 dwellings are to be managed for local needs by a registered social landlord and to ensure that this provision is secured and maintained in perpetuity, it will be necessary to obtain a planning obligation under Section 106 to ensure the retention of those dwellings in accordance with HS06 & 7.

Layout, Design and Landscaping

17. The proposed development is to be accessed via Churchill Close, an existing estate road off of Bury Road. The siting of the dwellings ensures minimal impact upon the residential amenity of neighbouring properties by virtue of orientation, siting, position of rooms and location. Therefore in this respect, it is not considered that the proposed development would result in any significant loss of residential amenity.

18. The application site is well screened by existing landscaping and will be screened from the road.

Highways

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

Public Open Space

20. Emerging policy HS16 requires the applicant/developer to either provide 10% of the application site as public open space (where agreed in advance with the Local Planning Authority) or financial contributions towards the provision of public open space in the vicinity of the site. In this case, it is considered the provision of 10% of the application site area is not a suitable option given the small size of the site (as it would not provide a usable area of open space) and there is existing public open space abutting the site. The applicants have confirmed that they are willing to provide a financial contribution towards off-site provision of public open space.

Conclusion

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

REASON FOR APPROVAL

Provided the occupancy of eight of the dwellings is governed in accordance with the relevant policies, the proposal is considered to be in accordance with policies LP4, LP10 and LP11 (and emerging policies HS02, HS06 and HS07) which are aimed at ensuring the appropriate level of housing in villages and the effective provision of housing to meet local needs whilst respecting the quality of the environment and safeguarding the interests of road safety and residential amenity.

RECOMMENDATION

- A Subject to no new material issues arising from the outstanding public consultation period the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the 1990 Act to ensure:
- i) That eight of the dwellings proposed are managed in such a way as to meet identified housing needs in perpetuity.
 - ii) The payment of contributions towards public open space provision.
- B Upon securing the above obligation, the Head of Planning (Control) be authorised to grant planning permission subject to the following conditions –
- Materials
 - Levels
 - As recommended by CHA
 - Landscaping

Otherwise

RECOMMENDATION B

Refuse planning permission.

- Development contrary to policies LP4 and HS02
- Inadequate provision of public open space and play equipment (off site).

DECISIONITEM 2B/05/01947/FUL & B/05/01948/LBC
FULL

ALPHETON – BARNS AT ALPHETON HALL, CHURCH LANE

External and internal alteration and change of use of barns and ancillary buildings to use for wedding and function venue, holiday let, associated crèche and annexe to Alpheton Hall.

Applicant: C E Pawsey

Case Officer: Gemma Pannell

This application is referred to the Committee at the request of the Local Member. A panel of members inspected the site on 29th June 2005 in order to assess the isolated nature of the site and to enable members to assess the impact on the countryside in connection with a previous application (B/05/00740/FUL)

SITE

1. The application relates to a group of barns and forms part of a group of important buildings including Alpheton Hall (occupied by the applicant) and Alpheton Church. The barns, subject of this application are Grade II Listed in their own right and Alpheton Hall is also Grade II listed and is situated within extensive grounds. The site is outside the built up area boundary of the village and is in the countryside for the purposes of Development Plan policies.

PROPOSAL

2. See report heading. The applications propose the conversion of four outbuildings to form a wedding function venue and associated facilities, wedding ceremony venue, bridal accommodation/holiday let and staff accommodation/crèche.
3. The applicant's agent has submitted a detailed supporting statement and a copy of this is available on request from the case officer. However, the salient points are summarised below:
 - **South Barn** (This is the largest building on the site) This will provide the wedding function room and also incorporate the bar store, cloakroom and kitchen area in the modern lean-to.
 - **West Barn** – This will be used for wedding ceremonies and will remain largely unaltered.
 - **Brick(North) Barn** – The ground floor will remain largely unaltered (and likely to be used for the storage of wood for the applicants personal use at his house). The first floor will be converted to provide accommodation for the bride and her entourage to change and for the bride and groom to spend the first night of the honeymoon. Due to the restrictive season of the business it is proposed that should it prove necessary this barn shall be used for holiday lets.(holiday let use is included within the description of development proposed as part of this application)

- **East Barn** – There is a strong need for a Creche facility to care for young children whilst their parents are attending the wedding ceremony. This building will also provide an area for a part time manager to field phone calls and to undertake guided tours. We currently employ a nanny and it is envisaged that she will undertake these duties and also run the Creche.

RELEVANT HISTORY

4. 2005 – Planning permission refused for conversion of agricultural building to staff/annexe accommodation – B/05/00740/FUL. This application is now subject to an appeal, by way of informal hearing, at a date still to be set.

POLICY

5. The following are considered relevant to this application:-

PPS7 – Sustainable Development in Rural Areas

- The Government’s policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable.

Suffolk Structure Plan 2001

- ENV1 – Listed Buildings
- ENV2 – Conversion or re-use of sound traditional rural buildings

Babergh Local Plan, Alteration No.1

- LP27 - Location of housing
- LP28 - Employment)
- LP50 – Conversion or re-use of sound traditional rural buildings (Employment Uses)
- LP51 – Conversion or re-use of sound traditional rural buildings (Residential)
- LP52 – Conversion or re-use of sound traditional rural buildings (Detail)
- LP53 - Conversion or re-use of sound traditional rural buildings (Impact)
- LP59 – Protection of flood plains
- LP78 –Listed Buildings
- LP79 – Setting of Listed Building
- LP93 – Protection of Countryside
- LP21 - Annexes

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

- CR01 – Landscape Quality
- CR30 – Conversion of barns (Employment)
- CR31 – Conversion of barns (Residential/Tourist Accommodation)
- CN01 – Design
- EN05 – Protection of flood plains
- CN10 – Listed Buildings
- EM01 – General Employment
- RE28 – Tourism Facilities
- HS04 – Dwellings in the Countryside

- HS19 - Annexes

OBSERVATIONS

6. PC – No objection
7. EA – Object due to lack of an adequate flood risk assessment.
8. SWT – Recommend that conditions are imposed to restrict outside lighting as bat access points must not be lit.
9. Archaeology – Standard archaeological watching brief
10. CHA – Recommend standard conditions
11. 4 letters have been received, objecting for the following précised reasons:
 - Holiday lets, crèche facilities, wedding and functions would increase the volume of traffic down Church Lane
 - 200+ people would attend necessitating at least 100 cars plus, delivery vans and catering vehicles.
 - Lights from cars will cause disturb late into the night.
 - Church Lane is extremely narrow, therefore suitable for 1 car only.
 - There is an alternative private road access to the Church and Alpheton Hall from Avey Lane. This should be opened to provide access to this proposal
 - Church Lane has no passing places. Few people use this at the moment so it is not too inconvenient.
12. In addition a letter has been received from a local Member making the following views:-
 - The scheme complies with diversification schemes encourage by D.E.F.R.A and the NFU.
 - The scheme will ensure retention of historic barns that date back to the 12th Century. Control over the future of the site can be exercised via Section 106 agreement.

ASSESSMENT

13. The application proposal contains a number of different elements and therefore the assessment covers the principle of the change of use of each of the buildings separately. The report then addresses the other key issues associated with the proposal.

Wedding Function and Ceremony Venue (South and West Barn)

14. The lead policies relating to this element are LP50 and CR30, which refer to the conversion of redundant buildings to employment generating uses. It is considered that the proposal for a wedding business meets with the requirements of these policies and is an acceptable use for the barns.
15. The site is located in an isolated position, and is accessed via a long farm track off the A134. It is not considered that the intensified use of this access will cause significant adverse impact on neighbour amenity as the only other properties which use this access are grouped at the bottom of it, the majority of the access serves Alpheton Hall and the church and the proposed use should not conflict with any other users.

Bridal Suite/Holiday Let (Brick(North) Barn)

16. The lead policies relating to this part of the proposal are LP51, CR31 and RE28. The adopted Local Plan Policies relating to ‘conversions’ reflect the more general policy in the Structure Plan. Local Plan Policy establishes that the re-use of redundant or under-used buildings in the countryside for residential purposes is always a last resort, and a range of preferred alternative uses is listed, including tourist accommodation (see paragraph 5 above – LP51) and have to be investigated and ruled out before a residential use of the building is considered acceptable in principle. In addition, the Policy restricts the principle of a residential use to traditional buildings that are worthy of retention for their landscape, historic or group value.
17. The ‘conversions’ policies within the Second Alteration to the Local Plan state that the use of ‘traditional’ buildings for holiday accommodation is acceptable. Although the requirement for any applicant to demonstrate the ‘preferred’ uses are unsuitable before a residential use is considered remains within the adopted policy, there is no such requirement for holiday accommodation to be ‘ruled out’ in a similar way before residential development is favourably considered in the emerging policies. In other words, the status of proposals for conversions into holiday accommodation is on a par with proposals for residential conversions within the emerging policies.
18. It is considered that as the conversion of the North Barn is primarily for use in connection with the proposed wedding function use and the proposed holiday let accommodation use would occur for parts of the year when not in use for weddings). The length of occupation as holiday lets can be controlled via condition to prevent the permanent residential occupation of the units. It is considered that on this basis only, this element is, on balance, acceptable.

Staff Accommodation /Creche Facility (East Barn)

19. The site is outside the built up area boundary of the village and is therefore situated within the countryside where policies of restraint apply. However, the application proposes the part conversion of an existing building to a self contained dwelling for staff claiming it will be an annexe. This proposal **can not** be regarded as a proposal for annexe accommodation as it will be occupied as a self contained unit of residential accommodation. On this basis application of the Councils annexe policies is inappropriate as and the proposal falls to be determined as a proposal for a conversion of a redundant agricultural building and the provisions of the ‘conversion’ policies of the Development Plan are therefore relevant.
20. Members will remember that this element of the application was considered under application B/05/00749/FUL (paragraph 4) on 20th July 2005 and it was resolved to refuse planning permission as the proposal represented a piecemeal approach to the development of the entire site. Furthermore, the proposal represented a new dwelling in the countryside which was not essential for key personnel employed in agriculture, horticulture or forestry. The current application seeks to link the staff accommodation element with the proposed crèche but it is considered that this part of the proposal represents a use which is not entirely ancillary to the wedding function business.
21. The agent’s supporting statement refers to the need for a manager to take calls and organise tours of the wedding venue, however, this does not generate the need to have someone living on site. The personal circumstances of the Nanny are also not sufficient to require a separate dwelling to be provided on site. Information submitted by the applicant’s agent also refers to this use becoming independent and states that “Should the wedding business fail the nanny would need to supplement her income with child care services or similar, given that this might end up being her principal source of income”. This statement compounds the concerns raised in the previous application that this element of the proposal could become in the future a

permanent residence and employment use not connected with the host dwelling Alpheton Hall.

22. This element of the proposal is considered unacceptable as it is tantamount to the creation of a new dwelling within the countryside where policies of restraint apply. The establishment of a residential use in this location is considered as a non-essential dwelling. The applicant has not considered alternative uses for this part of the site.

OTHER ISSUES FOR CONSIDERATION:

Planning History

23. A material consideration in determining this application is the refusal of planning application B/05/00740/FUL. The element of the scheme for the staff accommodation is the same as that which was considered under B/05/00740/FUL, albeit with the inclusion of a crèche. To support this application would be at variance with the decision Members took in July 2005. Officers have advised that this element be removed from current application (in light of the on-going appeal) in order that this part of the proposal can be considered in isolation, albeit with the main uses of the barn established by the current application. The applicant has not been willing to consider this, and feels that the establishment of the crèche is a financial requirement to make the scheme requirement economically viable. This raises further concerns as the suitability of establishing a crèche in this location which may operate independently of other uses within the site.

Works required to convert the buildings

24. The scheme of conversion for the barn has sought to minimise the number of new openings for doors and windows required by utilising existing openings and where new openings are required, they have generally been designed to appear 'non domestic' in form and character. There are no openings proposed within the roof space. There is some concern regarding the design and positioning of some of the fenestration and an verbal update on this matter will be given at the meeting.

Highways and Access

25. As referred to within paragraph 16 of the report the site is located off the A134, the main road between Sudbury and Bury St Edmunds, and is therefore well placed in the road network. The access from the A134 to Alpheton Hall is via Church Lane, an unclassified single track with no passing places.
26. Suffolk County Council have raised no objections to the proposed use and it is considered that the nature of the wedding function business will mean that the majority of traffic using the venue will all arrive at one time (thus travelling in one direction) and then at the end of the event leave (again in one direction). Therefore it is considered that the road network is acceptable for this use. However, there are some concerns about the establishment of a crèche in this location. This use would generate more trips throughout the day with parents coming to drop off and collect their children at different times. This could create problems of vehicles being unable to pass. Although the proposed crèche is at present small scale, given the existence of other outbuildings on the site this could expand in the future, and once established it may be difficult to prevent further expansion. It is not considered the correct location to establish a crèche.

Flood Risk Assessment

27. The Environment Agency has objected to the proposal on the basis that the submitted Flood Risk Assessment is inadequate. They have requested that additional information is submitted to include topographical levels for the development site expressed in metres AOD, and detailed calculations of the likely flood level in the 1% annual probability of occurrence (1 in 100 year return period). To date the applicant has been unwilling to submit further information and therefore in line with PPG25 the scheme remains unacceptable without an adequate flood risk assessment. Policy EN05 states that a full Flood Risk Assessment must accompany all applications for development in flood plains or flood risk areas.

Impact on residential amenity

28. The barns, subject to this application, are located in a remote location with the closest residence, Alpheton Hall, being within the applicant's ownership. It is not therefore considered that this proposal would result in a loss of residential amenity.

RECOMMENDATION

Refuse planning permission for the following reasons:-

- Residential development in the Countryside without justification
- Inadequate Flood Risk Assessment

DECISION

ITEM 3

B/06/00182/FHA & B/06/00183/LBC
Full and Listed Building Consent

LONG MELFORD – FLEMINGS, THE GREEN

Erection of single storey side extension; erection of single storey rear extension (following demolition of existing rear addition); erection of one and a half storey rear addition; construction of 1 no. dormer window on rear roofslope; demolition and rebuild of 1 no. stack; erection of single garage.

Applicant: Mr & Mrs Davis

Case Officer: Gemma Pannell

BACKGROUND

This application was the subject of a Committee site Inspection on the 8th March so as to enable Members to consider the size and position of the extension and garage and to assess the impact on neighbouring properties.

SITE

1. The application site is located within the Long Melford Conservation Area and supports a Grade II Listed Building. The site is also within a Special Landscape Area and lies next to an historic park. Flemings is a timber framed and plastered house under a thatched roof.

PROPOSAL

2. The application proposes a number of elements, including the sympathetic repairs of the existing cottage including replacement of cement render; repair and replacement of windows; re-thatching of property and repair of chimney.
3. Two lean-to extensions are proposed; one to replace an existing rear extension which is in a poor state of repair; this extends 3 metres in depth and 10 m across the back of the property and provides a kitchen and wc and a single storey lean-to to the north gable which measures 2.9 metres by 4.1 metres and provides a fourth bedroom.
4. A further extension is proposed as a one and half storey block accessed via the existing rear lean-to extension. This measures 5m by 7.35m and has a maximum ridge height of 7 metres. This provides a breakfast area and family room at ground floor level and a bedroom and ensuite provided at first floor level.
5. Garaging is proposed in the form of a detached outbuilding which measures 6.2 metres by 5.1 metres and has a maximum ridge height of 4m.

HISTORY AND BACKGROUND

6. 1967 – Planning permission granted for the conversion of two cottages into one dwelling. (S/67/297/M refers).
7. 1987 – Listed Building Consent refused for the replacement of thatched roof with peg tiles. (B/87/80066/LBC refers)
8. 2005 – Applications withdrawn for the erection of extension to roofslope; erection of single storey and two storey rear extension (following demolition of existing single storey rear extension.) (B/05/00620/FHA & B/05/00621/LBC refers)
9. The applications referred to in paragraph 8 above proposed a substantial two storey extension to the rear of the existing cottage which included an integral garage. This application met with objections from neighbours, but a recommendation of approval from the Parish Council. Your officers were extremely concerned with regard to the scale of development proposed and the impact on the Listed Building.
10. The applications were withdrawn in May 2005 and officers met on site on 7th July to discuss the works required to the Listed Building and the additional accommodation needs of the applicant. Meetings continued up until Jan 2006, where advice was given on breaking up the applicants' requirements into smaller elements, which would be more in harmony with the Listed Building.

POLICY

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

- **Suffolk Structure Plan 2001 – policy ENV3**
- **Babergh Local Plan (Alteration No 1) - policy LP20, LP78**
- **Babergh Local Plan (Draft Alteration No 2) - policies HS17, CNO2a, CN10, CN01**

OBSERVATIONS

12. PC – Approve
13. SCC (Arch) – Archaeological watching brief condition
14. SPS – The Society is concerned about the potential overlooking of the other properties and would ask that this aspect be carefully assessed by the Case officer. The Society considered that the proposals represent a collection of unresolved extensions which fail to preserve the special architectural or historic interest of the Listed Building and do not preserve or enhance the appearance and character of the Conservation Area. Of particular concern is the proposed “link” which requires significant modification.
15. The National Trust – The property, the subject of the planning application lies immediately west of Melford Hall Park which is owned by the National Trust. It is a Grade II* park and the significance of the park is that is predominantly of one era with few additions since it was last laid out. Thus views from and within the Park are of considerable significance. The Trust considers the large extension of the east side of the property is out of scale with the rest of the property and its appearance would damage the environment surrounding the site, contrary to Policy CN10. The large extension does not respect the original scale, form or design of the cottage. Neither does the detailed design of the fenestration harmonise with the existing building and its setting. The National Trust has concerns that the extensive fenestration on the south elevation of the large extension could be seen from Melford Hall itself. The Trust considers the large extension will be seen jutting out from behind the adjacent property to the south. Policy CN06 supports the protection of Registered Parks such as Melford Hall Park by refusing adjacent development which would lead to the erosion of its character, appearance or setting. The Trust considers the large eastward extension would damage the view from the Park by the insertion of an unsympathetic gable end with large modern windows in front of the original thatched cottage.
16. English Heritage – Views awaited
17. 5 letters received objecting for the following reasons:
 - The application varies little from the previous plans submitted, and represents a desire to completely over develop a cottage in an area that should be sympathetically preserved.
 - Whilst empathising with the desire of the new occupants to improve their living accommodation and provide extra space and facilities to the property, the plans as submitted double the size of the property and would not be in keeping with its surroundings.
 - The access to the property is narrow and development of this scale will increase in the number of vehicles using the access.
 - A reasonable extension to the cottage such as the single storey extension in the plans and the garage if re-sited in a better position would not create such a large complex with the probable disadvantages to the area and its environs.

- The proposal constitutes over development of a property within the conservation area.
- The proposed extension and large garage are too big and totally out of keeping in style to be attached to or close to a small medieval thatched cottage.
- The extension will protrude eastwards beyond the rear line of adjacent house 'Greenacres' and would overlook the gardens of 'Greenacres' and 'The Old Kennels' and destroy the privacy of these gardens and should not be allowed.
- The window in the north-facing roof of the proposed extension would overlook 'Greenacres' and should not be allowed.
- The proposed garage is far larger than is necessary and will protrude too far eastwards and be visible both to 'Greenacres' and 'The Old Kennels'. If allowed it should be moved westwards so that its east wall would line up with that of the reduced length extension.
- The size of the garage indicates that it would be used as a large workshop for noisy activities inappropriate to a domestic site.
- The proposed development is in no way compatible with the existing cottage, is too large and shows the neighbours no consideration.
- We roughly estimate the new extensions will increase the property by 82% and if the single garage is taken into account, the figure will be 125%. The garage is certainly not single and its proposed siting will take away light and view from our sitting room.
- The proposed development shows a large upstairs window of approximately 5 sq metres facing east which will completely overlook our rear garden. Surely this can not be condoned? We would like to see this removed and roof lights used instead.
- A smaller and more sensitive development should be considered.
- This proposal is not in keeping with the strict planning regulations which are imposed with other owners of Grade II and historic buildings.
- The proposed extension are going to double the size of the existing house which is way above any recommended guidelines, and appears to be an attempt to build another house in the grounds of the original.
- It is incredible that someone would attempt such an insensitive plan in a Conservation Area, and we hope that this monster is strangled at birth, lest it escapes to blight us all.

ASSESSMENT

18. The building is a Grade II listed building located within Long Melford Conservation. The lead planning policies in this case are those set out in paragraph 11 above and principally relate to the impact of the proposal on the Conservation Area and Listed Building.
19. In particular the application will be judged against the following criteria:
 - **Scale of the proposal, which must be compatible with the surroundings and impact on Listed Building.**

- **Effect on residential amenity**
- **Effect on Conservation Area and views from Melford Hall**

An assessment of the application in respect of each criteria follows: -

Scale and impact on Listed Building.

20. Paragraphs 9 & 10 outline the concerns of the previous proposal and its unacceptable impact on the Listed Building. It is considered that this scheme offers a number of benefits to the listed building, including the replacement of cement render and re-thatching. There are no concerns regarding the replacement of the existing rear lean-to as this replaces an existing lean-to, which is in a poor state of repair. The single storey lean-to at the side of the property is also considered an acceptable form of extending a building of this kind.
21. The remaining element is the one and half storey linked extension which has been designed in accordance with an approach of extending listed cottages in the form of a linked outbuilding, as a foil to the principal building, which until recently has been favoured by English Heritage. This scheme has been designed in this way, and the style of the extension is not intended to mirror the existing building, but to clearly set apart the extension from the Listed Building. English Heritage are now moving away from this style of extending Listed Buildings, however this proposal has been under discussion for some time, before the recent change in approach.
22. The main issue is whether the proposed extension is excessive in terms of eaves and ridge height, (which has arisen from the applicants' requirements for additional accommodation). This needs to be weighed up in terms of the considerable overall improvement to the Listed Building, which is also proposed within the application, which is welcomed.

Residential Amenity

23. The impact on residential amenity has been raised by the objectors and is a material consideration. However, the proposal does not propose windows at first floor level, only rooflights. The window at the end of the one and a half storey linked block will face down the applicants garden. There is good screening between the two properties and therefore it is not considered that this proposal will be harmful to residential amenity.

Conservation Area and Views from Melford Hall

24. This proposal will have no detrimental impact on the Long Melford Conservation Area. The site is located within a group of dwellings, which are a mix of both historic and modern. With regard to the concerns raised by the National Trust it is considered that the views from Melford Hall and the historic park will not be compromised by this proposal as the modern dwellings can already be viewed from the parkland and this development will cause no more significant harm.

REASON FOR APPROVAL

Planning Permission and Listed Building Consent is granted because the proposal is in accordance with PPG15: Planning and the Historic Environment, policies LP20 and LP78 of the Babergh Local Plan (Alteration No. 1) and Policies Cno1, CNO2a, HS17 and CN10 of the Second Deposit Draft of the Babergh Local Plan (Alteration No. 2) having had regard for other material considerations.

RECOMMENDATIONS

Subject to the receipt of the views of English Heritage, the Head of Planning be authorised to grant Planning Permission and Listed Building Consent subject to conditions:

- Materials
- Fenestration details

DECISIONITEM 4

B/05/01961/FUL & B/05/02099/LBC
Full & Listed Building Consent

LONG MELFORD – Melford Valley Tandoori, Hall Street

Erection of two storey extension (to provide kitchen, toilet and associated facilities to the restaurant and staff accommodation in the first floor.)

Applicant: Mr Shomdul

Case Officer: Gemma Pannell

A panel of Members inspected the site on 8th February 2006 to assess the impact of the proposal on the Listed Building and the provision of parking.

SITE

1. The application site is situated within the Long Melford Conservation Area and supports a two-storey timber framed and plastered house, comprising a mediaeval hall house and is listed Grade II* presently occupied by a restaurant.

PROPOSAL

2. The application proposes a two storey rear extension which is linked via the existing single storey extension and is to provide a new kitchen area downstairs and staff accommodation at first floor.
3. The extension measures 9.14 metres in length, and 6.2 metres wide and has a maximum ridge height of 6.7 metres.

RELEVANT HISTORY

4. 1981 – Planning permission granted for change of use from retail shop to restaurant with living accommodation above. (B/81/00229/FUL refers)
5. 1986 – Planning permission and Listed Building Consent refused for the erection of single storey rear extension (B/86/00308/FUL and B/86/80092/LB refers)

6. 1987 – Planning permission and Listed Building Consent granted for the erection of a single storey rear extension and alterations to front façade. (B/87/00394/FUL and B/97/80081/LB refers)
7. 1991 – Listed Building Consent refused for Internal alteration and provision of suspended ceiling for restaurant. (B/91/01066/LBC refers)
8. 1991 – Listed Building Consent granted for internal and external alterations with external staircase. (B/91/00845/LB refers).
9. 1992 – Planning Permission and Listed Building Consent granted for erection of two storey rear extension, construction of stairway access and internal and external alterations.(B/92/01192/FUL and B/92/01191/LBC refers)
10. 1992 – Planning permission and Listed Building Consent granted for Insertion of replacement shopfront. (B/92/00533/FUL and B/92/00532/LBC)
11. 1992 – Planning permission and Listed Building Consent granted for erection of single storey rear extension (B/92/00538/FUL and B/92/00539/LBC refers)
12. 1993 – Listed Building Consent granted for installation of internal extractor system.

POLICY

Planning Policy Guidance Note 15 ‘Planning and the Historic Environment’

13. (PPG15) was issued in September 1994 and remains the main document for Government advice and guidance to Local Planning Authorities on the operation of the planning system in relation to the historic environment.
14. Paragraph 3.13 of the Guidance states:- “Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted”.
15. The following adopted and emerging Development Plan policies are considered relevant to this application: -

Suffolk Structure Plan 2001

- Policy ENV3 (Design Standards)

Babergh Local Plan Alteration No. 1

- Policy LP78 (Listed Buildings)
- Policy LP20 (Extensions)

Babergh Local Plan Alteration No. 2

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

OBSERVATIONS (in connection with original scheme)

16. PC – Recommend refusal: Over development within a conservation area, adverse impact on the listed building, surrounding area and properties. Serious concern on lack of any additional parking provision following the proposed increase of customer provision, lack of parking for increased number of staff.
17. HoES – No objection in principle to this application. The applicant should provide details of any extraction system to the kitchen together with the position of the discharge and associated noise output.
18. SCC(Arch) – Standard condition
19. EH – The information submitted is insufficient to provide a full understanding of the proposal and its impact on the significance of the site.
20. Letters – 6 letters received objecting for the following reasons:
 - Insufficient parking
 - Noise
 - Loss of privacy
 - Block light to the back of our building
 - Excessive smells
 - Drainage problems
 - Overdevelopment of the site
 - Impact on Listed Building

OBSERVATIONS (IN CONNECTION WITH REVISED SCHEME)

21. PC – Refusal: Gross over development, devaluation of surrounding properties, out of character with courtyard appearance at rear of property, do not wish to set a precedent for this kind of development to properties fronting Hall Street, serious concern about lack of any additional parking or off road facilities.
22. EH – Views awaited
23. CHA – No objection
24. Letters – 5 received, objecting for the following reasons:
 - Devaluation of my house
 - Detrimental effect on this listed building
 - There is a right of way which goes across the land of Melford Valley Tandoori.
 - Line of the proposed building will be intrusive as it will bring the building into an open space area and will be over-development of the site.
 - No provision for car parking for the extra traffic generated by this development.
 - Increased noise to the rear

ASSESSMENT

25. The site is located within the Long Melford Conservation in an area where non-residential uses are encouraged. The lead policies (LP20,LP78, and CNO1,CNO2a.,CN10 and HS17) state that application for new development will be judged against the following criteria:

- **Scale of the proposal, which must be compatible with the surroundings and impact on Listed Building and Over-development of the site.**
- **Effect on residential amenity**
- **Effect on Conservation Area**
- **Access, traffic generation and modes of transport**

An assessment of the application in respect of each criteria follows: -

Scale and impact on Listed Building and Over-development of the site.

25. The original proposal included dormer windows and was of an inappropriate scale. Amended plans were therefore requested which would both reduce the scale of the extension and improve its design. It is considered that the amended plans satisfactorily addresses the concerns regarding the impact on the Listed Building. In terms of the Parish Councils concerns regarding over development of the site, the extension has been designed to comprise a “stand alone” outbuilding to the listed building and is thus separated from it in spatial terms and sufficient space exists on the overall site such that refusal of the scheme on this ground would be difficult to justify.

Residential Amenity

26. The HOES has raised no objection to this proposal on residential amenity grounds. Due to the existing uses within this area, which include other hot food takeaways, it is not considered that the expansion of the existing restaurant will be detrimental to residential amenity.
27. With regard to paragraph 10 above, a detailed floor layout has been requested from the applicant. Any comments received from the HOES on this proposed layout will be reported verbally to members.

Conservation Area

28. This proposal will have no detrimental impact on the Long Melford Conservation Area. The extension is to the rear of the site and is currently used for informal storage with a number of small outbuildings in various states of repair. These will be replaced by the proposed extension.

Traffic

29. With regard to the concerns over possible parking problems, the County Highway Authority has raised no objections to the proposal. In addition there are a number of on street parking places within the vicinity of the site. These are within easy walking distance of the proposed restaurant and given that no parking currently exists at the rear of the property, no spaces will be lost through the proposed development. An assessment of the proposal in terms of its existing and proposed floor space is currently taking place and the outcome of this will be reported verbally at the meeting.

REASONS FOR APPROVAL

Planning Permission and Listed Building Consent is granted because the proposal is in accordance with PPG15: Planning and the Historic Environment, policies LP20 and LP78 of the Babergh Local Plan (Alteration No. 1) and Policies HS17, CNO1, CNO2a and CN10 of the Second Deposit Draft of the Babergh Local Plan (Alteration No. 2) having had regard for other material considerations.

RECOMMENDATIONS

- A. Subject to satisfactory resolution of outstanding matters referred to in Paragraphs 22 and 24 and the views of English Heritage the Head of Planning be authorised to grant Planning Permission subject to conditions:
- Materials
 - Colour of joinery
 - Any as recommended by HoES
- B. (1) Subject to satisfactory resolution of outstanding matters referred to in Paragraphs 22 and the views of English Heritage the Head of Planning be authorised to refer the application (for Listed Building Consent) to the Secretary of State
- (2) Subject to the Secretary of State not wishing to call the application in for his own decision the Head of Planning be authorised to grant Listed Building Consent subject to conditions:
- Materials
 - Colour of joinery

DECISIONITEM 5

B/05/02110/FUL
FULL

COCKFIELD – OLD HALL GREEN FARM BARN, OLD HALL LANE

Erection of building comprising two-bay garage and ancillary residential accommodation.

Applicant: Mr I Morris

Case Officer: Gemma Pannell

SITE

1. The application site is situated to the north of Cross Green at Cockfield and is accessed from the A1141 via a single lane dead-end road. It supports a traditional timber-framed and weatherboarded barn, which has been extended over time. The majority of the original structure of the barn, including its oak frame remains in-tact. The barn is situated outside the defined built up area boundary of Cross Green and is within the ‘countryside’ for planning policy purposes.

PROPOSAL

2. See report heading. The application proposes the erection of an outbuilding comprising of a two bay garage and ancillary residential accommodation. The proposed residential accommodation will be occupied during the conversion of the barn (B/03/00986/FUL) and then once the barn conversion is completed will revert to ancillary accommodation in connection with the barn. This proposal would replace the existing permission for a triple bay

cartlodge with office accommodation over, which was approved as part of the original conversion.

HISTORY

3. 2003 – Planning permission granted for the conversion of the existing barn to two-storey dwelling. Erection of detached 3 bay cartlodge with office over. B/03/00986/FUL refers).
4. 2005 – Application withdrawn for erection of building comprising two bay garage and use of part of building for temporary residential accommodation. (B/05/01244/FUL refers) This application was withdrawn following advice from officers in order to negotiate a revised siting.

POLICY

5. **Suffolk Structure Plan 2001**

- ENV3 (Design Standards)
- ENV4 (Landscape quality and character of the countryside)

Babergh Local Plan Alteration No.1

- LP93 (Landscape quality and character of the countryside)

Emerging Babergh Local Plan Alteration No.2

- CR01 (Landscape quality and character of the countryside)
- CN01 (Design)

OBSERVATIONS

6. PC – The application represents over development of the site and any residential use of the proposed building is contrary to Local Plan Policy on new dwellings in the countryside. If the proposed Cart Loge is restricted to vehicle use and storage only, the dimensions may be reduced in proportion to the site and in keeping with the adjacent properties. The Parish Council is concerned that granting planning permission for residential use of a new outbuilding would be inconsistent with previous refusal of applications for residential dwellings, and an unhealthy precedent for similar applications in other open countryside areas of the village in the future.
7. CHA – Condition regarding parking and manoeuvring.
8. Archaeology – Standard archaeology watching brief.
9. 9 letters have been received (some are from the same properties), objecting for the following précised reasons:
 - The length of the garage is approximately 10.5 metres and would stand 6 metres high. The length of the building will face towards out property and will be clearly viewed from all front facing windows of our house. It will appear extremely dominating from our property.
 - The proposed garage is too large and the dimensions should remain as per the approved 2003 application.

- The small narrow copse within out boundary against the barn site is comprised mainly of sparse deciduous vegetation and provides limited visual screening, albeit for only a few months of the year.
- A separate dwelling on this site is an over-development.
- How can we guarantee that the conversion of the barn will be completed?
- If the applicants require temporary accommodation on site this should be provided in a mobile home or caravan, which can be easily removed if the conversion is not completed within a specified time.
- In the absence of an existing use in the barn the provision of self contained residential accommodation in a separate building is clearly inappropriate and contrary to policy.
- The original application granted permission for a 25% increase in the residential size of Old Hall Green. If the current application were successful, it would be possible for an even greater %. This does not appear to be reasonable.
- The applications should be considered by Development Committee.

ASSESSMENT

10. The proposal is to provide an outbuilding for use as a garage and as temporary living accommodation whilst the barn on the site (which has planning permission for conversion to a dwelling) is carried out. Following the occupation of the barn (by the occupants of the temporary accommodation), the use of the outbuilding would revert to a garage to be used by the occupants of the barn and as ancillary accommodation to the barn conversion (eg an annexe).
11. Whilst people who wish to live on site, (whilst construction work occurs on barn conversions) normally occupy caravans, there are no objections in principle to the temporary use of an outbuilding provided that the outbuilding is not severed from the barn or occupied later such that it becomes or is used as a separate dwelling. Discussions with the Councils Solicitor have concluded that the use of the outbuilding can be satisfactorily restricted by the imposition of an enforceable condition in order to safeguard the situation. On that basis the principle embodied in the proposal is acceptable.
12. However, consideration must also be given to the impact of the proposed building (design and scale) upon the character of the area, including the impact on residential amenity.
13. The site benefits from good landscaping along its boundaries and the building is of a satisfactory design and it is clearly subservient to the main barn and would not detract from the character of the countryside. In addition, it is considered that the proposed outbuilding will not have a negative impact on the residential amenity of nearby properties.

REASON FOR APPROVAL

14. The proposal subject to the imposition of a condition to control occupancy/use of the outbuilding is considered to be in accordance with policy CN01 by reason of it's scale, design, materials and relationship to the existing dwelling. The proposal will not have a negative impact on the residential amenity of nearby properties or on the character of the wider landscape.

RECOMMENDATION

Grant Planning Permission subject to the following conditions:

- Condition to restrict the occupation of the outbuilding to temporary accommodation for the occupants of the barn conversion which following occupation ,the use of the outbuilding would revert to that of ancillary accommodation only so as to prevent it from becoming severed or occupied as a separate dwelling (from the then converted barn)
- Materials

DECISION

ITEM 6

B/06/00253/FUL
FULL

COCKFIELD – PART GARDEN GREAT GREEN FARMHOUSE, GREAT GREEN

Erection of 2 no. linked two-storey dwellings with associated garaging.

Applicant: Mr & Mrs Wight

Case Officer: Gemma Pannell

SITE

1. The application site forms part of the rear garden of Great Green Farmhouse, with the majority of the site being within the built up area boundary of Cockfield. The site is also designated as an area of visual and recreational amenity.

PROPOSAL

2. The application proposes a pair of linked houses, designed to replicate a group of converted barns within a farmyard setting and this reflects the adjacent property “The Threshing Floor” which is a converted barn.
3. The proposed dwellings have a width of 24.5m (front elevation) and a maximum ridge height of 8.2 metres. The properties have a combined floor area of approximately 330 square metres excluding the garages.

HISTORY

4. 2005 – Outline planning permission granted for erection of detached dwelling and garage. (B/05/01415/OUT refers)
5. 2005 – Application for erection of detached dwelling withdrawn (B/05/00436/FUL refers)

POLICY

6. **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.

7. **Suffolk Structure Plan 2001**
 - CS3 (Housing Development)
8. **Babergh Local Plan Alteration No. 1**
 - LP4, LP5 (Villages)
 - LP17, LP18 (Infilling)
 - LP58 (AVRA's)
9. **Babergh Local Plan Alteration No. 2**
 - HS02, HS03 (Villages)
 - HS12, HS14 (Infilling)
 - CN01 (Design)
 - EN04 (AVRA's)

OBSERVATIONS

10. PC – To be reported verbally if available.
11. CHA – Views awaited
12. Letters – One letter received, objecting for the following précised reasons:
 - 1 dwelling would be preferable (a bungalow)
 - Brick would be more suitable to in keeping with Great Green Farmhouse and our single storey extension
 - 2 dwellings sharing a narrow driveway could cause problems
 - In 51 years we can not remember barns on that site, only garden and chicken sheds.
 - The soak-away pipe should not flow into our pond.

ASSESSMENT

13. The site lies within the defined built-up area of the village and there can be no objection in planning policy terms to the construction of dwellings in this location. 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.
14. Outline planning permission was granted in 2005 for the erection of one dwelling on the site with all matters reserved. Therefore the principle of constructing one dwelling on this land has already been established. The impact of a pair of linked dwellings in the manner proposed will not be too dissimilar to the impact of the approved dwelling. On this basis and in relation to the AVRA considerations, there is no objection to the current proposal. Consequently the issues to be addressed in this case relate to whether the proposal constitutes an acceptable scale and pattern of development in this location.
15. It is considered that the design of the building is such that it respects the character and scale of existing surrounding development and represents a considerable improvement if compared with the earlier withdrawn scheme (paragraph 5 refers). However, it is considered that some small changes to the fenestration are required, and the single storey lean-to at the front of Plot 1 should be modified. These amendments have been sought from the agent and an update on this will be given at the meeting.

16. The relationship of the proposed development to its neighbours is considered acceptable and is similar to other dwellings in the immediate area. It is not considered that there would be any significant loss of residential amenity caused by over looking or loss of light. 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, LP58, HS02, HS12, HS14, CN01 and EN04. In particular the proposed development is not considered to lead to any significant adverse impact upon the character of the area or detriment to the Area of Visual or Recreation Amenity; neither will it reduce the amenities enjoyed by occupants of neighbouring property. Furthermore (subject to no objection from the Highway Authority) the development is considered to be acceptable in terms of highway safety.

RECOMMENDATION

Subject to the satisfactory design amendments being received and no new material issues being raised by the Parish Council, and the receipt of the Highway Authority's views, the Head of Planning (Control) be authorised to 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

ITEM 7

B/05/01637/OUT
OUTLINE

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

BACKGROUND

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

1. This application was then reported to members at Development Committee on 1st March 2006 (paper E283, item 3) when it was resolved that outline planning permission be granted. The application is reported back to the Development Committee as the previous report was incomplete in relation to the assessment in respect of the impact on the Conservation Area. Members' attention is therefore drawn to the complete assessment at paragraphs 18 – 31 below.

SITE

2. 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

3. 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.
4. 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

5. 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)
6. 1962 – Planning permission granted for the erection of 3rd Petrol pump. (S/62/624/C refers)

POLICY

PPG 3 (Housing)

7. Local Planning Authorities should seek to achieve an efficient use of land seeking greater densities of developments at places with good public transport and service provision.
8. The following adopted and emerging Development Plan policies are considered relevant to this application;

PPG15 – Planning and the Historic Environment

9. Provides guidance for the protection of Listed Buildings and the wider historic environment. Section 69 of the Act imposes a duty on local planning authorities to designate as conservation areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Designation introduces a general control over the demolition of unlisted buildings and provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area's special interest.

Suffolk Structure Plan 2001

- CS3 (Location of new housing development)
- ENV3 (Design standards)
- ENV1 (Conservation of the Built Environment)

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)

OBSERVATIONS (to original application)

10. PC – Objects to this outline application with the following comments:
11. 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.
12. CHA – Recommend standard conditions regarding access details, parking and manoeuvring details and provision of parking for The Old Garage.
 13. HoES – Request a condition relating to the decontamination of the site.

14. 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.
15. 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.
16. One letter of support has been received stating that as adjoining neighbours they wish to register our full support for this scheme.

ASSESSMENT

17. The main issues in consideration of the application are:
- The principle of the development;
 - Impact on the Ash Tree on the adjoining Site;
 - The relationship to surrounding dwellings; and
 - The Impact on the Conservation Area.

The principle of the development

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.

The relationship to surrounding dwellings

23. 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 regarding overlooking from windows and resultant amenity issues will be taken into account at the reserved matters stage.
24. Notwithstanding the above it is considered that on the basis of the submitted information, which includes an indicative layout, that the site can satisfactorily accommodate two dwellings.

Impact on the Ash Tree on the adjoining Site

25. With regard to the Ash tree within the garden of The Chapel, which was of concern when the application was considered on 9th 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.

IMPACT ON THE CONSERVATION AREA

26. Policy ENV 1 of the Suffolk Structure Plan states that the character and setting of Conservation Areas and buildings listed as being of special architectural and/or historic interest will be protected and enhanced. New developments in Conservation Areas or affecting the setting of listed buildings must be in harmony with their surroundings.
27. This approach is reinforced through the provisions of the adopted Babergh Local Plan (Alteration No 1) and the Emerging Local Plan Alteration No 2 (Second Deposit Draft). Within the adopted Local Plan Policy LP78 is of particular relevance: This sets out that the District Council will expect proposals in Conservation Areas to pay particular attention to (inter alia);
- The use of building materials which should be consistent with the general character of the area;
 - The form, scale, design and detailing of new buildings, and of alterations to existing buildings to ensure that they are in harmony with their surroundings;
 - Natural features, including trees, which should be preserved wherever possible; schemes of landscaping and tree planting will be encouraged.
28. Within the emerging Local Plan Policy CN02a sets out that proposals for development in conservation area or which have an impact upon views into or out of a conservation area should (inter alia):
- Preserve or enhance the character of the conservation area or its setting.
 - Retain all components, including open spaces, which contribute to the special character of the area.
 - Be of an appropriate scale form and detailed design.
 - Use natural or handmade materials, which complement or harmonise with the character of the area.
 - Ensure that natural features are retained and integrated into any proposal.
29. To establish the impact of the proposal on the character of the Conservation Area it is important to understand the role that the site currently plays in contributing to the character and appearance and then a judgement can be made on whether the proposal would preserve or enhance. It is important to be clear that the site's location within a Conservation Area does not prohibit development but requires development to either preserve or enhance and be of a high quality when permitted.
30. In terms of a space in its own right the site does not provide relief or setting to a listed building and is a site that has been previously developed and used for employment purposes. In addition the site does not provide views to a listed building or contain any significant features such as trees. There is a significant Ash on the adjacent site, referred to above, and this feature would not be adversely impacted on by the development. Therefore the development of the site for residential purposes would achieve the aims of PPG3 and also enhance the Conservation Area.

REASONS FOR APPROVAL

31. The proposed development is considered to be in accordance with adopted Local Plan policies LP4, LP17, LP18 and LP78 and emerging policies HS02, HS11, HS12, HS14, CN02a and CN01 by reason of the scheme constituting acceptable infill development in a Conservation Area 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 or the Conservation Area.

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

ITEM 8

COCKFIELD - BUTTONS GREEN FARM, BUTTONS GREEN

Conversion and alterations to single-storey building to form 2 no. holiday units.

Applicant: Mr & Mrs Ackroyd - Cooper

Case Officer: Deborah Board

SITE

1. The application site forms part of Buttons Green Farm. The building proposed for conversion sits directly to the west of the main farmhouse at a distance of five metres. The farmhouse itself is Grade II Listed and the application building is one within a group of buildings adjacent to this dwelling. The site is located within the countryside and some distance from Cockfield.

PROPOSAL

2. The proposal seeks full planning permission for the change of use and alteration of an existing single storey outbuilding to form two holiday lets. The building measures approximately 5.5m in width, 24m in length and a maximum ridge height of 5m. The building is currently in use as a store.

The existing building is being retained and is of brick and pantile materials. Additional openings, three windows, are proposed in the front elevation, giving a total of six, and the existing openings to the west end of the store are to be glazed. Where any making good is required traditional materials are proposed to match existing.

A letter has been submitted in support of the application an accompanying letter that draws attention to paragraphs 13, 34, 38 and 40 of PPS7.

HISTORY

3. None relevant.

POLICY4. **PPG1 – General Policy and Principles**

PPG1 sets out the Government's approach to the planning system and one of its key strategies is to achieve sustainable patterns of development and one of the key aims is to shape new development patterns in a way which minimises the need to travel.

PPS7 – Sustainable Development in Rural Areas

The relevant paragraphs are as follows:

Re-use of buildings in the countryside

17. The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.

These criteria should take account of:

- The potential impact on the countryside and landscapes and wildlife;
 - Specific local economic and social needs and opportunities;
 - Settlement patterns and accessibility to service centres, markets and housing;
 - The suitability of different types of buildings, and of different scales, for re-use;
 - The need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.
18. Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.

Tourism And Leisure

34. Regional planning bodies and local planning authorities should recognise through RSS and LDDs that tourism and leisure activities are vital to many rural economies. As well as sustaining many rural businesses, these industries are a significant source of employment and help to support the prosperity of country towns and villages, and sustain historic country houses, local heritage and culture. RSS and LDDs should:
- (i) support, through planning policies, sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, but do not harm, the character of the countryside, its towns, villages, buildings and other features¹;
 - (ii) recognise that in areas statutorily designated for their landscape, nature conservation or historic qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved; and
 - (iii) ensure that any plan proposals for large-scale tourism and leisure developments in rural areas have been subject to close assessment to weigh-up their advantages and disadvantages to the locality in terms of sustainable development objectives. In particular, the policy in PPG13 should be followed in such cases where high volumes of traffic may be generated.

Tourist and visitor facilities

35. The provision of essential facilities for tourist visitors is vital for the development of the tourism industry in rural areas. Local planning authorities should:

- (i) plan for and support the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages;
 - (ii) allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside.
36. Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction; they meet the criteria in paragraph 35(ii); and there are no suitable existing buildings or developed sites available for re-use.

Tourist accommodation

37. The Government expects most tourist accommodation requiring new buildings to be located in, or adjacent to, existing towns and villages.
38. The conversion of suitable existing rural buildings to provide hotel and other serviced accommodation should be allowed, taking into account the policies on the re-use of rural buildings in paragraphs 17 and 18. Similarly, planning authorities should adopt a positive approach to proposed extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses.
40. Local planning authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives. The re-use and conversion of existing non-residential buildings for this purpose may have added benefits, e.g. as a farm diversification scheme.

PPG13 – Transport

PPG13 sets out Government planning policy and guidance in relation to transport and identifies that the planning system has a key role in delivering the Government's integrated transport strategy and that the consistent application of planning policies will help reduce some of the need for car journeys.

Two of the objectives of the guidance within PPG13 are to i) promote access to jobs, shopping, leisure facilities and services by public transport, walking and cycling and, ii) reduce the need to travel, especially by car.

PPG21 Tourism

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

In recent years leisure demands have changed markedly. Many people take several holidays a year, some of which may be short breaks, no longer just in the summer months. Much of this demand is for self-catering accommodation - whether new buildings (including mobile homes) or converted properties - which may be constructed to a standard that would equally support permanent residence in some comfort. But this accommodation may also be located in areas in which the provision of permanent housing would be contrary to national policies on development in the countryside or not in accordance with development plan policies, or both.

The planning system can respond to these changes in the holiday market without compromising policies to safeguard the countryside. The Government now believes that in exceptional cases holiday occupancy conditions can reconcile these two objectives. Indeed, conversions of redundant buildings into holiday accommodation where conversion to residential dwellings would not be permitted may reduce the pressure on other housing in rural areas.

Suffolk County Structure Plan 2001

ENV2 – The conversion or re-use of sound traditional rural buildings will be supported where consistent with other Structure Plan Policies, particularly where employment can be generated and where a significant environmental benefit would result from their retention. The conversion or re-use of other sound rural buildings for employment or tourism purposes will be acceptable where the building and the proposed new use respect the rural setting. Proposals likely to lead to unacceptable levels or types of traffic or problems of road safety will not be acceptable.

Suffolk Structure Plan 2001

- Policy CS3 (Location of New Housing Development)
- Policy ENV2 (Re-use of Rural Buildings)
- Policy ENV3 (Design Standards)
- Policy ENV4 (Protection of the Countryside)
- Policy ENV6 (New Housing in the Countryside)
- Policy ECON12 (Tourist accommodation)

Babergh Local Plan Alteration No.1

- Policy BDC3 (Tourism)
- Policy LP50-LP53 (Conversion of Underused Buildings in the Countryside)
- Policy LP93 (Protection of the Countryside)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS04 (New Housing in the Countryside)
- Policy CN01 (General Design)
- Policy CR01 (Protection of the Countryside)
- Policy CR30 (Conversion of Underused Buildings in the Countryside)
- Policy CR31 (Conversion of Underused Buildings for Dwellings or Holiday Accommodation)

OBSERVATIONS

5. Cockfield Parish Council – No objections

6. SCC Fire and Rescue – Advisory comments
7. English Nature – the property has already been inspected by a volunteer and therefore no objection.
8. SCC Highways – no objection recommend a condition re parking and turning.
9. SWT – The building must be surveyed for bats prior to the application being decided.

ASSESSMENT

10. The main issues to be considered in assessing this proposal are:

- Planning policy context;
- Alternative use exploration;
- Highway considerations;

Planning policy context

11. The adopted Development Plan for the District contains the Suffolk County Structure Plan 2001 and the Babergh Local Plan (Alteration No. 1). In May 2003, the District Council adopted the Second Deposit Draft version of the Local Plan Alteration No.2 as interim planning policy.
12. Within the Adopted Local Plan Policy the following policies are relevant:

Policy LP49 supports the diversification of farm enterprises where it;
 - Is consistent with the policies of this Local Plan,
 - facilitates economic activity that retains existing or provides additional jobs;
 - has no detrimental effect on landscape, wildlife and conservation;
 - does not involve the loss of agricultural land of Grades 1, 2 and 3a unless it can be demonstrated that there is no other site suitable for the particular purpose, and;
 - has no adverse impact upon residential amenity or the highway network.
13. This policy lists tourist accommodation as an example of diversification.
14. Policies LP50 – LP53 are also relevant and provide for the conversion of underused buildings in the countryside. Policy LP50 requires the building to be converted to be in sound condition and capable of conversion with minimal alteration, extension or rebuild. The proposals must safeguard the essential character, form, structure and details of the traditional building or group of buildings. Policy LP51 – lists the preferred uses of such buildings, these being: Agriculture; Employment (including offices); Community use; Recreation; Residential (only in the case of historic, traditional or vernacular barns – refers to Policy LP53); Tourist accommodation (except in the cases of historic, traditional or vernacular barns).
15. Policy LP52 (Subject to Policies LP50 and LP51) states that favourable consideration will only be given to proposals for alternative uses of historic, traditional or vernacular barns in the Countryside which meet the criteria set out in LP50 and retain the single open volume with minimum external change.

16. Whilst Policy LP53 addresses the conversion of historic, traditional or vernacular barns in the countryside to a permanent residential use and states that this should be in relation to their contribution to the countryside through their presence in the landscape and/or their architectural or historic interest (all of which must be significant) rather than provision of an additional residential accommodation.
17. Within the Emerging Local Plan (Second Deposit Draft) Policy CR30 and Policy CR31 are relevant. CR30 states that proposals for converting barns, or other redundant or under-used buildings in the countryside to industrial, business, community or recreational uses, will be considered providing the following criteria are not adversely affected:
- Landscape characteristics and biodiversity;
 - Cultural heritage;
 - Highway safety;
 - Residential amenity;
 - The location of the building relative to public transport infrastructure, urban centres and whether the use represents sustainable development;
 - Whether conversion can take place without significant re-building;
 - Whether the building is at risk of flooding;
 - The availability of a connection to a suitable drainage system;
 - The presence of protected species, particularly bats or barn owls.
18. Policy CR31 states that proposals for the conversion of barns or other redundant or under-used buildings in the countryside into dwellings or holiday accommodation will only be permitted if:
- It can be demonstrated that the alternative uses for business, community and leisure uses have been thoroughly explored and can be discounted;
 - The building's location makes it unsuitable for conversion to other uses;
 - The building is of architectural or historic merit and is capable of conversion without significant rebuilding or extension;
 - The method of conversion retains the character of the building and, in the case of barns, retains the single open volume with minimal change;
 - The scheme is acceptable in terms of highway safety;
 - The building is not at risk of flooding;
 - There is scope for connection to a suitable drainage system, and;
 - There is no material impact on protected species, particularly bats and barn owls.
19. The adopted Local Plan Policies relating to 'conversions' reflect the more general policy in the Structure Plan. Local Plan Policy establishes that the re-use of redundant or under-used buildings in the countryside for residential purposes is always a last resort, and a range of preferred alternative uses is listed as referred to above and have to be investigated and ruled out before a residential use of the building is considered acceptable in principle. Holiday letting accommodation (as proposed within this planning application) is listed as one of the 'preferred' uses within LP51. The policies also restrict the principle of a residential use (i.e. a dwelling) to 'traditional' buildings, which are worthy of retention for their landscape, historic or group value. Although adopted Policy does not rule out most of the preferred alternative uses from such buildings, it states that holiday accommodation will not be suitable.
20. The 'conversions' policies within the Second Alteration to the Local Plan state that the use of 'traditional' buildings for holiday accommodation is acceptable. Although the requirement for any applicant to demonstrate the 'preferred' uses are unsuitable before a residential use is considered remains within the policy, there is no such requirement for holiday

accommodation to be 'ruled out' in a similar way before residential development is favourably considered. In other words, the status of proposals for conversions into holiday accommodation is on a par with proposals for residential conversions within the emerging policies.

21. It is considered that the proposal is generally in accordance with the provisions of the relevant policies within Alteration No.1 to the Local Plan, but given that alternative commercial, recreational and community uses have not been thoroughly explored is contrary to one of the provisions of Policy CR31 of the Second Alteration.
22. However the policy of the development plan has to be weighed against other material considerations and in this instance there are factors that may favour the use proposed namely:
 - The desire to retain the building based on the group value of the building within the farmyard group adjacent to the main Farmhouse, which is listed;
 - The impact of the use proposed in that a residential use is preferable in terms of the impacts on the dwelling already in close proximity, considering amenity from noise etc;
 - Similarly the parking and servicing requirements associated with an employment use would have impacts on residential amenity whereas a holiday let would be lower key; and
 - The site is remote and accessed via narrow country road a view is taken that the site is, for this reason, considered unsuitable for many commercial or other traffic generating uses.
23. PPS7 forms the most up to date Government guidance and is clearly supportive of tourism related proposals insofar that it states that Local planning authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives. The re-use and conversion of existing non-residential buildings for this purpose may have added benefits, e.g. as a farm diversification scheme.
24. Within this context the principle of the change of use of the buildings to form two holiday-let units is considered to be acceptable.

Alternative use exploration

25. The building, due to its close proximity to an existing listed dwelling, remote location and poor access limits any realistic opportunity for this building to be used for business, agricultural, community or recreational. On this basis, a marketing campaign has not been required of the applicant.

Sustainable Development

26. Emerging policy CR30, which addresses proposals for the conversion of redundant buildings to commercial, recreational or community uses states that these will be considered providing certain criteria are not adversely affected. One of the criteria listed within Policy CR30 relates to the location of the building relative to public transport infrastructure, urban centres and whether the use represents sustainable development.
27. It is considered that the building is situated at an unsustainable location, being remote from the nearest settlement of Cockfield. If the building were to be used for commercial, recreational or community uses, the vast majority of visitors to the site (including staff, customers, deliveries etc.) would be in motorised vehicles. As such, these uses that are favoured over holiday lettings and dwellings within emerging policy CR31, would not

represent sustainable development and such a proposal would be considered contrary to Policy CR30 in this respect.

28. The proposal to convert the building into holiday accommodation would minimise the number of motor journeys to and from the site, whilst providing short-term holiday accommodation with spin-off benefits to local tourism. Whilst the holiday letting use proposed will not meet the strictest tests of sustainable development, it is considered to be the most sustainable option at this location.

Quality of the building in question.

29. The buildings, being of traditional form and brick and pantile construction is considered worthy of retention for landscape value within the group of buildings adjacent to the main farmhouse. The building is of good condition and capable of conversion into the holiday let unit without substantial rebuilding or extension.
30. Given the contribution the building makes to the quality of the landscape and the character and appearance of the countryside, it is considered that the proposal meets the policy requirements for a holiday letting use to be considered acceptable, as outlined within Babergh Local Plan Policies LP52 and LP53 and emerging policy CR31.

The Conversion

31. The conversion generally utilises existing openings for doors and windows, although there are a three new openings proposed in the north west elevation, which currently contains three openings already and glazing added to the open store. On balance these changes are considered to reasonable and acceptable in order to achieve the conversion without adversely impacting on the fabric and appearance of the building.

Conclusions

32. National planning guidance in the form of PPS7 is very supportive of such applications and urges Local Planning Authorities to support the provision of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives.
33. The application building makes a positive contribution to the character and visual amenity of the area. The proposal building is an attractive and traditional structure that forms part of a number of close-knit buildings within the complex. The building is of good condition, and as demonstrated within the application, can be converted in a sympathetic manner, whilst retaining the simple rural character of the building. Although a marketing campaign has not been pursued to investigate the 'preferred' alternative uses of the building, it is considered that the proposal offers the most appropriate re-use of the building.
Whilst holiday let accommodation provides a limited employment opportunity within the locality, the proposal will help to meet the shortage of adequate accommodation to serve the locally important tourism industry and thereby being of some secondary economic benefit. The restricted access and location of the property further serve to limit any other viable alternative use, and in the absence of any harmful impact upon the character of the locality, and with regard to the relevant Development Plan policies, the following recommendation is made:

REASON FOR APPROVAL

The proposal, which proposes alterations and conversion of a cartlodge to form holiday accommodation is considered to be in accordance with the provisions of PPS7, policies ENV2, ENV3 and ECON12 of the Suffolk Structure Plan 2001, policies BDC3, LP50-LP53 and LP93 of the Babergh Local Plan Alteration No.1 and policies CN01, CR01, CR30 and CR31 of the emerging Babergh Local Plan Alteration No.2. In particular, the proposed development is not considered to lead to any significant adverse impact upon the countryside character of the area or likely to reduce the amenities enjoyed by occupants of neighbouring property. Furthermore, the proposal is considered acceptable in terms of highway safety and convenience.

RECOMMENDATION

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

- Removal of permitted development rights (extensions, alterations, oil tanks, means of enclosure and outbuildings etc).
- As recommended by CHA
- Restriction to holiday accommodation only.
- Bat survey.
- Details of surface water and foul sewage disposal.
- Materials

ITEM 9

B/06/00229/FUL
FULL

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

Extension of the driving range building over six existing external driving bays.

Applicant: Messrs. F. Fison & Son

Case Officer: Deborah Board

SITE

1. The application site supports an existing golf driving range and pitch & putt course on former agricultural land. The site is situated within the countryside for the purposes of planning policy. A public footpath runs alongside the west boundary of the site. The site is included within the extension to the Special Landscape Area, which forms part of the emerging Second Alteration to the Babergh Local Plan (Second Deposit Draft version). The site is not part of the Special Landscape Area of the adopted Local Plan (Alteration No.1).
2. The current building houses 8 existing covered driving bays, a coffee area, reception and toilets and two storerooms. There is a large car parking area to the north of the building and access to the site is taken from Joes Road.

PROPOSAL

3. The application proposal seeks full planning permission for the extension of the driving range building to cover six existing external driving bays located to the west of the existing building. The footprint of the proposed extension would be 19.5m in length and 5.6m wide with a maximum height to the ridge of 5.2m.
4. The structure proposed would be of a similar form to that existing and utilise the same material finish. One further light is proposed to light the area immediately to the front of the structure and this would operate as part of the 'Berm' lighting system approved in 2000.
5. The applicant has provided a supporting statement with the application which makes the following points in support of the proposal:
 - The area proposed to be covered is already in use as driving bays;
 - The structure will be of exactly the same form and materials as existing;
 - The applicant has carefully developed the site so that there is plenty of landscaping beyond that required by planning;
 - The proposal is a simple extension of the range structure over external bays and there is no material planning issue to prevent the proposal going ahead.

HISTORY

Application site

6. 1991 – Planning permission granted for the change of use from agricultural land to golf driving range. Erection of building to accommodate driving bays, office, toilets and store. Installation of foul drainage unit and alteration of existing vehicular access. Application number B/91/00232/FUL refers.
7. 1991 – Planning permission granted for use of land to form part of the golf driving range granted under reference B/91/00232/FUL. Application number B/91/00717/FUL refers.
8. 1992 – Planning permission refused for the variation of condition 07 attached to planning permission B/91/00232/FUL to vary the times of use of the driving range. Application number B/92/00316/ROC refers. A subsequent appeal against the refusal of planning permission was allowed.
9. 1993 – Planning permission (temporary) refused to allow the golf driving range to open during the period 24th October 1993 to 27th March 1994 during the hours of 1800 to 2100 Monday to Saturday and 1700 to 2000 hours on Sunday. Application number B/93/00767/FUL refers.
10. 1994 – Planning permission (temporary) refused to allow the golf driving range to open during the period 23rd October 1994 to 26th March 1995 during the hours of 1800 to 2100 Monday to Saturday and 1700 to 2000 hours on Sunday. Application number B/94/00390/FUL refers. A subsequent appeal against the refusal of planning permission was dismissed.
11. 1995 – Planning permission refused for a proposal to allow the golf driving range to open during Greenwich Meantime for the following hours:- Monday to Saturday 1800-2100 hours (last sale of balls 1930 hours, Sunday 1700-2000 hours (last sale of balls 19:30 hours) and the formation of an embankment across the access opposite Grassmere Cottage and the creation

of a new field access to the range. Application number B/95/01033/FUL refers. A subsequent appeal against the refusal of planning permission was dismissed.

12. 2000 – Planning permission granted to allow the golf driving range to be open during the following additional hours (Greenwich Meantime):- Monday to Saturday 1800 – 2030 hours (last sale of balls 2000 hours) Sunday 1700 – 1800 hours (last sale of balls 1730 hours). Formation of ten 1.2 metre high earth mounds to provide ‘Berm’ ground level floodlighting system and 3 floodlights replacing existing floodlights. Application number B/00/00320/FUL refers.
13. 2005 – Enforcement action authorised by Development Committee to secure the removal of 5 (no.) 6.5 metre high posts. Paper D271 from 17th March 2005 Development Committee.
14. 2005 – B/05/00895/FUL – Planning permission granted for retention of golf ball stop netting fence for a temporary period of 6 years.

Land adjacent to the application site.

15. 1999 – Planning permission refused for the change of use of agricultural land to extension to pitch and putt course (9 to 18 holes). Application number B/99/00432/FUL refers.
16. 2002 – Planning permission refused for the change of use of agricultural land to extension to pitch and putt course (9 to 18 holes). Application number B/02/00802/FUL refers. A subsequent appeal against the refusal of planning permission was dismissed.

POLICY

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

Suffolk Structure Plan 2001

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

Babergh Local Plan, Alteration No. 1

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

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

- CR01 – Protection of the countryside.
- CR05 – Special landscape areas.
- RE08 - Small and medium scale recreational facilities and uses in the countryside.
- CN01 – Design Standards

Relevant Government Guidance

- PPS7 – Sustainable Development in Rural Areas
- PPG21 – Tourism
- PPG17 – Planning for Open Space, Sport and Recreation

OBSERVATIONS

18. PC (Great Cornard) – to be reported.
19. PC (Newton) – to be reported.
20. SCC Archaeology – no objection to the proposal.
21. Environmental Health – No adverse Comments.
22. Two representations regarding the proposal have been received to date supporting the scheme and are summarised as follows:
 - Old Joes is one of the few sporting facilities in the area that serves the old, young and disabled alike;
 - The facility encourages children to exercise and behave in a grown up manner.

Any further representations received will be reported to the committee verbally.

ASSESSMENT

23. The main issues are:
 - The principle of the proposal;
 - The design and layout of the proposal; and
 - Relationship to neighbouring dwellings.

The principle of the proposal

24. The key policies to consider are ENV4, LP93 and CR01, which seek to protect the countryside for its own sake. In addition these policies require any new development in the countryside to be essential for agriculture, forestry or recreation or there must be an overriding need for the location in the countryside.
25. In this case the proposal is required to serve an existing recreational use in the countryside. The Golf Driving range has been on this site for some time and is an established local recreational facility. The use that the structure would enclose is already in existence. Therefore the enclosure of this use to serve this existing facility is considered acceptable in principle.

The design and layout of the proposal

26. Policy CN01 of the BLP Alternation No. 2 requires all new development to be of an appropriate scale, form and detailed design.
27. The design of the proposal is entirely sympathetic with the existing building being of the same form, proportions, detail and materials. Therefore in design terms the extension proposed is considered acceptable.

28. It is also important to consider the impact of the structure upon the character and appearance of the countryside and Special Landscape Area. The provision and impact of a building in the countryside and special landscape area already exists in the form of the original driving range building. Further the external bays already extend the use of the site for recreation beyond the limits of this footprint. Therefore it is clear that material harm to the countryside or the special landscape area from the provision of a sympathetic extension such as that proposed is negligible.
29. In terms of layout considerations the proposal is again acceptable as the use exists and therefore there would be no change in parking requirements on site or access arrangements.

Relationship to neighbouring dwellings

30. The nearest neighbours to the application site are Pump House and Grassmere Cottage. The extension proposed would be on the west elevation, furthest from these dwellings, and the intensity of use of the site will not change. Therefore there are no issues of neighbour amenity sufficient to resist the proposal.

REASONS FOR APPROVAL

31. The proposed development Extension of the driving range building over six existing external driving bays is considered to comply with the provisions of adopted and emerging Development Plan policies ENV4, ENV8, REC3, LP93, LP116, CR01, CR05 and RE08 insofar as the proposal is to enhance an existing recreational facility and would not have such a detrimental visual impact upon the character and appearance of the countryside and special landscape area to warrant a refusal of planning permission.

RECOMMENDATION

32. Grant planning permission, subject to conditions;
- Material to be submitted.

DECISION

ITEM 10

B/06/00288/FUL
FULL

HARTEST – 5 THE ROW

Erection of a summer house

Applicant: Mr and Mrs Maddox

Case Officer: Deborah Board

BACKGROUND

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

SITE

1. The property 5 The Row is one of a pair of semi detached dwellings located on The Row in Hartest. The dwellings in the Row are set back from the road significantly and have generous plots with space between the pairs of dwellings.
2. The site is within the built up area boundary, the Conservation Area and Special Landscape Area.

PROPOSAL

3. See report heading. The application proposes the erection of a detached outbuilding at the bottom of the garden of the dwelling for use as a summerhouse. The building would be constructed from featheredge boarding and have a felt roof. The footprint of the building would be 4.8m by 4.2m with a height to the ridge of 2.7m.

HISTORY

4. None.

POLICY

Suffolk Structure Plan 2001

- ENV1 (Conservation of the Built Environment)
- ENV3 (Design Standards)
- ENV4 (Landscape quality and character of the countryside)

Babergh Local Plan Alteration No.1

- LP93 (Landscape quality and character of the countryside)
- LP78 (Conservation Areas)
- LP97 (Special Landscape Areas)

Emerging Babergh Local Plan Alteration No.2

- CR01 (Landscape quality and character of the countryside)
- CN01 (Design)
- CN02 (Development in Conservation Areas)
- CRO5 (Special Landscape Areas)

OBSERVATIONS

5. PC views awaited
6. Publicity period – expires on the 29th March - any views will be reported verbally at the meeting.

ASSESSMENT

7. As the proposal is to provide a domestic outbuilding within the curtilage of a dwelling, there are no objections in principal. However, consideration must also be given to the impact of the proposed building (design and scale) upon the character of the area including its impact upon the Conservation Area and the Special Landscape Area, and the impact on residential amenity.
8. The site benefits from good boundary treatments and the building would be located at the far end of the plot. Therefore it is not considered that the proposed outbuilding will have a negative impact on the residential amenity of nearby residential properties.
9. In terms of the Conservation Area and Special Landscape Area a building of domestic scale and reasonably required for domestic use in this location (see paragraph 9 above) and of this design would not have an adverse impact on the character of either the Conservation Area or Special Landscape Area.

REASON FOR APPROVAL

The proposal is considered to be in accordance with policy LP93, LP78, LP97, CN01, CNO2 and CNO5 by reason of it's scale, design, materials and relationship to the existing dwelling and its impact on the Conservation Area and the Special Landscape Area. The proposal is not considered to reduce the level of amenity enjoyed by neighbouring occupants so as to justify refusal of planning permission.

RECOMMENDATION

Grant Planning Permission subject to the following conditions:

- Materials to be submitted

DECISIONITEM 11

B/05/02159/OUT
OUTLINE

BALLINGDON – FORMER BALLINGON OILS DEPOT, MIDDLETON ROAD

Outline - Erection of 22 No. dwellings. Alterations to existing vehicular access

Applicant: Ballingdon Oil Co. Ltd

Case Officer: Deborah Board

BACKGROUND

This application is a resubmission following the withdrawal of an outline application for residential development of the site for 14 units. The application is reported to the committee at the request of the local members.

SITE

1. The application site is a former Fuel Depot located outside of the built up area but immediately abutting the residential area of Ballingdon, which forms part of Sudbury. The site fronts Middleton Road from which access is taken to the site. To the immediate north west are the dwellings in Lark Rise, two storey houses, number 48 – 70 share a boundary with the site. To the south east is a single detached dwelling, Grove Gables that sits within a large plot and again is a two storey house.

PROPOSAL

2. The proposal seeks outline planning permission for the residential development of the site for 22 units. The applicant has requested that siting and access are considered as part of the application.
3. The access proposed is the existing access to the site from Middleton Road. The road proposed would have a 5m width and a 1.8m footpath. Crib walls are proposed to retain the banks either side of the access proposed.
4. The siting proposed would create two groups of dwellings, running west east, either side of a turning head for the access road. The building would be set back from the road and parking provided either on the property frontages or in parking courts at the entrance to the site and to the west and east ends of the site.

Planning statement

5. The application is accompanied by a supporting statement; a report detailing the details of Ballingdon Oils Ltd in administration; A submission from David Smith Associates regarding slope stability and a desktop contamination study. Copies of these reports can be viewed by contacting the case officer. The planning statement sets out why the proposal is acceptable and can be summarised as follows:
 - That there has been no net loss of employment resulting from the proposal as the business transferred to a nearby site;
 - Use as a fuel depot is not compatible with the surrounding residential properties;
 - The application should be considered against criterion in EM15 that refer to a bad neighbour business being located elsewhere within the district;
 - Other employment uses have been considered and are not viable;
 - The proposal as been amended to increase density;
 - The layout has been revised to comply with highway requirements;
 - Adequate visibility and a footway are proposed;
 - 9 units can be provided as affordable;
 - Off street parking is adequate;
 - The site has existing residential development on either side and is essentially brownfield;
 - Will undertake further site investigations once the principle has been established.

HISTORY

6. B/03/01881
Residential development
- B/05/01243
Outline - Erection of 14 No. dwellings. Alterations to existing vehicular access
- B/1145/75
Office & store
- B/431/79
Continues use of prefab building as office & store
- B/552/83
Additional use of depot for storage & distribution of solid fuels
- B/600/79
1000 gallon underground petrol tank
- B/66/101
2 * 12000 gall. fuel storage tanks
- B/66/634
Oil distribution depot
- B/681/78
Retention of temporary office & store
- B/78/440
Erection of workhouse for servicing & repair of tankers and cars
- B/827/82
Renewal of B/841/80 - Use of prefab building as office & store
- B/841/80
Continued use of prefab building as office & store (renewal)
- B/88/00872
ERECTION OF A SINGLE-STOREY EXTENSION TO OFFICE BLOCK
- B/93/00886
VARIATION OF CONDITION 02 ATTACHED TO P.P B/83/0552 TO EXTEND THE WORKING HOURS OF COAL BAGGING FROM 7.30AM TO 6.00PM MONDAYS - SATURDAYS AND ON THE TWO SUNDAYS IMMEDIATELY PRECEEDING CHRISTMAS EVE AND OTHER SUNDAYS IN AN EMERGENCY
- B/95/00792
REPLACEMENT LOADING GANTRY AND CANOPY AS AMENDED BY REVISED LAYOUT PLAN RECEIVED BY LOCAL PLANNING AUTHORITY ON 25.08.95
- B/990/83
Erection of offices

POLICY

7. The following policies are material in consideration of the application:

Babergh Local Plan Alteration No.1

- LP1 (Planning obligations)
- LP16 (Housing densities)
- LP18 (Design criteria)
- LP47 (Retention of Existing Employment Sites)
- LP146 (Parking in new developments)

Babergh Local Plan Alteration No. 2 – Second Deposit Draft

- LP01 (Planning obligations)
- HS11 (Densities)
- HS18 (Dwelling Mix)
- HS14 (Design criteria)
- HS16 (Public open space and play areas on new development)
- HS08 (Affordable Housing)
- CN01 (Maintaining local distinctiveness)
- TP18 (Parking in new developments)
- EM15 (Employment Retention)

Suffolk Structure Plan

- ENV3 (Design Standards)
- T13 (Design Standards)
- T14 (Control of Development)

Government Guidance

- PPG3 – Housing
- PPG14 – Development and Unstable Land

OBSERVATIONS

8. Town Council – object - concerned about the overdevelopment of the site, 22 dwellings is too many.

9. Neighbours – 5 objections received with the main points being:

- Concerned about fireplaces shown and the dust, grit etc that will emanate from these when fuel is burnt, this would be exacerbated by the difference in levels between the site and the existing dwellings;
- Concerned about the bank that forms the side of the plot;
- Do not feel confident that the vague statement submitted deals with concerns on this issue;
- Would be negligent of the Council to approve a development without more rigorous measures being put in place;
- Privacy and noise – the height of new buildings with habitable rooms on the second floor, in particular three storey flats in close proximity;

- Increase in the volume of traffic and highway safety and parking concerns;
 - Not opposed to residential in principle but these issues need to be addressed;
 - The boundary is shown incorrectly on the application plan;
 - Mature trees are not shown on the application plans;
 - The access is not adequate for 22 dwellings coming and going;
 - Not enough parking;
 - Hard landscaping of a crib wall is inappropriate in a rural setting.
10. Highways – recommend that permission be refused – the details are discussed in the Assessment section of this report.
 11. SCC Fire and Rescue – advisory comments made
 12. SCC Archaeology – no objection
 13. SCC Education – contribution requested
 14. Environment Agency – Object - requested desktop contamination report. This was provided by the applicant and forwarded to the agency however they maintain an objection as the study is considered to be inadequate.
 15. SWT – grass snakes and Lizards adjacent to the site and therefore the site should be assessed for their presence before the application is determined
 16. Environmental Health – no objection, recommend conditions
 17. Suffolk Preservation Society – object to layout and indicative design
 18. Sudbury Society – Remain concerned about the application, as this proposal does not address all the issues that were a problem with the previous submission.
 19. Building Control – The site is in a pit and so could be filled; there are contamination issues; undermining of existing bank/pit face with house foundations depends on plot layout and foundation design; if the access road exceeds 20m then it must be suitable for fire appliances and have turning space for a fire engine.
 20. Housing Enabling Manager – Sudbury is Babergh’s area of highest need and therefore 35% affordable housing is required (75% rented and 25% shared ownership) and a mix of 2 bedroom person flats and 2 bedroom 4 person homes. This will help meet an existing housing need.

ASSESSMENT

21. The main issues in consideration of the application are:
 - The principle of development of the site;
 - Access to the site and Highway Issues;
 - The siting proposed;
 - Relationship to adjoining dwellings;
 - Slope Stability Issues;
 - Contamination Issues;
 - S106 Issues – Education, Affordable Housing and Provision of Public Open Space.

22. These are all issues that relate to the principle of developing the site, that is they go to the heart of the permission, and as such could not be considered at reserved matter stage.

The principle of development of the site

23. The site is not within the built up area and is an existing employment site. There has been no marketing campaign submitted by the applicant and the information submitted does not refer to the site but rather the business. Policy LP47 of the Local Plan Alteration No. 1 and policy EM15 of Alteration No. 2 state that applications for the redevelopment of or to use vacant or underused employment sites for other purposes will not be approved unless it can be demonstrated to the satisfaction of the Council that the use of the site for other forms of employment has been fully explored.
24. It is considered that the applicant has not satisfactorily demonstrated that the site is no longer required for employment use or redevelopment for a suitable employment use and as such is contrary to policies LP47 and EM15. As such the proposal would, if approved, result in the loss on employment land.
25. The applicant has referred to the preamble to policy EM15 as justification for loss of the site from employment use however this is not considered applicable. This element of wording relates to the second approach for marketing set out at point 2 of EM15. The key point being that this approach will only be considered where it has been agreed in advance with the Council and the applicant has engaged appropriate commercial expertise to demonstrate that the site is inherently unsuitable or not viable for employment use. This has not been satisfactorily undertaken in this instance.

Highway Issues

26. The application is in outline form but the applicant has requested that access is considered as part of this submission. The key policies to consider are ENV3, T13 and T14 of the Structure Plan. These policies seek development that is well laid out in terms of site access and highway safety, traffic flow and the environment.
27. The Highways Authority have objected to the proposals for the following reasons:
- The proposed visibility splays at 2.4m setback are not acceptable, 4.5m will be the required standard.
 - The access geometry as proposed is not acceptable.
 - The footpath shown from the access does not extend far enough. There is no existing footpath extending out of Lark Rise as the applicant suggests on the drawing. The footpath link will need to extend further, beyond Lark Rise, to the existing lay-by where the existing footpath then starts.
 - The proposed layout within the site is very poor with vehicular accesses all round the turning head. The layout here can be improved
 - The accompanying letters with the application suggest concrete crib walls to retain banks adjacent to the road and footways. In highway terms these are not acceptable and alternative structural retaining walls will be required here. For information it is not usual for landscaping to grow within crib wall structures. Experience shows that such landscaping rarely survives or is successful.
 - Soakaways for the disposal of highway surface water will not be acceptable.
28. As such the proposal is unacceptable in highway terms and therefore refusal on this issue is also recommended.

The siting proposed

29. Policies ENV3 of the Structure Plan, LP18 of the Local Plan Alteration No. 1 and HS14 of the Local Plan Alteration No. 2 seek well designed layouts that provide an appropriate scale, density, form, parking and garden provision.
30. The siting proposed is considered to be unacceptable by virtue of the fact that it represents a poor layout that is car dominated with an over engineered access road, prominent parking, arbitrary siting that has poor spatial enclosure and poor definition of public and private spaces. As such the proposal would be contrary to the aforementioned policies and harmful to the character and environment of the area.
31. The siting and layout of the proposal is not considered acceptable in terms of design being car dominated, lacking enclosure, definition of public and private spaces and proposing three storey development in close proximity to residential dwellings in Lark Rise.

Relationship to adjoining dwellings

32. Policies ENV3 of the Structure Plan; LP18 of the Local Plan Alteration No.1 and HS14 and CN01 of the Local Plan Alteration No.2 seek to resist development that would have a materially adverse impact on residential amenity.
33. The proposal would site three storey development in close proximity to the boundary of the site with the dwellings in Lark Rise, in particular numbers 60 and 62. In the absence of full details it is not possible to be satisfied that the proposed three storey development necessary in this location to accommodate the number of dwellings proposed would not adversely impact on these properties through overlooking or overbearing impacts.

Slope Stability Issues

34. The application site has steep slopes around its perimeters that have both implications for the application proposals and the existing dwellings that share a boundary with the application site.
35. The guidance contained in PPG14 is clear that applicants are required to undertake specialist investigations, assessments and present mitigation measures that demonstrate that issues of stability can be dealt with in a satisfactory manner. In this instance the applicant has submitted correspondence from David Smith Associates that comments on these issues, in particular the retaining walls proposed within the application proposal.
36. The Council's own engineers have commented that the information submitted in the reports is not based on any form of topographical survey, which David Smith Associates themselves note is required in their letter of 14th October 2005. In the absence of such a survey to substantiate the recommendations made in the various reports the proposal does not satisfy the requirements of PPG14. Further without such a topographical survey it is not possible to be satisfied that the access road width and associated stability measures can be accommodated.

Contamination

37. Paragraph 2 of PPS23 states that contamination of land is capable of being a material planning consideration, and according to Paragraph 2.43 of Annex 2 of PPS23, as a minimum, a desk study should be completed and submitted to the LPA. This study must include the identification of previous site uses, potential contaminants that might reasonably be expected

given those uses and other relevant information. Using this information, a Conceptual Model illustrating all the potential contaminant sources, pathways and receptors associated with the site must be produced, and a preliminary assessment of the potential risk to controlled waters carried out.

38. The applicants have submitted a desktop contamination study that is Therefore, in accordance with PPS23 the environment agency object to the proposed development until the application can be reassessed following receipt of a desk study, conceptual model and preliminary risk assessment with respect to controlled waters

OTHER MATERIAL CONSIDERATIONS – S106 LEGAL AGREEMENT

39. In accordance with policy LP1 of the adopted and emerging Local Plan a need has been identified for the provision of an Education Contribution as the development would be expected to generate 2 pupils of primary school age; 2 pupils of middle school age; 1 high school pupil and 1 six form pupil. As such SCC Education Department have identified that there is not sufficient capacity to accommodate the primary, high school or sixth form pupils from this new development. Therefore contributions are sought for each of these places totalling £47 501.
40. Policy HS08 of the Local Plan Alteration No. 2 seeks the provision of Affordable Housing on sites of 0.5 ha or more or where 15 or more dwellings are proposed. In this instance the Housing Enabling Manager has identified a need for 35% affordable housing to be provided on this site to meet an identified local need.
41. Policy HS16 of the Local Plan Alteration No. 2 requires the provision of public open space and play equipment in proportion to the number of dwellings proposed. Developers can either provide a financial contribution or provide 10% of the application site as open space.
42. In accordance with the guidance of Circular 05/2005 (Planning Obligations) and policies of the Local Plan it is considered reasonable and necessary to require the developer to either provide
- 10% of the application site as public open space or provide financial contributions to the provision or upgrade of existing areas of public open space;
 - An education contribution of £47 501
 - 35% of the development to be provided as affordable housing.
43. The applicant has confirmed that they are willing to make these contributions, however, because the proposal is recommended for refusal these are added as reasons to protect the Council's position at appeal.

RECOMMENDATION

The Planning Permission be refused for the following reasons:

- 1) The principle is unacceptable and will result in the loss of employment land without robust marketing to demonstrate that other uses cannot be accommodated on site contrary to LP47 and EM15;
- 2) Unacceptable access geometry, visibility splays, footpath link prejudicial to pedestrian and highway safety contrary to ENV3, T13 and T14;
- 3) Siting proposed is considered to be unacceptable by virtue of the fact that it represents a poor layout that is car dominated with an over engineered access road, prominent parking, arbitrary

siting that has poor spatial enclosure and poor definition of public and private spaces contrary to ENV3, LP18 and HS14;

- 4) Siting of three storey development and impact on neighbouring dwellings contrary to ENV3, LP18, HS14 and CN01;
- 5) Insufficient information on slope stability contrary to PPG14;
- 6) Inadequate desktop contamination study contrary to PPS23;
- 7) No provision for education contribution contrary to LP1;
- 8) No provision for affordable housing contrary to HS08;
- 9) No provision for public open space contrary to HS16.

DECISION

ITEM 12

B/06/00219/FUL
FULL

BILDESTON – 137 HIGH STREET

Conversion of 3 No. storey dwelling to form 2 No. self-contained units.

Applicant: PMH Contracts Ltd

Case Officer: Deborah Board

SITE

1. The application site is within the defined 'built up area boundary' of the village of Bildeston and fronts onto the High Street. The site supports a semi detached dwelling with four bedrooms over three floors, the second floor accommodation being provided by an existing rear dormer window. At ground floor there is an existing ground floor element and rear conservatory. The site has a vehicular access and garaging for one vehicle with workshop space behind. There are no planning constraints relevant to the site other than its location within the Conservation Area.

PROPOSAL

2. The proposal seeks full planning permission for the division of the existing dwelling into two dwellings.
3. To facilitate this change the applicant proposes to demolish the garage to create further parking within the site and to rebuild the existing conservatory as a single storey extension on the same footprint. There would be no changes to the fenestration of the main house.

RELEVANT HISTORY

4. None

POLICY

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

- Suffolk Structure Plan 2001 – policy ENV3
- Babergh Local Plan (Alteration No 1) - policy LP20, LP78
- Babergh Local Plan (Draft Alteration No 2) - policies HS17,CN10, CN01

OBSERVATIONS

6. SCC Highways – the proposal does not make satisfactory provision for the turning of vehicles within the site as currently vehicles have to reverse onto the highway to leave the site and conversion to two units would exacerbate this issue.
7. There has been one neighbour representation received with the main issues raised being, in summary:
 - (1) As the plans have made no recommendations as to how the garden will be divided between the two flats, the garden will therefore potentially be used by the tenants for extra parking. As there is only a thin wooden fence between the two properties, this will obviously have a serious effect on our quality of life and would restrict the time that we could spend in our own garden due to noise and car fumes.
 - (2) The plans also have limited access for vehicular turning, especially if more than one vehicle is parked. This will lead to reversing onto the high street, which is again a safety hazard.
 - (3) Also concerned that due to the limits on parking, vehicles will be left at the front of the property, blocking the high street at its narrowest point.

ASSESSMENT

8. The main issues in consideration of the application are:-
 - The principle of the development;
 - Provision of parking and amenity areas;
 - The rebuild of the single storey rear extension; and
 - Relationship to neighbouring dwellings.

The principle of the development

9. The application site is within the built up area boundary of the village. As such, the conversion and extension of the dwelling to form two dwellings is considered acceptable in principle and would not adversely impact on the character of the Conservation Area. In light of this, the issues considered central to the outcome of the application is the impact of the proposal on residential amenity and the adequate provision of garden and parking areas for each dwelling.

Provision of parking and amenity areas

10. The existing dwelling has off road parking for vehicles in the form of a driveway and a garage. The application proposal seeks to remove the garage to allow increased parking and room to manoeuvre to the immediate rear of the dwelling. The proposal would result in one one bed and one two bed flat. As such it is reasonable to require the proposal to make provision for off road parking of one space per dwelling.

11. The proposal would allow two vehicles to be parked off road. However, the County Highways officer has commented that the parking and turning area as proposed is not adequate. The application proposal improves the current circumstances on site and the level of vehicles associated with a 4 bed family house could be the same, if not greater, than that associated with 2 smaller flats. In particular if the dwelling were occupied without conversion the movement of vehicles reversing onto the highway in this location could continue, as it does for neighbouring dwellings. Thus it is considered that to resist the proposal on the basis of this comment would be unreasonable.
12. Similarly, whilst comments made by the neighbours at 139 are noted, it is not tenable to resist permission on the basis that fumes would increase. The parking for the proposal would be sited in the area of the site furthest from number 139 and would be screened by the dwelling 137 also.
13. In terms of provision of amenity space the majority of the garden area, from the rear wall of the extension back, will be retained and would provide a shared garden area for both flats. This would be commensurate with the size of the dwellings and private to allow sitting out for the occupiers of the units.

The rebuild of the single storey rear extension

14. The rebuild proposed would be on the same footprint and height as the existing conservatory and would be brick built rather than a glazed structure. The roof form would be reduced, forming a hipped rather than gable end. A single window is proposed to the east elevation that would face into the proposed parking area.
15. As such the impact of the rebuild of this part of the property in a different material on the neighbouring properties would be neutral.

RECOMMENDATION

Grant (Planning Permission) subject to the following conditions:

- Materials
- Detail of parking and turning
- Details of any additional boundary treatment

DECISION

ITEM 13B/06/00014/OUT
OUTLINE**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

Consideration of this application was deferred at the last meeting of this Committee for an inspection of the site on 8 March by a panel of Members so as to allow Members to assess the suitability of the access to the development and the impact of the proposal on the residential amenity of the neighbours.

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.

PPS23 – 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 planing 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)
- HS16 (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 – has assessed the application in respect of school place requirements and does not require a contribution in this instance.
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 –(in summary):-
- Contamination - we are satisfied that the Environmental Risk Assessment report adequately characterises the site and therefore the standard contaminated land planning condition need not be imposed. Do have some concerns about constructional noise to adjoining properties and recommend a condition controlling restriction of Monday to Friday working on site between 8.00am - 6pm.
 - noise – given the context of the industrial buildings adjacent to the site there are no conditions that would be appropriate to attach to deal with noise issues; best practicable means would be to use standard thermal glazing as would be required by the Building Regulation requirements. With regard to the proximity of the site to the electricity substation, an assessment is currently being undertaken to determine what measures if any are required to address any noise emissions from the transformers on the electricity substation. A further verbal report on this matter will be undertaken at the meeting.
20. HoTS – consider surface water drainage problems can be satisfactorily controlled by a condition requiring a surface water drainage scheme to be submitted to attenuate surface water run off.
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. Transco – 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 Statement.

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 planning 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),
 - Density
 - Impact of the electricity substation and adjoining industrial buildings
 - Affordable Housing
 - 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))

26. 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.
27. Local Plan policy HSO9A (b) requires a footpath to be provided from Broom Street to this site, but this element of the policy was included when the allocation covered a larger site which had a frontage on to 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.

Density

28. The 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. This results in a net density of 50 dph, in accordance with PPG3 guidance and emerging policy in draft PPS3, which seeks density ranges in urban locations of 40-75dph and 35-55 in suburban areas. This is an appropriate density for the development of this site.

Impact of the Electricity Substation and Adjoining Industrial Buildings ,

29. Further investigations are taking place with EDF Energy, the HoES 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 should sterilise part of the site from development and therefore restrict the number of dwellings that should be erected. Such substations generate some noise, although EDF do not object to the principle of development and consider that ameliorative measures to counter the noise (such as a bund or wall) should address the situation adequately. The Health and Safety Executive and Head of Environmental Services views on these comments are currently awaited and a further report on this unresolved matter will be undertaken at the meeting.
30. The premises of Guildford Europe also lie immediately adjacent to the site. The submitted noise assessments have been the subject of consideration by the Head of Environmental Services and only the issue regarding proximity to the electricity substation remains outstanding. (see above)

Affordable Housing

31. Development of this site should allow for the provision of 35% affordable housing (required by HS08) and the provision of smaller houses to meet housing need as advocated by Policy HS14.

Contaminated land

32. Given the previous use of the site and the proximity of the Guildford Europe the application has been assessed to determine whether it would be appropriate to impose conditions to address contamination issues. However the Head of Environmental Services views are that none are required albeit a condition to restrict construction on site between Monday to Friday and between restricted hours would be appropriate.

Highway issues

33. It is understood informally from Highways that the submitted road junction details onto Head Lane have been the subject of full consultation with them. They have no objections to the submitted details and have recommended conditions to be attached to the grant of any permission. Representations have been received about the prospect of using another access further along Head Lane instead of the current proposal. However the agent has confirmed that he wishes the application to be considered as submitted and in any event the access point suggested (no 41 Head Lane) is not within the applicants control/ownership).

Public open space and education contributions;

34. Adopted and emerging policies require that public open space contributions to be made and these are provided for in respect of the proposed S106(see below). The proposal is of sufficient size and density to trigger education contributions. However in respect of the latter SCC (Education) have confirmed that no education contribution is required.

Surface Water and Drainage issues

35. The EA has no objections to the proposal and the views of Anglian Water are awaited with regard to drainage matters. A condition to attenuate surface water run off as advocated by the HoTS is included in the recommendation below.

Trees and Protected Species

36. 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 satisfactory 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, provision of a public open space commuted sum
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)
 - Surface water drainage condition
 - Restriction on hours of working for construction
 - Any as required following resolution of all outstanding matters.

- Any as required by the Head of Environmental Services, EDF or the Health and Safety Executive.
- 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

ITEM 14B/06/00043/FUL & B/06/00044/LBC
FULL AND LISTED BUILDING CONSENT

HADLEIGH – 28-32 BENTON STREET

B/06/00043/FUL – Extensions, alterations and conversion of Nos. 28-32 Benton Street to provide 2 No. dwelling houses. Change of use from agricultural land to domestic curtilage. Construction of new vehicular access, creation of lay-by and erection of garden walls.

B/06/00044/LBC – Alterations and conversion of Nos. 28-32 Benton Street to provide 2 No. dwelling houses. Erection of garden walls. Demolition of existing building and extension at No.32 Benton Street.

Applicant: Mr Peter Romaniuk

Case Officer: Richard Collins

SITE

1. The application site lies to the western side of Benton Street and currently supports a Grade II Listed Building most recently used as a single dwelling house, but formerly utilised as 3 no. dwellings. There is no current vehicular access to the site; however, pedestrian access is achieved via Benton Street or Tinkers Lane. The site has a frontage width of some 15.0m and a maximum depth of approximately 52.0 metres. The site is located predominantly within the defined built up area boundary and wholly within the Hadleigh Conservation Area. The site is also within an acknowledged area of archaeological interest.

PROPOSAL

2. The application proposes the conversion of the building from 1 no. dwelling into 2 no. dwellings and involves the erection of a two-storey side extension and a single-storey rear extension (following demolition of outbuilding, existing single-storey rear lean-to extension and modern two-storey addition to southern end of property). The application also proposes associated internal and external alterations to facilitate the conversion of the property, including the insertion of new fenestration.
3. The application also proposes the change of use from agricultural land to domestic curtilage in order to provide on-site parking facilities for two cars and residential garden area, the creation of a lay-by at the western end of Tinkers Lane and erection of garden walls to the rear of the property and adjacent to the proposed lay-by from Tinkers Lane (following demolition of an existing boundary wall).
4. The applications are accompanied by a supporting letter from the applicant. The following comprises a summary of the points raised:-
 - These applications are identical to those approved (by Development Committee) last year under B/05/00405/FUL and B/05/00416/LBC for extension and conversion except that this conversion is to two dwellings, rather than three.
 - The advantage over the previous approval is that less demolition and disruption is caused to the building as only one party wall is now to be constructed.
 - The party wall is shown in a sympathetic position which will minimise the damage to the fabric of the building and yet form a high quality boundary between the separate occupancies for fire and acoustics.

- These applications will provide more satisfactory living conditions and would comply with Building Regulation requirements
5. The applications have been subject to amended plans since the original submission. Firstly, to provide clarification and amendments to the internal arrangement and fenestration provision. Secondly, to reduce parking provision from 3 no. spaces to 2 no. spaces at the request of Suffolk County Council. The revised plans and information now form the basis of the applications.

RELEVANT HISTORY

6. 2005 – Planning permission granted for extensions, alterations and conversion of No's 28-32 Benton Street to provide 3 no. dwelling house, change of use from agricultural land to domestic curtilage, and construction of new vehicular access and erection of garden walls (B/05/00405/FUL refers).
7. 2005 – Listed building consent granted for extensions, alterations and conversion of No's 28-32 Benton Street to provide 3 no. dwelling house, erection of boundary walls, demolition of existing building and extension at No.32 Benton Street. (B/05/00416/LBC refers).

POLICY

PPG3 (Housing)

8. PPG3 states:

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

PPG15 (Planning and the Historic Environment)

9. PPG15 proposes that in exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question, and, as with listed building controls, this should be the prime consideration in determining a consent application.
10. Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole that has a well established character and appearance of its own.
11. Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted.

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

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

Suffolk Structure Plan 2001

- Policy ENV1 (Listed Buildings and Conservation Areas)
- Policy ENV3 (Design Standards)

Babergh Local Plan Alteration No.1

- Policy LP3 (Towns)
- Policy LP20 (Extensions)
- Policy LP78 (Listed Buildings)
- Policy LP79 (Setting of Listed Buildings)
- Policy LP90 (Archaeology)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS01 (Towns)
- Policy HS17 (Extensions)
- Policy CN10 (Listed Buildings)
- Policy CN01 (General Design)
- Policy CN02a (Conservation Areas)
- Policy CN28 (Archaeology)

OBSERVATIONS

12. TC – Recommend approval of both applications. Committee noted that the condition of these properties has been deteriorating for many years.
13. EA – Comments to be verbally reported if available.
14. SCC (Archaeology) – Recommend standard archaeological watching brief condition.
15. CHA – One space per dwelling would be acceptable at this location, and this would also limit the use of the restricted Tinkers Lane access, the applicant should be asked to review the parking. With the parking reduced CHA would recommend approval with standard conditions. (Please note the applicant has since amended the plans to indicate 2 parking spaces only).
16. Letters – One letter of objection and one letter of support. The following comprises a summary of the objections and issues raised: -
 - Pedestrian safety;
 - Highway safety;
 - Additional traffic to an already congested area;
 - Impact on conservation area
17. The following comprises a summary of the supporting comments:
 - Supporter in full agreement to the alterations.

ASSESSMENT

18. The relevant policies in this case are ENV1, LP78, LP79, CN02a and CN10, which seek to ensure that the character and setting of conservation areas and listed buildings will be protected and enhanced, and that new developments affecting conservation areas and listed buildings must be in harmony with their surroundings.
19. Also relevant to this case are policies LP3 and HS01, which seek to ensure that new housing developments will be granted planning permission provided they have no material adverse effects on residential amenity, the environment or traffic generation, or result in the loss of viable employment site.
20. Also relevant to this case are policies ENV3 and CN01, which seek to ensure high standards of siting, design and landscaping in all developments.
21. Also relevant to this case are policies LP20 and HS17, which seek to ensure that planning permission will be granted to extend a dwelling providing that the scale, mass, materials and detailing blend with the existing, the extensions proportions respect the original dwelling, the level of amenity of neighbours is not reduced, significant trees are not felled, and a safe vehicular access can be achieved.
22. The main issues to be considered in this case are the impact of the proposal on the character and appearance of the listed building and conservation area, highway safety and residential and visual amenity.
23. The application building is sited within the defined built up area boundary for Hadleigh and therefore there can be no objection in principle to residential development on the site. Importantly, it is clear that the building formerly constituted three separate properties. Furthermore, PPG3 is clear in its aims to promote more efficient uses of previously developed land.
24. Following receipt of amended plans, there is no objection to the proposed alterations and extension to the building in terms of their physical form, scale and detailed design. The elements of the building to be removed mainly date from the 19th century and their subsequent replacements are considered to result in development that preserves and enhances the character and appearance of the building and the conservation area.
25. Objection was initially made by the County Highway Authority who wished to see 2 parking spaces in lieu of 3, and concerns have been expressed by an objector in relation to the proposal and its impact upon highway safety. Following discussions with your officers and the receipt of amended plans to reduce parking provision within the site, the County Highways Authority have recommended approval subject to standard conditions. Accordingly, it is not considered that the scheme should fail on the basis of highway safety.
26. In view of the above and having regard to the relevant development plan and its policies, the following recommendations are made.

REASONS FOR APPROVAL**B/06/00043/FUL**

The proposal, which proposes extensions, alterations and conversion of Nos. 28-32 Benton Street to provide 2 No. dwelling houses, change of use from agricultural land to domestic curtilage, construction of new vehicular access, creation of lay-by and erection of garden walls, is considered to be in accordance with the provisions of policies LP20 and LP78 of the Babergh Local Plan

(Alteration No.1) and emerging policies CN01, CN02a and HS17 of Second Alteration to the Local Plan. In particular, the extensions blend with the scale, form and design of the host buildings, and respects its setting. Furthermore, owing to their siting, scale and fenestration layouts, the extensions would not reduce the amenities enjoyed by occupants of neighbouring property, would not result in the loss of any significant trees and are acceptable in terms of highway safety and convenience.

B/06/00044/LBC

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

RECOMMENDATION A

B/06/00043/FUL

Grant Planning Permission subject to conditions including:

- Materials
- Parking area to be maintained as approved
- Details of lay-by
- Landscaping (inc. boundary treatment details)
- Highways conditions
- Archaeology condition

RECOMMENDATION B

B/06/00044/LBC

Grant Listed Building Consent subject to conditions including:

- Details of bricks, brickwork and roof tiles
- Details of render
- Colour of render
- Fenestration details
- Colour of joinery
- Details of staircase
- Details of chimney stack

DECISION

ITEM 15B/06/00095/FUL
FULLHOLTON ST MARY – HOLTON PLACE, SANDPITS LANE.

Change of use of agricultural building to use as a grain cleaning contractor's depot; alterations to existing vehicular access and erection of gates and erection of 1.2 metre high post and rail fencing.

Applicant: Anglia Grain Services Ltd

Case Officer: Richard Collins

SITE

1. The application site comprises an agricultural building constructed of blockwork and metal sheet cladding erected with planning permission granted in 1979. There is an expanse of hardstanding to the north-east of the agricultural building which was being used at the time of your officer's site visit for the outside storage of straw bales. There is an existing access from Sandpits Lane into the site at the front of the building, and a second existing access to the east of the site. The building has a floorspace of approximately 650 square metres.
2. The existing building is approximately 85 metres away from the nearest dwelling at Bacon's Green, with the north-east edge of the site encompassing the hardstanding being approximately 48 metres away from the nearest property at Bacon's Green. The site is outside of the built up area boundary of the village and is thus situated within the open countryside for the purposes of Development Plan policies.

PROPOSAL

3. See report heading.
4. The application is accompanied by a supporting letter from the applicant. The following comprises a summary of the points raised: -
 - Planning application B/05/01408/FUL was refused last year on highway safety grounds due to the impact on the junction of Sandpits Lane and the B1070 (an estimated vehicle movement of 43,472 vehicles per year was offered by the CHA in association with a B1 (Office) proposed use). As Anglia Grain Services would be the sole user of the building it is easier to predict the number of vehicle movements and it can be demonstrated that the use could operate without unduly compromising highway safety.
 - Anglia Grain Services currently occupies premises at Riverside, Wiston Road, Nayland with the benefit of planning permission. This site is located within the AONB and the company have a proven track record for carrying out visual improvements to the site, including enhancement of biodiversity and operating with sensitivity towards the local community.
 - The mobile seed processing machines are mounted on rigid lorries, which have an 'agricultural machine' taxation class and are exempt from an operators licence.
 - In May 2005 the company acquired TGS Seeds. Part of this business has been relocated to Nayland, but there is a need to find another site. It is felt the site is ideal because of its close proximity to the A12. In total six machines would be housed at the Holton site.
 - It is estimated that a total of 5,304 vehicle movements would occur per year, which equates to an average of 19.5 movements per day (based on operating 272 days per year), but this figure would be subject to seasonal variations with the peak number of

movements being in the period July to September. During this period it is the only time that all six machines would be moving to and from the site.

- The only route used by the mobile seed machines would be via Sandpits Lane onto the B1070 heading towards the A12 and they would return by the same route. Support vans and deliveries would also mirror this route.
- The majority of staff, one contract operator, and one temp staff member would be expected to travel to the site from the A12.
- In summary to the routing of movements, not only will the number of traffic movements be a fraction of those estimated in association with the previous application, but the pattern of the movements can be guaranteed to minimise any additional risk at the Sandpits Lane/B1070 junction.
- All machines, equipment and maintenance/servicing would be carried out inside the building.
- New planting/construction of boundary treatment would improve the local environment, and provide security to the site.
- Out of season working hours would normally be 07:00 to 16:00, but during peak periods the hours would vary, however this would be no different to the existing use of the building as a grain store/agricultural storage building.
- The proposed use has a close affinity with agriculture and the open volume of the building makes it ideal for the use envisaged. Equally the traffic generation is relatively light for a building of this size and can be controlled so as to eliminate any unacceptable increase in dangers at the Sandpits Lane/B1070 junction. The applicant's would have no objection to a condition being opposed similar to that controlling the use of their existing premises at Nayland.

5. The applicants have submitted details to illustrate the location of vehicle parking/turning areas and accesses into the site, including existing and proposed boundary treatment.

RELEVANT PLANNING HISTORY

6. 2005 – Planning permission refused for the conversion and change of use of agricultural building to Class B1 business use (B/05/01408/FUL refers). The reason for refusal is as follows:

'...the forward visibility of vehicles wanting to turn right into Sandpits Lane from the B1070 to access the site is severely sub-standard and obscured by the hedge that surrounds the property 'Mayfields,' this hedge is not within the control of the applicant and so the visibility at this location cannot be improved, thereby this access is unacceptable in road safety terms'.

7. 1979 – Planning permission granted for an agricultural building for housing beef cattle (B/79/00999/FUL refers).

POLICY

PPS7 – Sustainable Development in Rural Areas.

8. PPS7 states that one of the Government's objectives for rural areas is to promote the development of the English regions by improving their economic performance so that all are able to reach their full potential by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies.
9. PPS7 encourages planning authorities to support a wide range of economic activity in rural areas, however also taking account of sustainable patterns of development and sustainable communities in rural areas and their circumstances, needs and priorities.

10. National and local planning policies support the re-use and adaptation of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. There is an economic argument for retaining and re-using traditional rural buildings, and in addition it can help to protect the landscape quality and character of rural areas by retaining traditional buildings and minimising the need for new buildings. Re-use for economic development purposes will be the preferred use.

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

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

Suffolk Structure Plan 2001

- ENV2 ‘Re-use of Rural Buildings’
- ENV3 ‘Design Standards’
- ENV4 ‘The Countryside’
- ECON4 ‘Location of New Employment Development’
- CS6 ‘Rural Communities’

Babergh Local Plan (Alteration No.1)

- LP50-51 ‘Conversion of under-used buildings in the Countryside’
- LP28 ‘General Economic and Employment’
- LP63 ‘Sewerage and Sewerage Disposal’
- LP93 ‘The Countryside’

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

- CR30 ‘Buildings in the Countryside’
- CR29 ‘Farm Diversification’
- CR01 ‘Landscape Quality’
- EM01 ‘General Economic and Employment’
- EN16 ‘Sewerage and Sewerage Disposal’

OBSERVATIONS

12. PC – Approve the application subject to the applicant giving a written undertaking that the applicant’s vehicles will not come from the Hadleigh direction on the B1070 and turn right at Mayfield’s Corner towards Bacon’s Green, and that coming from the site the applicant’s vehicles will not turn left past the houses in Bacon’s Green towards Noakes Road.
13. CHA – Comments to be verbally reported if available.
14. EA – Comments to be verbally reported if available.

15. HoES – No concerns in respect of loss of amenity to nearby residential properties. Vehicle movements will cause some disturbance in this quiet locality particularly during summer months, however these may not be significantly different to the number of agricultural vehicles that could legitimately use the premises for the existing agricultural use. The structure of the building should be adequate to contain noise from normal cleaning/maintenance processes, however if complaints of noise were received these could be investigated under the provision of the Environmental Protection Act 1990. The Environmental Services Division has not received complaints regarding the applicant's site at Nayland.
16. SPS – The Society considers that this is an industrial activity which would be best suited to an urban industrial site. The access to the proposed site is poor and the local country lanes are totally unsuitable for large transporters. This is an unsuitable activity and use in the open countryside.
17. 17 letters of objection have been received from local residents. The issues and objections raised are summarised as follows;
- Highway safety issues (11 letters)
 - Traffic increase on local roads and through village (11 letters)
 - Local highway network unsuitable for additional traffic (8 letters)
 - Noise pollution (6 letters)
 - Change to rural character of the area (6 letters)
 - Previous application refused on highway grounds and this application no different (5 letters)
 - Danger to horse riders, cyclists and walkers (5 letters)
 - Proposed hours of operation excessive (5 letters).
 - Light pollution (3 letters)
 - Traffic already damaging the Green (3 letters)
 - The site is being illegally operated currently by the applicant (2 letters)
 - Rate of industrial development in area getting out-of-hand (2 letters)
 - Affect on house prices (2 letters)
 - Reducing existing hedgerows unnecessary (2 letter)
 - Hardstanding could lead to outside storage of skips, pallets, bins etc (2 letters)
 - The applicant's site at Nayland has since been expanded twice, greatly adding to traffic movements. It is anticipated that similar expansion would be sought should permission be granted (2 letters)
 - The entrance directly in front of the barn is more appropriate and safer location for a main entrance (2 letters)
 - No mention made by applicant regarding storage of chemicals (2 letters)
 - Air pollution (2 letters)
 - Adverse impact upon wildlife, including protected species (1 letter)
 - No benefit to village (1 letter)
 - Impact on residential amenities (1 letter).
 - Residents of Holton St Mary have put a lot of effort into making the village the best small village in Suffolk (1 letter)
 - Objector has heard from residents in Nayland where they operate currently that during the peak periods lorries are coming and going at all hours of the day and night with high levels of disturbance to nearby residents (1 letter).
 - The barn is already being used by the applicants and there has been activity during the evening and daytime. Also there are no toilet facilities which means that there is frequent urinating at the back of the barn (1 letter)

- Lorries are reversing back and forth in order to enter Holton Place as the road is not wide enough (1 letter)
- Proposed planting of additional hedging will further reduce road width and visibility (1 letter)
- Site should be developed for affordable housing (1 letter)
- Traffic would still use the back roads, irrespective of what the applicant says (1 letter)
- The applicant's estimated vehicle movements per year is conservative and unrealistic (1 letter)
- No toilets, including washing facilities or sewerage disposal connection on site is mentioned by the applicant (1 letter)
- Dust pollution (1 letter)
- No mention of type of tools used for maintaining and cleaning equipment, but it is understood this could involve high pressure air to blow dust of machinery and vehicles as well as high pressure wash downs. In the summer months the barn doors will be open and sound will travel (1 letter)
- The owner of the site, not the applicant who is presumably leasing the premises, will still be undertaking farming using a contractor. Annual contractors vehicle movements must therefore be aggregated onto the applicants movement table from the B1070 and through Bacon's Green to the site owners yard/fields and adjacent area which surrounds the Green (1 letter)
- Application is only loosely related to agriculture. This application is effectively for a transport depot for the maintenance and cleaning of vehicles (1 letter)
- Unknown damage by traffic to foundations of houses (1 letter)
- Undertaking required from PC is nonsense as enforceable. The applicant can use any road (except where weight restrictions are in force) in any direction at any time (1 letter)
- If application is approved then applicants may move their head office from Nayland to Holton, as they themselves have omitted that it will be easier for access to the A12 and A14 (1 letter)
- The number of vehicle movements given in the application are no longer relevant once approval is given (1 letter)

18. In response to some of these objections, and in response to your officer's letter seeking further information as to this proposal, the applicant has made the following points;

- During peak periods activity at the site will be from 06:00 to 07:00 in the morning through to 20:00 in the evening, although on occasion machines may not return until 21:00 to 22:00. However this does not involve all six machines and vans at the same time.
- The pattern of activity will reflect the pattern of activity in the agricultural community.
- The lorries will mostly be serviced elsewhere and it is only the seed processing machinery which would be regularly serviced and maintained at the site. This would involve cleaning components with an air line, greasing bearings, replacing oil, testing the tension of belts, checking the condition of joints and checking for leaks. All of this would be carried out in the building.
- An air compressor would be used from time to time to clean the surface and flooring of the grain cleaning equipment.
- Minor vehicle washing would occur at the site. All major washing of vehicles, removal of oil etc will be carried out at the Nayland site.
- Chemicals would be stored at the site, but no hazardous chemicals would be stored at the site. This is also the case at Nayland. All seed treatments used by the company are approved by DEFRA and the company is BASIS registered for the safe storage and handling of these chemicals.
- The applicant has enclosed a block plan indicating how all lorries and support vans would be stored in the building.

- The use of existing accesses are important to the safe and efficient operation of the site. Seed machines would enter via the Bacon's Green access, pull up in front of the building and reverse in. They would then exit the site via the access in front of the barn.
- The erosion of the southern apex of the Bacon's Green verge was caused by an articulated lorry parked over night, this was not associated with either the company or the farm. The proposed widening of the existing access will make it easier for vehicles to enter the site without over running the verge at Bacon's Green.
- Normal working activities at the site should not affect nearby residential amenity. Foam proofing has been installed to gaps in the side cladding and it is proposed to install additional foam proofing at eaves level, which will help to ensure that local residents do not suffer from any noise that might be generated within the building.
- Activity on the site would compare favourably with the past use of the barn and hardstanding which has been used 7 days per week throughout the year. Apart from seasonal demands, mainly in August and September, the site would be largely operational 5 days a week. During the busy harvest seed-processing season all work will be carried out on customers farms and the site will be mainly unoccupied.
- Any dust within the building will be removed using an industrial vacuum.
- The company proposes to improve and supplement the existing hedgerow, allowing it to grow taller, so as to enhance the visual aspect and landscaping of the site.
- Anglia Grain Services provide an essential service to local agriculture, processing seed to help farmers establish healthy crops free of disease. The seed machines are not haulage lorries and in this regard the company does not require an operators license to use the site.

19. In response to the applicant's letter an objector has made the following points;

- The second access to the site (closest to the Green) did not form part of the previous application. This additional access is compounding road safety and is not fully taking into consideration local residents and other road users.
- Unnecessary widening of accesses will mean the removal of hedging and the replanting will take many years to grow.
- The owner of the site when farming kept cattle in the barn and there were never excessive farming activity nor vehicular movements 365 days per year between the hours suggested. No activity took place on Sundays or Public Holidays. The applicants proposed hours are far in excess of this.
- During the summer months the barn doors will invariably be open and the sound will travel. The noise of external compressed air lines used for cleaning will certainly be very audible to houses within 50 metres.
- The road safety issue has not changed in respect of the junction onto the B1070 at Mayfield's Corner that was the reason for refusal of the previous application.
- The objector notes the following conditions should be attached to any planning permission:-
- The access at the front of the barn to only be used by the applicant and not the access nearest the Green;
- Only the hedging at the barn access to be replanted;
- Restrictions on working hours to between 07:00-20:00 and no Sunday and Bank Holiday working;
- The use of external air hoses permitted only between 08:30-19:00 and only in a 10 minute duration per hour;
- No skips, pallets etc to be stored on the hardstanding area;
- Toilets and washing facilities to be installed in the barn; and
- A maximum of six lorries to be at the site at any one time, and no further increase in development to be permitted at the site.

ASSESSMENT

20. The most relevant policies in this case are ENV2, LP50-51 and CR30, which seek to ensure that the conversion or re-use of sound traditional rural buildings will be supported for employment purposes where the building and the proposed use respect the rural setting, and where its use would not adversely affect (inter alia) highway safety and residential amenity.
21. The main planning issues to be considered in assessing this proposal are;
- Potential impact upon highway safety;
 - Impact on residential amenity;
 - Likely impact on the character and appearance of the countryside.
22. Proposals for the re-use or conversion of under-used or redundant buildings in the countryside for employment related purposes are actively encouraged within published Government planning guidance and a number of policies within the Development Plan.

Potential impact upon highway safety

23. The CHA comments are awaited on the application and will be reported verbally, if available, at the meeting.
24. The issue of highway safety has been made by many residents, particularly at the junction of Sandpits Lane and the B1070. In assessment of the previous refusal on this site, the CHA provided information based on the TRICS 2005 database to provide expected vehicle movements for Class B1 (office usage). This information suggested an office use would generate traffic movements on average of 43,472 per year. The applicant for this current application has indicated an average of 5,304 vehicle movements per year.
25. Following on from the previous refusal, and the adverse impact created by additional traffic turning right into Sandpits Lane from the B1070, the applicant has indicated measures of routing vehicle movements to avoid this scenario, and also the avoidance of using local country roads around the site. However, it must be noted that although the avoidance of turning right into Sandpits Lane from the B1070 is preferable, the attachment of a planning condition to any planning permission seeking this requirement is unlikely to be enforceable.

Impact on residential amenity

26. The proposed use of the site as a grain cleaning contractors depot essentially means the operations of grain cleaning is undertaken away from the site, on the farms themselves. The applicant has made representation that the lorries and support vans would be stored inside the building, and any cleaning/servicing would be undertaken inside the building. It is therefore considered that there would be no adverse impact upon residential amenity from the operations within the building. Those issues raised with regards to outside storage/parking, as well as light pollution could be controlled by way of imposing relevant conditions to any planning permission.
27. There is some local concern about the operation of excessive noise producing equipment within the building, and this having an adverse impact on residential amenity during the summer months when the doors of the barn will be open. It must be noted that during your officer's site visit last summer, operations were being carried out within the barn by a tractor and trailer moving grain about with the doors open. In any event, if noise complaints were received these could be investigated under the provisions of the Environmental Protection Act 1990.

28. The hours of working at the site are somewhat more difficult to control, due to the seasonal peaks and knock on effects as to leaving and arriving at the site. However, the existing lawful use of the building is of an agricultural building, where there is no control upon the hours of use. It is considered that the proposed use is clearly related to agriculture, and therefore the hours of use throughout the year including the seasonal peaks in August and September, would not be adversely different to the existing lawful use of the building. It is suggested that a planning condition be attached to any planning permission restricting the use solely to a grain cleaning contractors depot as described on the application, and for no other purpose. Please note an hours of working condition was not attached to the permission granted to the applicant for the use of the Nayland site. However it is acknowledged that the Nayland site is approximately 250 metres away from the nearest residential dwelling, although all lorries have to exit the site from a single access track onto the Wiston Road, where at this point the access junction is approximately 40 metres away from the nearest residential dwelling.

Likely impact on the character and appearance of the countryside

29. The proposal involves the change of use of an existing agricultural building which is generally supported by national and local planning policies. As well as potentially providing local employment opportunities, a new use would enable the site to be tidied up, landscaped and put to a positive use without extending into open countryside. Furthermore, the retention of existing hedgerows, and additional hedgerow planting to improve the accesses at the site, would help to enclose the car parking area from views outside of the site, and lead to an increase in biodiversity value. However, it is acknowledged that to improve the visibility splays of the accesses to the site existing hedgerows will need to be removed, and a new hedgerow planted further back from the original. The re-growth of the new planting will take a number of planting seasons before it can help to screen the site. A planning condition would be attached to any planning permission for a full landscaping scheme, and the retention of the hedgerows at a minimum of 2 metres in height.

Objections

30. Comments have been made by local residents with regards to the storage of chemicals at the site. The applicant has indicated some chemicals would be stored at the site, but no hazardous chemicals as described in Schedule 1 of the Planning (Control of Major Accident Hazards) Regulations 1999. Given the nature of the site, i.e. that the site is not located in any floodplain, it is unlikely that the control of the chemicals required by the applicant at the site would not be required by way of a planning condition.
31. Comments have been made by local residents with regards to future expansion of the site. Any future extensions of the building are likely to require planning permission in their own right, and therefore would be scrutinised under a separate planning application.
32. It is understood that the building is already being used by the applicant for the operation being proposed in this application. This of course would be in breach of planning control, however no action has been taken to date until the outcome of this application is determined.
33. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendations are made: -

REASONS FOR APPROVAL (IF APPROVED)

It is considered that having regard to those relevant policies in the Development Plan, the proposed use would not adversely affect the landscape characteristics and biodiversity of the area, and would not reduce the amenities enjoyed by occupants of the neighboring properties, would not result in the loss of any significant trees and is acceptable in terms of highway safety and convenience.

RECOMMENDATION A

Grant planning permission subject to the following conditions –

- As recommended by CHA
- As recommended by EA
- No floodlighting or other means of external lighting (unless separate planning permission granted)
- No working or storage outside the building
- Landscaping of the site (including boundary treatment)
- The use to be restricted to a grain cleaning contractor's depot
- Details of the provision of toilet and washing facilities

RECOMMENDATION B

Refuse planning permission as recommended by the CHA.

DECISION

ITEM 16B/06/00278/FUL
FULL**HOLBROOK – ALL SAINTS CHURCH, CHURCH HILL**

Erection of 7 metre flagpole antenna on Church tower.

Applicant: Orange Personal Communications

Case Officer: Mrs Clare David

SITE

1. The Grade II* All Saints Church is situated on the eastern side of Church Hill and lies wholly within the built up area boundary for the village and an Area of Outstanding Natural Beauty. A public footpath runs approximately 5m south of the site. Residential properties are located approximately 55m to the south and east, and 80m to the north of the site.

PROPOSAL

2. The proposed 7 metre high flagpole antenna is located on the Church tower, with a height of 20.4 metres above ground level.
3. Information has been submitted in support of the application and can be seen in full by prior arrangement with the case officer. The following comprises a summary of the points raised: -
 - The flagpole antenna will replace the existing flagpole with four small equipment cabinets to be located within an internal equipment room.
 - Currently inadequate provision of Orange service in this area and the proposed site has been selected to provide the adequate level of service.
 - Two alternative sites were considered. Fire Station tower was not chosen, as the Fire Service are uninterested in hosting telecommunication equipment. Village highway verges – although a mock telegraph pole or lantern is feasible the height restrictions make these a less effective proposition.

RELEVANT HISTORY

4. None

POLICY**5. PPG 8 (Telecommunications)**

PPG 8 offers guidance to local planning authorities in relation to telecommunications development. The Government recognises that in some cases, the nature of telecommunications development may be in conflict with established local and national policies. However, local planning authorities are urged to 'be alive' to the special needs and technical problems of telecommunications development. Each application for telecommunications development (PPG8 advises) should be determined in accordance with the development plan unless material considerations indicate otherwise.

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

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

Suffolk Structure Plan 2001

- Policy ENV1 (Listed Buildings)
- Policy ENV7 (Areas of Outstanding Natural Beauty)

Babergh Local Plan Alteration No.1

- Policy LP78 (Listed Buildings)
- Policy LP95 (Areas of Outstanding Natural Beauty)
- Policy LP156 (Telecommunications)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy CN10 (Listed Buildings)
- Policy EN27 (Telecommunications)
- Policy CR02 (Areas of Outstanding Natural Beauty)

OBSERVATIONS

7. PC – To be reported verbally if available.
8. English Heritage - To be reported verbally if available.
9. Letters – Four letters have been received in relation to the proposal. Three are of objection and one of support. The objections are as summarised:
- Adverse visual impact on the Area of Outstanding Natural Beauty
 - Modern antenna on a landmark building and Grade II* listed building, this can only be the beginning of future attachments to the mast.
 - Health concerns and perception of adverse health effects – too close to residential property and public gatherings in the church
 - Decrease value of property
 - Alternative sites not considered sufficiently

The letter in support advises that the reception in the village is dire and an approval to the scheme would result in a long over due improvement to the service. Health concerns cannot be justified.

ASSESSMENT

10. Local Plan policies LP156 and EN27 highlight the need to protect listed buildings and Areas of Outstanding Natural Beauty from telecommunications development which would significantly harm their appearance, character or setting. Policies LP78 and CN10, seek to ensure that alterations to listed buildings should preserve the historic fabric and character of the building, and be of appropriate scale, form, siting and materials to harmonise with the existing building and its setting.

11. In 1999 the Government commissioned the National Radiological Protection Board (NRPB) to set up the Independent Expert Group on Mobile Phones. The group, which was chaired by Sir William Stewart, considered public concerns about health effects of mobile phones, base stations and transmitters. The Group’s report (known as the Stewart Report) concludes that ‘the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well being in some cases.’ The Group recommended a precautionary approach, comprising a series of specific measures, to the use of mobile telephone technologies until more detailed and scientifically robust information on any health effects is available. The Stewart Report stopped short of suggesting that Local Planning Authorities should refuse planning permission to telecommunication masts and equipment either wholly or partly on health grounds.

12. The Government is firm that Local Planning Authorities should not consider the health aspects of a telecommunications equipment proposal, if the application meets the guidelines of the International Commission on Non-Ionising Radiation Protection Board. In this case, documents submitted with the application confirm that the proposed equipment works within those guidelines.

13. The appearance of the proposed flagpole antenna is such that it will not be particularly noticeable, or alien, given its replacement of the existing flagpole on the church tower. In light of the above, it is not considered that the proposed installation will detract from the character of the Grade II* church or the appearance of the Area of Outstanding Natural Beauty.

REASON FOR APPROVAL

The proposal, for the erection of a 7 metre flagpole antenna on the Church tower is considered to be in accordance with the provisions of policies LP78, LP95 and LP156 of the Babergh Local Plan, Alteration No.1 and emerging policies EN27, CN10 and CR02 of the Second Alteration to the Local Plan. In particular, the proposed development is not considered to lead to any significant adverse impact upon the character of the listed building or surrounding area by virtue of its flagpole design and location on an existing building.

RECOMMENDATION

Subject to no objection from English Heritage, The Head of Planning (Control) be authorised to grant planning permission.

- Colour of mast to be agreed
- No further antenna to be added without the grant of planning permission

DECISION

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ITEM 17B/06/00330/RES
RESERVED MATTERS

HADLEIGH – FORMER HADLEIGH BUILDING SUPPLIES, BENTON STREET

Submission of details under Outline Planning Permission B/01/00362/OUT – the siting design and external appearance and landscaping of and the means of access to the site for the erection of 11 no. detached two-storey dwellings with garaging. Alterations to existing vehicular access.

Applicants Mr M and Mr P Mitchell

Case Officer: Mrs Clare David

SITE

1. The application site comprises a level regular shaped parcel of land located to the south western side of Benton Street. The area measures approximately 0.7 ha. An area of permanent pastureland separates the site from the River Brett. The site was formerly occupied by a builders merchants and suppliers business. The business operation has since located to a purpose built premises at the Lady Lane Industrial Estate. The site is vacant and has been cleared of all former buildings.
2. The site lies outside of the defined built up area for Hadleigh; is partly within the Conservation Area and on the edge of but outside the Special Landscape Area. A number of listed buildings are present within the immediate vicinity.
3. Members are also advised that since the consideration of the outline planning application, the indicative floodplain maps have been updated by the Environment Agency. Whereas the site lay outside of the floodplain at the time of the outline planning application, it now lies partly within the defined floodplain.

PROPOSAL

4. The application seeks approval of the siting, design, external appearance and landscaping of and the means of access to 11 no. detached two storey dwellings. Plots 1 and 11 front Benton Street with the access centred within the site frontage. The properties proposed to these two plots are two storey buildings and take their design from historical buildings within the Benton Street area. They are rendered and with tiled roofs.
5. The remaining 9 properties are predominantly two storeys although incorporating a range of 1 and a half and single storey ridge heights to provide appropriate visual breaks and spacing between the buildings. The properties in this section of the site i.e. behind plots 1 and 11 are arranged in a less formal cul-de-sac type arrangement and their design, whilst reflecting historic design features, is more contemporary, incorporating for example large glazed areas in their gables.

HISTORY

6. 1965 – use of land for storage of builders and agricultural plant and machinery. Approved. S/65/804.

7. 1973 – Renewal of planning permission for storage of builders, agricultural contractor’ plant and machinery. Approved. S/73/328.
8. Erection of two-storey building to accommodate showroom and offices. Approved. B/96/01345.
9. 2001 – Outline planning permission for the erection of 11 no. detached two storey dwellings with garaging. Alterations to existing vehicular access. Demolition of existing buildings. Approved. B/01/00362.
10. 2005 – Submission of details under outline planning permission B/01/00362/OUT. Withdrawn. B/05/00319.
11. 2005 – Variation of condition 15 attached to planning permission B/01/00362/OUT to allow alternative arrangements for the purpose of manoeuvring and parking of vehicles.
12. Members will note that the reserved matters application referred to at paragraph 10 was withdrawn following the grant of planning permission to vary a condition 15 of the outline planning permission. This condition required that the parking and manoeuvring areas within the site was to be provided in accordance with a particular drawing number. The submission of the subsequent reserved matters application in 2005 was based upon the layout drawing referred to in Condition 15 and was not considered to provide an acceptable arrangement within the site and particularly in allowing plots 1 and 11 to have a public face with Benton Street. The current application represents a resubmission allowing for an improved internal layout.

POLICY

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

13. **PPG 3 – Housing** – states that Local Planning Authorities should seek to achieve an efficient use of previously developed land seeking greater densities of developments at places with good public transport and service provision.
14. **PPG 15 – Planning and the Historic Environment** – advises that the desirability of preserving and enhancing Conservation Areas extends to developments which would affect its setting and views into and out of the designated area.
15. The following adopted and emerging Development Plan policies are considered relevant to this application: -

Suffolk Structure Plan 2001

- Policy ENV1 (Listed Buildings and Conservation Areas)
- Policy ENV3 (Design Standards)
- Policy ENV4 (Protection of the Countryside)
- Policy ENV6 (New housing in the Countryside)
- Policy ENV8 (Special Landscape Areas)

Babergh Local Plan Alteration No.1

Hadleigh is identified as a town for the purposes of the Babergh Local Plan (Alteration No 1)

- Policy LP3 (New Housing Development in Towns)
- Policy LP16 (Housing Densities)
- Policy LP17 (Residential Infill Sites)
- Policy LP18 (Design Standards)
- Policy LP78 (Conservation Areas)
- Policy LP79 (Development within the Vicinity of Listed Buildings)
- Policy LP97 (Special Landscape Areas)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS01 (Housing Developments within Towns)
- Policies HS11 and HS12 (Housing Density and Housing Types)
- Policy HS14 (Design of New Housing)
- Policy CN01 (General Design)
- Policy CN10 (Listed Buildings and Conservation Areas)
- Policy CN12 (Setting of Listed Buildings)
- Policy CR01 (Protection of the Countryside)
- Policy CR05 (Special Landscape Areas)

OBSERVATIONS

16. TC – To be reported if available.
17. CHA – The submitted information is not sufficient to satisfy the associated highway conditions that were imposed on the outline planning permission.
18. EA – Submit advisory comments regarding warehouse extensions.
19. SCC (Archaeology) – the condition on the outline planning permission is satisfactory
20. Letters – One of objection. The main points are as listed:
 - Part of the site is within the floodplain
 - Increased traffic on Benton Street
 - Gardens are small for family houses and there is no play space
 - Children will play on the fields which are environmentally sensitive
 - No affordable housing is proposed
 - The properties look out of place in the Conservation Area

ASSESSMENT

21. The relevant policies in relation to the determination of this application are policies ENV3, LP16, LP17, LP18, HS11, HS12, HS14 and CN01, all of which refer to housing layouts, densities and design, and policies ENV8, LP78, LP79, LP97, CN10, CN12 and CR05, which seek to protect and enhance Conservation Areas, the setting of listed buildings and Special Landscape Areas.

22. Members will note that the principle of residential development on this site was established on the grant of planning permission in 2003. The current application seeks approval of reserved matters including details of siting, design, external appearance and landscaping of and the means of access to the site.
23. The density of the development was informed by the outline planning permission at which time the Council commissioned an independent valuation report to establish the number of dwellings that would be required to finance the relocation of the existing builders yard to a more appropriate location on the Lady Lane Industrial Estate. The report concluded that the number of dwellings specified within the outline planning permission (i.e. 11) was reasonable. Outline planning permission was granted subject to a number of controlling conditions. However, there was no requirement for the applicant to enter into a Section 106 planning obligation for the provision of affordable housing, public open space contributions etc as the relocation of the business from the Conservation Area and in close proximity to listed buildings was considered to provide sufficient planning gain.
24. The current application is considered to reflect the layout and numbers of dwellings indicated in illustrative form at outline stage. There are however some areas of concern mostly with regards to the finer detailing of the proposed dwellings and discussions with the applicant are on going in order to secure acceptable revisions to the scheme. Furthermore, and in respect of the comments received from CHA, discussions regarding the appropriate visibility splays and public footpaths are also underway.

REASON FOR APPROVAL (IF APPROVED)

The proposal, for the erection of 11 no. detached two-storey dwellings and garaging, is considered to be in accordance with the provisions of policies ENV1, ENV3 and ENV8 of the Suffolk Structure Plan 2001, policies LP18, LP78, LP79 and LP97 of the Babergh Local Plan (Alteration No.1) and emerging policies HS14, CN01, CN10, CN12 and CR05 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 the dwelling will satisfactorily relate to the site and it's setting (being within a Conservation Area, and adjacent to a Special Landscape Area and within the setting of a number of listed buildings). Furthermore, subject to compliance with the conditions attached to this permission and owing to their siting, scale and fenestration layouts, the dwellings would not reduce the amenities enjoyed by occupants of neighbouring property, would not result in the loss of any significant trees and is acceptable in terms of highway safety and convenience.

RECOMMENDATION

- A. Subject to the receipt of satisfactorily revised drawings by no later than 1 May 2006 the Head of Planning (Control) be authorised to approve the reserved matters with the following conditions
- Notwithstanding submitted details a landscaping scheme to be submitted
- B. Otherwise the Head of Planning (Control) be authorised to withhold approval on the basis that the development would be contrary to policies ENV1, ENV3 and ENV8 of the Suffolk Structure Plan 2001, policies LP18, LP78, LP79 and LP97 of the Babergh Local Plan (Alteration No.1) and emerging policies HS14, CN01, CN10, CN12 and CR05 of the Babergh Local Plan (Alteration No.2) - Second Deposit Draft. As the layout and design of the development would not be conducive to the setting of nearby listed buildings and the Special Landscape Area and would neither preserve nor enhance the Conservation Area. The development would not be acceptable in highway safety terms.

DECISIONITEM 18B/06/00321/FUL
FULLPOLSTEAD – COPELLA FRUIT JUICES Ltd, HILL FARM, BRICK KILN HILL

Erection of blending area extension to production facility rear and construction of new section to estate road and ancillary hardstanding

Applicant: Copella Fruit Juices Ltd

Case Officer: Clare David

SITE

1. Hill Farm lies in Polstead Parish to the northeast of the junction of the B1068 (linking Stoke by Nayland with Harrow Street, Leavenheath) and Stone Street.
2. The applicants occupy buildings on the site, which they use for the production and packaging of fruit juices. Adjacent to the north are buildings occupied by Boxford Fruit Farms.

PROPOSAL

3. The application comprises seeks permission for the erection of an extension for use as a blending area. The proposed extension to the packing facility is to be clad in profiled metal sheeting to match the existing buildings and measures approximately 11 m in overall width, some 16m in depth and has a maximum height of approximately 13m. The building is proposed to house four blending tanks.
4. The applicant's agent has submitted a supporting statement, summarised as follows:
 - The proposal is located within an open yard area currently occupied by various pieces of external plant and equipment, which has been removed or is made redundant by virtue of the Phase 2 development approved by B/05/00955/FUL
 - The building is designed to enclose new storage tanks
 - It will be clad in materials to match the existing cladding
 - The height is of similar dimensions to that of the recently approved utility building

HISTORY

5. 2005 – Planning permission granted for alterations to waste water treatment plant (B/05/00892/FUL)
6. 2005 – Planning permission granted for extension to production building, new plant room, hardstandings and roadway and new weighbridge, three storage tanks, external lighting (B/05/00955/FUL)

7. 2004 – Planning permission granted for phase two development including extension to packing facility, canopy and new section of estate road. (B/04/02265/FUL)
8. 2003 – Planning permission granted for erection of two-storey extension and single-storey side extension to existing warehouse and extension to plant room and erection of new warehouse (existing warehouse to be demolished) without compliance with Condition 06 attached to P.P. B/02/01975/FUL) (B/03/00904/ROC).
9. 2003 – Planning permission granted for erection of two-storey extension and single-storey side extension to existing warehouse and extension to plant room and erection of new warehouse (existing warehouse to be demolished) (B/02/01975/FUL).
10. 2000 – Planning permission granted for extension to existing packaging facility to form goods store, erection of office block and construction of car park and new access road and extension of existing service centre to form boiler house (B/00/00839/FUL).
11. 1999 – Planning permission granted for construction of effluent treatment plant with balance tank, aeration tank, clarifier, sludge tank and control building, and alteration to existing vehicular access (B/99/01187/FUL).
12. 1997 – Planning permission granted for the erection of extension to warehouse/bottling building for use as apple store and pressing facility (B/97/00413/FUL).
13. 1992 – Planning permission granted for the continued use of existing buildings and hardstanding for production, packing, storage and distribution of fruit juices and other drinks (B/92/00081/FUL).
14. 1990 – Planning permission granted for the retention of prefabricated office building and installation of septic tank (B/90/01401/FUL).
15. 1986 – Planning permission for the erection of agricultural building for the storage of produce and general purpose use (B/86/00825/FUL).
16. 1986 – Outline planning permission granted for the erection of an agricultural storage (B/86/00186/OUT).
17. 1974 – Planning permission granted for the erection of four apple cold stores (B/74/00235/FUL).
18. 1969 – Planning permission granted for cold stores (S/69/302/C).
19. 1968 – Planning permission granted for an apple packing house (S/68/28/C).

POLICY

PPS7 (Sustainable Development in Rural Areas)

20. PPS7 states that nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.

21. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.

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

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

Suffolk Structure Plan 2001

- Policy ECON1 (Employment Development)
- Policy ENV3 (Design Standards)
- Policy ENV7 (Protection of AsONB)

Babergh Local Plan Alteration No.1

- Policy LP28 (General Employment)
- Policy LP93 (Countryside)
- Policy LP95 (AsONB)

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

- Policy EM01 (General Employment)
- Policy EM12a (Expansion of existing employment use or premises)
- Policy CR01 (Landscape Quality)
- Policy CR02 (AsONB)
- Policy CN01 (General Design)

OBSERVATIONS

23. Polstead PC – To be reported verbally if available.
24. Boxford PC – No objections. Support the local employer and note that the nature of the structure is an infill and not extending the site.
25. Assington PC – To be reported verbally if available.
26. Leavenheath PC – To be reported verbally at the meeting if available.
27. Stoke By Nayland PC – Recommend approval.
28. CHA – To be reported verbally if available.
29. EA – To be reported verbally if available.
30. Dedham Vale and Stour Valley Project – To be reported verbally if available.
31. 24Seven Utility Services Ltd – To be reported verbally if available.
32. Letters - None received at time of writing the report.

ASSESSMENT

- 33. Central to the assessment of this application is Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Social Development) and Suffolk County Structure Plan Policy ECON1 which provides that an existing business should be permitted to expand provided in doing so, it does not cause problems of residential amenity, transport or the environment generally. Babergh Local Plan Policy LP95 requires that Policy ECON1 be applied strictly because of the application site's location within the Dedham Vale AONB.
- 34. The new extension proposed on the site will have minimal visual impact, despite their industrial nature and location within the AONB. The extension to the existing building on site will be of a similar design and materials and will be seen largely against the backdrop of the existing buildings and will be of a similar height to that of the utility building recently approved. Furthermore it is within an area currently or previously used for the storage of external plant and machinery.
- 35. In terms of residential amenity, it is not considered that the current proposal would have an adverse impact on current levels of amenity by virtue of its location within the existing complex of buildings. Concern has been expressed in the past with regards to external lighting. This can be controlled by condition.
- 36. With regard to the above assessment, the proposal is considered to comply with the requirements of the aforementioned planning policies and the following recommendation is made:-

RECOMMENDATION

Grant Planning Permission subject to condition –

- Materials
- Details of any mechanical equipment
- Details of lighting

DECISION

=====

ITEM 19B/06/00159/FUL
FULL

LEAVENHEATH – LAND WEST OF WOODBARN FARM, NAYLAND ROAD

Retention of fertiliser storage tower.

Applicant: D. A. and M. Hodge

Case Officer: Alison Taylor

BACKGROUND

This application is reported to Development Committee at the request of the Local Member. Planning permission is required as the structure exceeds 3m in height within 3km of an aerodrome.

SITE

1. Woodbarn Farm is set back approximately 210 metres from the A134 with its access also serving four residential properties. The tower is located at least 300 metres north of the main residential area of Leavenheath (Maple Way and Wrights Way) and approximately 2.2km north of Nayland Airfield. The site lies wholly outside the built up area boundary for the village.

PROPOSAL

2. This planning application seeks permission for the retention of a fertiliser storage tower approximately 20m from the agricultural buildings at Woodbarn Farm (not in the applicant's ownership).
3. The tower has a 36 cubic metre capacity, is 3m wide, 5.6m high and stands on a 3.5m by 3.5m concrete base.
4. It is proposed that there will be two HGVs visiting the site per year.
5. Two letters have been submitted in support of the application. The following comprises a summary of the points raised: -
 - Tower is needed because liquid fertiliser will be used on the land at Woodbarn Farm (approximately 230 acres) and it is necessary to have some storage capacity on site.
 - Tower needs to be adjacent to a hard road for delivery lorries (two per year).
 - The application of liquid fertilisers minimises discharge into surrounding hedges and ditches, as required by DEFRA.
 - The tower is no higher than the adjacent farm buildings.
 - The siting of the landing strip at Nayland means that planes take off in a southerly direction (i.e. away from the site of the tower) and land in a northerly direction from over the Stour Valley.
 - The houses on the Leavenheath estate, between the tower and the airstrip, are all in excess of 5.6 metres high.

HISTORY

6. None

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

7. The Government recognises the important and varied roles of agriculture including in the maintenance and management of the countryside. Planning policies should recognise these roles and support development proposals that will enable farming and farmers to become more competitive, sustainable and environmentally friendly.

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

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

Suffolk Structure Plan 2001

- Policy ENV4 (Countryside)

Babergh Local Plan Alteration No.1

- Policy LP93 (Countryside)
- Policy LP105 (Agricultural Buildings and Operations)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy CR01 (Countryside)
- Policy CR20 (Agricultural Buildings and Operations)

OBSERVATIONS

9. PC – To be reported if available.
10. CHA – No observations.
11. EA – No objection.
12. HoES – No adverse comments.
13. Nayland Airfield – No objection and give full support.
14. Civil Aviation Authority – No objection.
15. MOD – No safeguarding objections.
16. Letters - Two letters have been received in objection to the proposal. The following comprises a summary of the objections and issues raised: -
- Adverse visual impact on neighbouring dwellings and the wider landscape.
 - Single skinned tank, should be a bunded tank.

- Will devalue property.
 - Would be a health risk if the liquid fertiliser leaks and would in turn pollute the Nayland Golf Club reservoir.
-
- Large tankers will fill the towers three to four times a day causing noise and damage to the road surface which residents have to contribute to the cost of repair.

17. One letter has been received in support of the proposal. The following comprises a summary of the comments: -

- Owner of Woodbarn Farm buildings and the access to the farm, the applicant has right of way over the farm to carry out his farming operations.
- The tower is necessary with the change in farming regulations and will not incur any more vehicles.

ASSESSMENT

18. Structure plan policy ENV4 and local plan policies LP93 and CR01 state that the landscape quality of the countryside should be protected by restricting development to that which is essential for the efficient operation of agriculture, forestry, horticulture or recreation. Local plan policies LP105 and CR20 state that the following should be taken into account when determining proposals for agricultural buildings or operations: design, scale and massing; materials; siting and landscape impact.
19. Planning permission is required as the fertiliser storage tower exceeds 3m in height within 3km of an aerodrome. No objection has been received from the three aviation consultees and it is considered that the height of the tower (5.6m) and the distance (2.2km) from Nayland Airfield raises no safety concerns.
20. The tower is located approximately 20m from the adjacent Woodbarn Farm buildings, and it is not considered that the structure appears incongruous in this agricultural setting. The adjacent residential and farm buildings to the north and east, and the woodland to the west screen more distant views of the tower.
21. It is proposed that the tower will be filled by HGV twice per year and it is located approximately 56m from the nearest dwelling, it is not therefore considered to result in any significant adverse impact upon residential amenity. The Environment Agency and Highways Authority also have no objection to the development.
22. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made -

REASON FOR APPROVAL

Having regard to the pattern of existing development in the area and the relevant provisions of the development plan, it is considered that the fertilizer storage tower to be retained would accord with the provisions of policies LP93 and LP105 of the Babergh Local Plan (Alteration No. 1) and policies CR01 and CR20 of the Babergh Local Plan (Alteration No. 2) - Second Deposit Draft, does not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and is acceptable in terms of traffic safety and convenience.

RECOMMENDATION

Subject to receipt of a revised site plan to include the access and adjacent hardstanding for deliveries/servicing and Certificate B serving notice on the owner of this land, The Head of Planning (Control) be authorised to grant planning permission.

DECISION

ITEM 20B/06/00185/OUT
OUTLINE

GT. CORNARD – CORNARD MILLS, BURES ROAD

Outline – Residential development and conversion of Mill buildings to employment use, provision of open space, access and riverside path/cycle way (amendment to O.P.P B/03/01142/OUT to allow for 116 No. dwellings in lieu of 90 No. dwellings.

Applicants: Nestlé Purina

Case Officer: Richard Matthams

BACKGROUND

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

SITE

1. The site the subject of this application encompasses an area of approximately 3.2 hectares (7.2 acres) of industrial land and is located between the River Stour and the Sudbury to Marks Tey railway line. It lies outside, but abuts, the defined built-up area of the settlement and within the Stour Valley Special Landscape Area.
2. A complex of substantial industrial buildings, reaching 25 metres (80ft) in height covering approximately (102,250 sq.ft), previously, dominated the application site. These buildings which have been demolished house the day to day operations of the factory which until recently operated as a pet food factory.
3. The only buildings to remain on site are the more historic mill buildings. These are constructed in gault brick, and date back to the C18, but have been much altered over the years and are not listed as being of special architectural or historic interest. Immediately to the south of the traditional mill buildings across, the mill pond, is the Mill House (Grade 11 listed), which is in separate ownership and is not included within the site the subject of these proposals.
4. The topography of the factory site is generally flat lying at approximately 25 metres (80 ft.) AOD. However, some of the site closest to the riverbank is lower and located within the River Stour flood plain.
5. The factory site has approximately 500 metres (1,600 ft.) of river frontage, much of which has been planted with trees that are now well established and form a riverside woodland belt. Many of the trees are protected by a Tree Preservation Order (TPO).
6. The Sudbury to Marks Tey branch railway line lies to the west of and parallel to Bures Road. It crosses Mill Tye at a point approximately 75 metres (240 ft.) from Bures Road. The site is accessed via an un-manned railway level crossing.
7. Pet food production has now ceased at this site and the business has transferred to the applicants' modern factory premises on the Chilton Industrial Estate.

PROPOSAL

8. See Report Heading
9. The outline application proposes residential development and conversion of Mill Buildings to employment use, provision of open space, access and riverside path/cycleway. This application seeks establish the principle of 116 dwellings at the site instead of the 90 units which were approved by the extant outline planning permission B/03/1142/OUT. This would equate to a density across the site of 51 dwellings per hectare.
10. It is proposed to convert the more historic mill buildings to employment use and to redevelop the areas occupied by modern industrial buildings for new housing.
11. The application is supported by the following documents:-
 - Planning and Development Brief
 - Land Assessment
 - Phase 1 and 2 Risk Assessment (contamination/ground conditions);
 - Transport Assessment
 - Junction Assessment
 - Level Crossing Safety Assessment
 - Infrastructure Statement
 - Asbestos Assessment
 - Flood Risk Assessment
 - Ecological Survey
 - Protected Species Survey; and
 - Historic buildings Survey
 - Indicative (illustrative only) Masterplan
 - Architectural Design Statement
 - Transport Assessment
 - Rail Crossing Safety Assessment
 - Ecological Assessment and Management Proposals
 - Historic Environmental Impact Assessment
 - Inspection of Masonry Buildings Report

Members may inspect these supporting documents at this office if they so wish. Via contact with the case officer.

12. The proposed access and rail halt parking are shown on the accompanying indicative Masterplan. The approved access will provide vehicular and pedestrian access from Bures Road for the first phase of development and subsequent phases of development.
13. The illustrative Master Plan which accompanies the application puts forward the following principles as guiding the redevelopment of this site:
 - Given that the site is previously developed land within a sustainable location, new housing will be provided at an average density of 51 dwellings per hectare in line with Government guidance.
 - A variety of densities will be provided within the site to reflect the range of housing types and tenures.

- Conversion of the more historic buildings will involve some alterations to the physical fabric. These buildings are important for their landscape contribution and visual relationship to the listed Mill House, rather than their intrinsic architectural or historic character.
- Where possible, existing vegetation will be retained and enhanced.
- A strong and clearly defined design structure is required reflecting the urban fringe location. A strong landscape structure is also required.
- It is recommended that dwellings be specifically designed for the site rather than using standard house types. This will enable a locally distinctive character to be developed.
- The development should be designed with safety and security in mind and promote energy efficient buildings.

AFFORDABLE HOUSING

14. Pursuant to part 4 of the S106 Obligation attached to outline planning permission B/03/1142/OUT, the following affordable housing provision is required:

30% affordable housing provision

25% (22 of 90) on site; 5% off-site, by commuted contribution;

22 units to be provided as follows: 12 (55%) for rent; 10 (45%) as shared ownership;

The mix as follows:

<u>Rent</u>	<u>Shared Ownership</u>
4x1 bed flats	2x1 bed flats
4x2 bed flats	6x2 bed flats
4x2 bed houses	2x2 bed houses

The revised outline application proposes to develop a total of 116 dwellings. The applicant proposes that the uplift (26 dwellings) incorporate affordable housing provision at a rate of 35% (9xunits), to reflect emerging Local Plan policies and local housing need. This would provide a total of 31 affordable housing units across the site. Consequently, a revised S106 related to this outline planning permission would provide the following, total affordable housing mix:

<u>Rent</u>	<u>Shared Ownership</u>
6x1 bed flats	4x1 bed flats
8x2 bed flats	6x2 bed flats
5x2 bed houses	2x2 bed houses

RELEVANT HISTORY

THE APPLICATION SITE

15. There is an extensive planning history relating to the main factory site dating back to the 1960s. This relates to proposals for alterations and extensions to the existing factory complex.
16. 2003 – Outline planning permission refused for residential development including conversion of existing mill (following demolition of industrial buildings) – B/02/01819/OUT. Permission was refused on the grounds of:
 - Loss of employment opportunities; and
 - Impact on setting of the Mill House.
17. An outline planning application (B/03/00142/OUT) was submitted in June 2003, proposing residential development at an average density of 45 dwellings per hectare (approximately 90 dwellings) and the conversion of a number of the older mill buildings on the site for employment use.
18. Outline planning permission was granted subject to a number of conditions, including condition 3 stating that the maximum number of dwellings be 90. The permission is also subject to a Section 106 Agreement, including contributions to education and the provision of affordable housing, open space and parking of for the approved rail halt. Condition 3 was imposed to avoid congestion at the junction of Mill Tye and Bures Road and on the railway level crossing, in the interest of highway and public safety, in accordance with Policy LP3 of the Babergh Local Plan (Alteration No.1) and Policy HS01 of the emerging Babergh Local Plan Alteration No.2.
19. In May 2003 outline planning permission was granted for a new rail halt (B/02/01818/OUT) on the Sudbury-Mark's Tey line, immediately to the north of the site.
20. Also, in May 2003, detailed planning permission was granted for, inter-alia, the construction of a new vehicular access to Bures Road and the provision of parking for the proposed rail halt within the curtilage of the weighbridge building (B/02/1820/FUL).
21. The proposed access and rail halt parking are shown on the accompanying indicative Masterplan. The approved access will provide vehicular and pedestrian access from Bures Road for the first phase of development.
22. 2006- Planning Permission was granted for 40 houses (Phase 1 Reserved Matters).

23. 2006- (05/1747/FUL) The applicants made an application under Section 73 of the Town & Country Planning Act 1990 to vary Condition 3 of the outline planning permission issued under reference B/03/01142/OUT. The proposal for 116 dwellings would have exceeded the number of dwellings which could be built as part of the development authorised by the said outline planning permission, namely residential development at an average density of 45 dwellings per hectare. The Council could not legally approve the application under Section 73, as this would have resulted in the imposition of a planning condition allowing 116 dwellings to be built, which would have been inconsistent with the original outline planning permission. As a result the applicant submitted planning application B/06/00185/OUT.

POLICY

PPG3 – “Housing”

24. PPG3 (published March 2000) sets out current Government planning guidance in relation to the provision of new housing. The main thrust of this guidance is to create sustainable patterns of development. This is to be achieved in various ways such as:-
- Steering new development to locations where a range of facilities already exists so as to reduce reliance on the private car for journeys to work, school, shopping and entertainment.
 - Promoting mixed use developments.
 - Developing brownfield sites in preference to Greenfield sites.
 - Making efficient use of land by generally building at higher densities where compatible with local character.

PPG15 – “Planning & the Historic Environment”

25. PPG15 (published September 1994) sets out extensive Government guidance on all planning matters relating to the conservation of the historic environment.
26. It reiterates the requirements of Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 which states that in considering whether to grant planning permission for development which affects the setting of a listed building, the local planning authority shall have special regard to the desirability of preserving its setting.
27. Paragraph 2.17 advises that the setting of a listed building should not be interpreted too narrowly: the setting of a building may be limited to obviously ancillary land, but may often include land some distance from it.

Suffolk Structure Plan 2001

28. CS1 states that provision will be made for development which helps sustain the economic and social well-being of Suffolk, subject to the usual environmental safeguards, but only where community facilities and infrastructure already exist or will be provided.
29. CS3 – seeks to steer most housing development to towns and large village where a range of facilities exist.
30. CS9 – seeks to secure appropriate levels of affordable housing on sites allocated for housing in local plans and on other sites that come forward for development.

31. ENV1 – seeks to preserve the character and setting of conservation areas and listed buildings.
32. ENV3 – requires all new development to be of a high standard of layout, design and landscaping, in order to conserve and enhance the special character of Suffolk.
33. ENV8 – seeks to protect the landscape character of SLAs through the strict control of development.
34. ENV14 – advises that redevelopment will not be permitted which would impede materially the flow or storage of flood water or increase the risk of flooding.
35. ECON3 – seeks to protect the loss of employment sites. Permission for residential redevelopment will only be acceptable where:
 - Adequate employment land exists elsewhere;
 - Site is inaccessible or otherwise constrained so that employment development is unlikely;
 - Redevelopment of the site would assist urban regeneration; and
 - There is no material conflict with residential amenity or with policies for transport or protection of the environment.

Babergh Local Plan Alteration No. 1

36. LP3 – advises that within the built-up area of towns, permission will normally be granted for new housing, subject to the usual environmental considerations. However, where an undeveloped site makes a positive contribution to the quality of the townscape or is a playing field or other important recreation asset, its development will not normally be permitted.
37. LP7 – deals with groups of dwellings abutting the built –up areas of settlements and indicates that such groups may be acceptable in certain villages subject to a number of criteria being met. However, it is made clear that such groups will not be permitted abutting the built-up area of towns.
38. LP12 – seeks to secure affordable housing with housing schemes in excess of 1.2 hectares. The precise number will be secured by an assessment of identified need.
39. LP16 – advises that housing densities need to vary according to location and site characteristics.
40. LP18 – seeks to secure high standards of layout, design and landscaping.
41. LP19 – advises that new housing developments in excess of 20 non-specialist dwellings, at least 10% of the site to be laid out as public open space.
42. LP47 – seeks to prevent loss of employment sites to residential use, either by change of use or redevelopment, unless it can be clearly established that its retention for other forms of employment use have been fully explored.
43. LP59 – seeks to prevent increased risk of flooding by resisting new development in flood plains.
44. LP79 – seeks to protect the setting of listed buildings.

45. LP97 – seeks to protect the landscape character of SLAs through the strict control of development.

Emerging Babergh Local Plan Alteration No.2

46. EN05 – updates LP59.
47. EN17 – Requires developer to carry out proper investigation and remediation of sites suspected of being contaminated.
48. EN21 – requires new developments on previously developed sites to recycle resultant waste materials where appropriate.
49. HS01 repeats LP3.
50. HS08 –seeks to secure affordable housing on sites in excess of 0.5 hectare or where the site is capable of accommodating more than 15 dwellings. 20-35% of the total number of dwellings will be required to be in an affordable form, depending on the identified need.
51. HS11 –seeks to maximise densities by requiring densities of between 30 – 50 per hectare.
52. HS14 – repeats LP18.
53. HS15 – updates LP19 by requiring not less than 10% of gross site area to be laid out as public open space.
54. HS18 – requires at least 20% of all dwellings on housing sites to be of two bedroom or less design.
55. EM15 – seeks to protect employment sites from redevelopment for housing (updates LP47).
CR05 – seeks to protect the landscape of SLAs (updates LP97).

OBSERVATIONS

56. PC recommends REFUSAL, as summarised below:-
- The increased density represents gross over-development of the site. And the area available for building is limited by the presence of the underground mill race;
 - Traffic Impact;
 - Access road is potentially dangerous
 - Surface Water Drainage
 - The increase in dwellings impact upon the amount of pollutants in the surface water to be drained.
57. Adjoining LPA (Braintree DC) – to be reported if available.
58. CHA – No objections concluding that the additional effect on traffic and safety is not considered to have a material affect on the rail crossing or junction. It recommended that a travel plan be submitted in order to influence the travelling behaviour of the future occupants.
59. Go-East (Impact on railway level crossing) –No objections.

60. HSE (HM Inspectorate of Railways) – to be reported if available.
61. EA – No objection subject to conditions.
62. AWS – No objections and recommends condition requiring drainage details to be agreed.
63. SCC (Archaeology) – Recommends standard survey and recording condition.
64. SCC (Education) – To be reported if available.
65. Network Rail – To be reported if available:
66. HoES – No objections and recommends condition requiring site investigation, report and strategy for dealing with any contamination discovered on the site.
67. First Great Eastern Railways – None received.
68. EH- recommends conditions.
69. Dedham Vale & Stour Valley JAC – None received.
70. English Nature – Concludes that there are no ecological reasons to preclude the proposed development, provided suitable mitigation measures are agreed.
71. SWT – Advises that the site is important for its nature conservation value, and recommends that the wildlife integrity of the river corridor is maintained and where possible enhanced.
72. River Stour Trust – to be reported if available.
73. The Ramblers – to be reported if available
74. Sudbury Society – to be reported if available
75. SPS – makes the following (precised) comments:
 - As the site lies within the SLA redevelopment must be of the highest quality and enhance the river environment..
 - At least 40% of the units should be in an affordable form.
 - Should promote live/work units.
 - Former mill elevations should be restored.
 - New build in vicinity of former mill should reflect character of those buildings.
 - New access road should lie adjacent to railway rather than river.
 - Car dominated housing estate is outdated and inappropriate.
 - C21 designs should be used.
76. Letters – two letters have been received from the occupiers of 104 & 107 Bures Road objecting to the proposed development. The Contents of which are summarised below:
 - An additional 26 dwellings will result in cramped over development
 - Additional levels of traffic
 - No traffic calming measures are proposed
 - Intrusion on wildlife in the area
 - Proposed development will over stretch existing infrastructure.

- PPG3 recommends a density of between 30 and 50 dwellings per hectare.

ASSESSMENT

77. The starting point for any consideration of this application should be the granting of outline planning permission in respect of application B/03/1142/OUT that was granted planning permission by this Development Committee in February 2004. Also, I refer members to paragraph 23 of this report. Also, Outline planning permission was granted subject to a number of conditions, including condition 3, which restricted the number of dwellings on site to 90. This condition was imposed to avoid congestion at the junction of Mill Tye and Bures Road and on the railway level crossing, in the interest of highway and public safety.
78. The proposals the subject of this application are of major significance, particularly in the context of this sensitive riverside setting, and they could therefore have a very significant impact on this part of Gt. Cornard. The principal issues to be considered in the determination of this application are broadly as follows:-
- Opportunities for urban regeneration.
 - Housing policy;
 - Flooding;
 - Opportunities for environmental enhancement and improved public access to the riverside;
 - Historic building issues;
 - Impact on residential amenity; and
 - Transport issues.
 - Ecological issues

HOUSING POLICY

79. A key aim of the Government's sustainable development strategy is to ensure that as much development as possible is accommodated on lands that has been previously developed. The Government is committed to ensuring nationally that "brownfield" sites within urban areas provide for 60% of all new housing.
80. PPG 3 seeks the most efficient use of land, encouraging development of between 30 and 50 dwellings per hectare, higher where there is public transport and accessibility to local facilities and services. This is reflected in the Council's emerging Local Plan Policies. Consultation draft of PPS3 (Housing) goes further in providing indicative densities for housing development. Depending upon location: a density range 35-55 dph in suburban location; 40-75 dph in urban locations. Outline planning permission (03/1142/OUT) sought development of 45 dwellings per hectare (approximately) 90 dwellings and appropriate transport and related assessments were prepared on that basis. Application B/06/ 185/OUT seeks planning permission to allow 116 dwellings in lieu of 90. Based upon a comparable assessment (excluding those areas of the site set aside for public open space serving a wider area-in the terms of PPG3-in this case the flood plain) this proposal represents a density of 51 dwellings per hectare (on the remaining 2.26 hectares).
81. The Suffolk Structure Plan promotes the aims for achieving sustainable development, and includes policies, which seek to minimise travel demand, and maximise the use of public transport by locating most new housing within or adjoining towns.
82. The Structure Plan recognises Sudbury (including Gt. Cornard) as a town where additional major housing development can be provided in a sustainable manner and introduces a

sequential test to the identification of new housing sites (Policy CS3). It is considered that the current proposals accord with Policy CS3.

83. Policies within the emerging Local Plan build upon this strategy stating that major housing should be located within or adjoining the main towns of the District. The Local Plan identifies Sudbury and Gt. Cornard as a town, which is considered a suitable location for additional housing development.
84. It is considered, therefore, that subject to there being no conflict with other policies designed to protect, highway safety and the environment generally, the residential redevelopment proposals generally accord with Government guidance, the approved County Structure Plan and the emerging Local Plan.

OPPORTUNITIES FOR URBAN REGENERATION

85. The proposals would help retain some local employment opportunities, through the conversion of the more historic mill buildings and use of “The Limes” and the weighbridge offices for B1 business use (Planning Permission B/02/01820/FUL refers).
86. The provision of the new rail halt (Planning Permission B/02/01818/OUT refers) could have significant benefits by reducing reliance on the private car, with consequential benefits to the environment by helping to reduce road congestion and traffic pollution.

FLOOD RISK

87. Part of the site lies within the indicative flood plain. The application is accompanied by a updated Flood Risk Assessment. That Assessment provides the following (precised) conclusions:-
 - The indicative flood plain provided by the Environment Agency covers approximately 37% of the application site area.
 - Some of the proposed development will be within the flood plain. Residential development (estimated at 46% of the current impermeable area) will reduce surface water flows by about 40%.
 - Areas of converted or redeveloped buildings currently within the existing flood plain will require habitable rooms and main office areas to be placed above flood levels by providing under building car parking with living accommodation at first floor level.
 - For new build dwellings, finished ground floor levels will be set at 23.16 metres AOD. This would involve setting ground floor levels at between 0.4 and 0.7 metres above existing ground level.
88. The Environment Agency, which is responsible for advising on such issues, has confirmed that the Flood Risk Assessment is acceptable and that Authority raises no objections to the development on flooding grounds.
89. The flood risk requirements will have no significant adverse impact on visual or residential amenity.

OPPORTUNITIES FOR ENVIRONMENTAL ENHANCEMENT AND PUBLIC ACCESS TO THE RIVERSIDE

90. The redevelopment of the main factory site presents an enormous opportunity for environmental enhancement of the riverside, which lies within the designated SLA. There are also significant opportunities for enhancing biodiversity by the improvement and creation of wildlife habitats. Visual enhancement will be particularly evident when viewed from the River Stour itself and from longer distance views to the west.
91. The application proposals, as submitted, would open up approximately 500 metres of riverbank for public access and provide for the creation of a riverside footpath and cycleway within that land. There is an area of land between the northern boundary of the application site and the Council's Riverside Walk which forms part of the County Wildlife Site at Friar's/Peck's Meadow. This land is in separate ownership and is therefore outside the applicants' control. It provides the missing link in what could be the development of a continuous riverside walk between Gt. Cornard and Sudbury, incorporating a public footpath and cycleway link between those two communities. The owners of this intervening land have previously indicated a willingness to sell the land to the Council to improve public access to the riverside. Negotiations are currently ongoing between Babergh District Council and the owner.
92. It is concluded that the opportunities for major environmental enhancement are presented by these development proposals.

HISTORIC BUILDING ISSUES

93. The more historic mill buildings within the main factory site are not listed as being of special architectural or historic interest.
94. The current applications are accompanied by an historic buildings report, which has been produced by a local architectural historian. The report concludes that, although originating from the C18, the mill buildings have been so extensively altered that they belong far more to the late C19 and C20. The principal interest of these buildings probably lies in their picturesque external appearance and the visual contribution that they make to the riverside setting and setting of the nearby Mill House.
95. Local planning authorities, in considering development proposals, have a statutory duty to have special regard to the desirability of preserving the setting of listed buildings. In this respect the Local Planning Authority must consider the impact of the current application proposals on the setting of The Mill House (Listed Grade II). That building is not within the applicants' ownership and does not form part of these applications.
96. There is a strong historical, visual and functional link between the Mill House and original mill buildings. The applications propose retention and conversion of the attractive mill buildings, although no precise details are given at this stage as to how those buildings are to be converted. Those and other details are to be reserved for subsequent approval.

97. When this factory was fully operational, there was a considerable amount of activity surrounding the mill buildings and included a considerable amount of HGV traffic immediately in front of the Mill House. Activity of this character will disappear if the site is redeveloped along the lines proposed. It will of course be replaced with activity of a different character, including pedestrian traffic gaining access to the public open space and riverside area. However, it is considered that this form of activity will not adversely impact upon the setting of the Mill House. On balance it is considered that the setting will be enhanced.
98. It is concluded that, subject to the imposition of suitable controls on the details of conversion, the redevelopment of the factory site is unlikely to adversely impact on the setting of Mill House. On the contrary, it is felt that the setting is likely to be significantly enhanced.

RESIDENTIAL AMENITY

99. The introduction of a mixed-use development on the main factory site will result in a significant enhancement of residential amenity. The principal dwelling affected by factory operations was the Mill House. That dwelling was occupied by one of the owners of the factory, who was involved in the day-to-day running of the factory. However, the factory and Mill House were separated several years ago. The factory is now in different ownership and the owners of the Mill House have no involvement in the factory site.
100. The Mill House and its garden have been inspected and an assessment made of the potential for overlooking. It is considered that overlooking resulting from a conversion and redevelopment will not, subject to appropriate design, be so detrimental to residential amenity that a refusal of planning permission is warranted. Careful design of the conversion could ensure that overlooking is minimised. Similarly, control over the design of the replacement development would help to minimise overlooking. The whole amenity issue needs to be considered and a balanced judgement made.
101. It is concluded that appropriate controls over the detailed layout and design of the proposed development can be exercised to ensure that any loss of residential amenity is minimised.

HIGHWAY SAFETY AND TRANSPORT ISSUES

102. The applicant has submitted updated Transport and Level Crossing Safety Assessments. They include an assessment of the use for the proposed new access from Bures Road by 116 dwellings, approved B1 uses and visitors centre.
103. The level Crossing Safety Assessment concludes that the existing crossing complies with appropriate safety standards for the purposes of the development proposed.
104. The site is well served by an existing local bus service along Bures Road, to and from Sudbury Town Centre. Sudbury Railway Station is 2 Kilometres to the north-west of the site. There is also the opportunity for a rail halt adjacent to the site, for which outline planning permission has been granted.
105. CHA have carefully considered the detailed Transport Assessment and Safety Assessment attached to the application, it is concluded that the additional effect on traffic and safety is not considered to have a material effect on the rail crossing or junction.

ARCHAEOLOGY

106. Essex County Council Field Archaeological Unit was commissioned by the applicant to undertake an investigation of the site. The report concluded that the archaeological potential of the proposed re-development area is low and the impact correspondingly low. No objection is raised. Babergh District Council consulted Suffolk County Council Archaeological Unit who raised no objection.

PROTECTION AND MANAGEMENT OF THE WILDLIFE AND HABITATS

107. The applicant has submitted a management strategy for the protection of wildlife and their habitats within the development. Extensive negotiations between all parties involved have previously been conducted at the reserved matters stage (05/ 1746/RES) to ensure that the proposed development does not prejudice the current situation and provide for an acceptable scheme of management and mitigation.

CONCLUSIONS

108. PPG 3 seeks the most efficient use of land, encouraging development of between 30 and 50 dwellings per hectare, higher where there is public transport and accessibility to local facilities and services. This is reflected in the Council's emerging Local Plan Policies. Consultation draft of PPS3 (Housing) goes further in providing suggestive densities for housing development. Depending upon location: a density range 35-55 dph in suburban location; 40-75 dph in urban locations. Outline planning permission (03/1142/OUT) sought development of 45 dwellings per hectare (approximately) 90 dwellings and suitable transport and related assessments were arranged on that basis. Application B/06/ 185/OUT seeks planning permission to permit 116 dwellings in lieu of 90. Based upon a similar assessment (excluding those areas of the site set aside for public open space serving a wider area-in the terms of PPG3-in this case the flood plain) this application represents a density of 51 dwellings per hectare (on the remaining 2.26 hectares).
109. The development proposals accord with Government guidance and Development Plan policies, which seek to promote sustainable patterns of development through the re-use of previously developed land in an area where there is a good range of facilities. It is considered that the development proposals will provide an opportunity for major environmental enhancement, particularly in the context of the SLA, the promotion of public access to this part of the river, the planning out of a "bad neighbour" use and the creation of a high quality mixed use environment incorporating a significant element of "affordable" housing.

REASON FOR APPROVAL

110. The proposal which seeks to establish the principle of 116 dwellings is considered to be in accordance with the provisions of policies LP4, LP17, LP18, LP47 and LP146 of the Babergh Local Plan, Alteration No. 1 and emerging policies HS02, HS08a, HS12, HS14, HS16, EM15, CR32, CR33 and TP18 of the Second Alteration to the Local Plan. In particular, residential redevelopment is considered acceptable having had regard to the scale and nature of surrounding development and in the absence of any material adverse impact resulting from the development.

RECOMMENDATION A

Subject to there being no new material planning objections resulting from outstanding consultations, the Solicitor to the Council be authorised to secure an amendment to the existing Section 106 Planning Obligation to secure:

- Affordable housing
- Education Contributions
- Public Open Space Management Provision; and
- Commuted sums to:
 - Fund provision of the rail halt; and
 - Enable the Local Authority to purchase land adjacent to complete the Riverside Walk.

RECOMMENDATION B

Upon securing the Planning Obligation referred to at A. above, the Head of Planning (Control) be authorised to grant planning permission, subject to such conditions as he considers appropriate, but including:

- Details for laying out, maintenance and future management of public open space to be agreed;
- Management strategy of wildlife habitats to be agreed;
- Protection of existing trees and hedges during construction;
- Landscaping;
- Details of finished ground floor levels to be agreed;
- Strategy for dealing with decontamination to be agreed;
- Details of external lighting to be agreed;
- New footway/cycleway to be provided;
- Drainage details to be agreed;
- As recommended by CHA.

RECOMMENDATION C

Otherwise refuse planning permission:

- Over development
- Inadequate access to the detriment of highway safety.

DECISION

ITEM 21B/06/00277/TEL
TELECOMMUNICATIONS

PINWOOD – PART OS 7478, LAND ADJACENT BROOKVALE, GROVE HILL

Notification under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) – Erection of 15 metre slimline street column with 2 no. (two) ground based equipment cabins.

Applicant: O2 (UK) Ltd

Case Officer: Martyn Fulcher

SITE

1. The application site is situated to the southern edge of the Pinewood residential area and to the western side of Grove Hill and comprises a grassed highway verge. The A14 flyover is sited approximately 150m south of the site with a small wooded area to the south-west. A public footpath exists immediately north of the proposal site. Brookvale, a detached dwelling is sited approximately 27m to the north-west and the residential area known as Thorrington Park commences immediately to the north and east of the proposal site with the nearest dwelling some 30m to the east. The Early Learning Nursery School, situated on Marbled White Drive is approximately 280m to the east of the site and Gusford Primary School on Carolbrook Road is approximately 540m to the north east of the site.

PROPOSAL

2. The applicants are seeking the Council's determination on whether 'prior approval' will be required for the siting and appearance of the proposed development. However, the information and plans submitted with the application are sufficient in order to enable a formal decision to be taken in relation to the siting and appearance of the development at this juncture.
3. The overall height of the slimline street column is 15 metres. It is 0.3 metres wide, increasing to 0.5 metres at a height of 11.1 metres above ground level. The antenna is enclosed within a shroud at the top of the mast. The proposal also includes the erection of 2 no. ground based equipment cabins.
4. The applicants state that they have undertaken a search of the local area for potential alternative sites for their installation, however cite the unwillingness of the site provider to allow telecommunications equipment on a public house and the unsuitability of such development at a nearby shopping parade. It is also stated that the most serious factor in discounting sites in this area was the dense residential housing that is prolific throughout.
5. The applicants have provided a report and technical information in support of the telecommunications notification and can be seen in full by prior arrangement with the case officer.

HISTORY

6. No planning history for the site.

POLICY**PPG 8 - Telecommunications**

7. The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has responsibility for protecting public health.
8. In considering the design of an individual development, and particularly any mast development, careful consideration should be given to screening and planting.
9. Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.
10. However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.
11. Where the operator submits an application to the local planning authority for planning permission or prior approval for the installation, alteration or replacement of a mobile phone base station either on or near a school or college, it is important that operators discuss the proposed development with the relevant body of the school or further education (FE) college concerned *before* submitting any such application to the local planning authority. When making the application the operator should provide evidence to the local planning authority that they have consulted the relevant body of the school or college (e.g. the school's governing body or the corporation of the FE college).

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

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

Babergh Local Plan Alteration No.1

- Policy LP156 (Telecommunications)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy EN27 (Telecommunications)

OBSERVATIONS

13. PC – Object. Due to the adverse visual impact on the environment and perceived health risk to parishioners and its close proximity to the Early Learning nursery school.

14. Ipswich Borough Council – No objection but suggest the apparatus be finished in green to blend in better with the natural setting of the site.
15. Letters – Fifty-three letters/emails have been received in objection to the proposal, including one from Gusford Community Primary School. The objections are as summarised:
- Health concerns
 - Visual eyesore
 - Close to hundreds of schoolchildren and elderly
 - Environmentally unsuitable location
 - Height is unsympathetic
 - Current signal strength is more than satisfactory
 - Contrary to national guidance
 - Will encourage anti-social behaviour
 - Area still holds wildlife
 - Decrease value of property
 - Previous nearby applications in Ipswich have been refused
 - Must be alternative sites
 - May cause traffic distraction
 - Will ruin good work currently being done by Greenways Project
 - Should be encouraged to share existing masts
17. Letters – One letter/email of no objection has been received in relation to the proposed development. The comments are as summarised:
- Most people have mobile phones and if we expect a service we have to have masts somewhere.
18. Any further representations received during the publicity period will be reported verbally to the meeting.

HEALTH IMPLICATIONS

19. In 1999 the Government commissioned the National Radiological Protection Board (NRPB) to set up the Independent Expert Group on Mobile Phones. The group, which was chaired by Sir William Stewart, considered public concerns about health effects of mobile phones, base stations and transmitters. The Group's report (known as the Stewart Report) concludes that 'the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well being in some cases.' The Group recommended a precautionary approach, comprising a series of specific measures, to the use of mobile telephone technologies until more detailed and scientifically robust information on any health effects is available. The Stewart Report stopped short of suggesting that Local Planning Authorities should refuse planning permission to telecommunication masts and equipment either wholly or partly on health grounds.
20. The Stewart Report states that the balance of evidence indicates that there is no general risk to the health of people living near to base stations where the exposures are only small fractions of guidelines. There is evidence that at the frequencies used in mobile phone technology, children will absorb more energy per kilogram of body weight from an external electromagnetic field than adults. A one year old could absorb around double, and a five year old around 60%, more than an adult. Additionally, since children are being exposed to RF radiation from base stations (and from mobile phones) from a younger age than adults,

they will have a longer time in which to accumulate exposure over the course of their lives, and a longer time for any delayed effects of exposure to develop.

21. The Stewart Report recommends, in relation to macrocell base stations sited within or near school grounds, that the beam of greatest RF intensity should not fall on any part of the school grounds or buildings without agreement from the school and parents. Similar considerations should apply to macrocell base stations sited near to school grounds.
22. The Government is firm that Local Planning Authorities should not consider the health aspects of a telecommunications equipment proposal, if the application meets the guidelines of the International Commission on Non-Ionising Radiation Protection Board. In this case, documents submitted with the application confirm that the proposed equipment works within those guidelines.

ASSESSMENT

23. This application has to be assessed against both national and local planning guidance (together with any other material considerations). Government guidance within PPG 8 advises that Local Authorities should encourage operators to utilise existing facilities where possible to negate the demand for a proliferation of new sites. In this case, the operator has not provided us with a satisfactory list of potential alternative sites in the locality for an installation and it is considered that therefore the application is contrary to the provisions of PPG8 and LP156.
24. It should be noted that there have been a number of recent nearby similar applications within the Ipswich Borough boundary for telecommunications installations. These have all have been met with refusal (one upheld at appeal). It is considered that there are no material planning differences between these cases and the current proposal subject of this report.
25. It is considered that the presence of the 15 metre high street column at this site would be an isolated and visually obtrusive feature within the immediate landscape. Although there are trees and highway infrastructure near to the proposal site, it is not considered that these features would be adequate to screen the proposed mast from views into and out of the site. In any event, the close proximity of the mast to the neighbouring dwellings (less than 30m to the nearest residential properties and subsequent housing development) results in an unacceptable relationship between the proposal and existing development to the detriment of visual amenity.
26. The column would exceed the height of surrounding street furniture and property by a considerable margin and therefore will be unduly dominant in the landscape and accordingly, be out of character with the surrounding residential area.
27. The mast location is situated approximately 280m and 540m from two educational establishments. This is recognised within the applicant's submission but no further contact was made by the applicant at pre-application stage as these are in excess of 250m from the application site. The Stewart Report recommends that base stations sited within or near school grounds, should not have a beam of greatest intensity that falls on any part of the school grounds or buildings without agreement from the school. There is insufficient information at present to ascertain whether this is the case in this particular instance.
28. In light of the above, it is considered that, if approved, the proposal would detract from the character and appearance of the area.

RECOMMENDATION

That the applicants be advised that the prior approval of the Local Planning Authority is required for the siting and design of the development, but that approval is withheld because of: 1) the unsatisfactory design and siting, to the detriment of the character and appearance of the locality, and 2) there being insufficient evidence that the beam of greatest intensity will not fall on any part of the grounds of the nearby school.

DECISION