



2002-2003
Neighbourhood Renewal
2004-2005
Supporting People

E42

BABERGH DISTRICT COUNCIL

DEVELOPMENT COMMITTEE

22ND JUNE 2005

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

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R J Watson
Head of Planning (Control)
Date

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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
22ND JUNE 2005

ITEM 1

B/04/02014/FUL
FULL

ALPHETON - ALPHETON GARAGE, TYE GREEN

Use of land for the parking, storage, repair and retail sale of motor vehicles (less than 3.5 tonnes in weight) together with the existing MOT testing centre, as amended by drawing no. May2005/SLP-AG/1 and amplified by drawing no. AG03/1 and the supporting statement all received on 13 May 2005.

Applicant: Mrs Susan Thompson

Case Officer: Frances Mahoney

SITE

1. The application site lies in a small group of residential properties on part of a site previously occupied by the village garage and petrol filling station. It is accessed from a now blocked off section of road which is a spur from the A134 Bury to Sudbury road. The only remnant of the old garage on the site is the petrol filling station canopy towards the front. Petrol sales from the site have long since ceased.
2. On the northern section of the application site stands a relatively new commercial building used for the carrying out of MOT testing and associated works to vehicles. Adjacent to the site to the north is Wren Cottage, a listed building. There is a 1.8 metre high close boarded fence between the two properties.
3. To the south and on land which previously formed part of the village garage site is a new house and garden. This property is currently occupied by the applicant but there is no requirement for the ownership or occupation of the dwelling to be linked to the use of the adjacent garage site.
4. In front of the new dwelling is the garage forecourt area. The majority of the frontage forms part of an area of common land which the Applicant uses under licence from the Parish Council solely for the sale of motor vehicles of less than 3.5 tonnes. This is a long standing arrangement and the use of this land formed part of the overall business premises of Alpheton Garage when it traded as the village garage.

HISTORY

5. Prior to the year 2000 there were a number of grants of planning permission including the erection of the canopy and construction of underground tanks (B/93/00285/FUL) and rebuilding damaged workshops and extensions (B/76/00736/FUL). All of these permissions were in relation to the previous use of the site as the village garage including car and petrol sales. The following applications are the most recent relevant proposals which Members should be aware of.

00/01359/FUL – Erection of new dwelling – Refused 10 November 2000 – Dismissed at appeal (ref. APP/D3505/A/00/1054040).

01/00937/FUL – Erection of two-storey detached dwelling and construction of new vehicular access (existing bungalow to be demolished) – Approved 19 September 2001- No conditions were imposed restricting occupancy to the owner/occupier of the garage adjacent. Access to the new house was agreed as being across the forecourt of the garage. There had been a bungalow integrated into the old garage site. The existing residential use on the site was given significant weight when planning permission was granted for this new detached dwelling.

01/00078/FUL – Erection of MOT Testing Building. Existing building to be demolished – Approved 19 September 2001 – No conditions were imposed in respect of hours of use or the size of vehicles which could be worked on in the building or elsewhere on the site.

B/04/00377/CEU - Application for Certificate of Lawfulness for an Existing Use (CLEUD) – Continued use of garage for the purpose of storage, repair, re-spraying, and display for sale and for retail of commercial vehicles of all sizes including heavy goods vehicles, horse boxes, light commercial vans, caravans and similar vehicles – Refused 17 June 2004

Enforcement Notice served 28 July 2004 – Change of use of land from a use for residential purposes to a mixed use for residential purposes and a use for the storage, renovation, repair and sale of commercial vehicles. This enforcement notice only related to the land upon which the new house and garden stand.

The above application along with a complementing enforcement notice are now the subject of appeals to the Planning Inspectorate which are being held in abeyance awaiting the outcome of this proposal.

BACKGROUND INFORMATION

6. From the history above Members will appreciate that the original garage site, which included the site of the new dwelling was a long established business in the village. The use of the site included vehicle sales (mainly cars), servicing, some repairs along with petrol sales and a café. All of these uses were inter-related and of a scale commensurate with the sites location.
7. Following the sale of the site in 2000 the nature of the use changed somewhat. The site was sub-divided to accommodate a new dwelling (replacing the existing) and garden area. The new MOT testing building was built and brought into operation along with the motor vehicle sales. However, whereas previously the vehicles sold were predominantly cars, more of a specialist commercial vehicle sales operation was introduced. This had the effect of changing the appearance of the site with the introduction of “white” commercial vans onto the forecourt in significant numbers. The unrestricted use of the site following the construction of the new MOT testing building also allowed the storage of vehicles close to the northern boundary of the application site adjacent to Wren Cottage. There was concern in respect of the impact of such parking and storage on the living conditions of the residents of this property.

8. As a result of the Council's investigations into the legitimate use of the site an application for a CLEUD was submitted as set out above. This was refused and an appeal by Public Inquiry submitted. However, as with any appeal the Planning Inspectorate always ask that the parties seek, if at all possible, to resolve the matter before coming to an Inquiry. The application before Members has been submitted by the Applicant to address the concerns of the Council and the neighbours and to seek permission for the present mix of activities on site. It offers the opportunity if Members are minded to permit the application to impose conditions to control the operations on the site as well as the specific areas to be used for various purposes. Members should note that should the CLUED appeal be allowed, by an Inspector, it would not be possible to impose conditions on such a decision.

PROPOSAL

9. This is outlined at the heading to this report, the following elements are key:-
- Continuation of vehicles from the common land owned by Alpheton Parish Council – these to be limited to 3.5 tonnes in weight and typically there would be 30 – 40 vehicle displayed at any one time.
 - Retention of the use of land (located on the main part of the site) for the parking of vehicles either in connection with MOT testing or awaiting repair or collection.
 - Valeting of vehicles on land to the rear of the MOT building.
 - Parking of visitors' vehicles.
 - Carrying out MOT tests (estimated to be 60% of the work).
 - Repair of motor vehicles (estimated to be 38% of the work).
10. A supporting statement accompanying the application makes the following points:-
- ❖ The operation in connection with the sales aspect of the business is quite small as it is a specialist market and is unpredictable in terms of number of cars sold per month. Most of the work in respect of sales is office based with regard to financial planning and administration.
 - ❖ This application has been submitted to allow the Council to regularise the present use and impose appropriate controls via conditions in respect of activities on the site.
 - ❖ The Applicant would readily accept a condition relating to the establishment of an excluded area adjacent to Wren Cottage. A 2m high wall is proposed across the front to restrict access.

- ❖ The designated rear turning area shall be used solely for this purpose and a condition would be acceptable in this regard.
- ❖ Conditions relating to hours of use and no work outside of the building are also acceptable to the Applicant.
- ❖ The Applicant will undertake not to repair, park or service vehicles of more than 3.5 tonnes in weight. A condition to this effect would be acceptable.
- ❖ The repairs exclude any body works or vehicle-spraying.
- ❖ The Applicant recognises that the living conditions of the adjoining neighbours in Wren Cottage are of particular concern. With this in mind she is prepared to relinquish the unrestricted nature of the use of the site in general and in particular the use of the MOT Centre building and accept appropriate conditions in this regard.

POLICY

PPS 7 (Sustainable Development in Rural Areas)

11. The Government's objectives as set out in PPS 7 include sustainable economic growth and diversification in rural areas. In addition planning authorities should support a wide range of economic activity in rural areas. People who live and work in rural areas should have reasonable access to a range of services and facilities.

Please note that details or extracts of Development Plan 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:

Suffolk Structure Plan 2001

- Policy ECON1 (Employment Development)

Babergh Local Plan Alteration No.1

- Policy LP28 (General Employment)

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

- Policy EM01 (General Employment)
- Policy EM12a (Expansion of existing employment use or premises)

OBSERVATIONS

13. Alpheton PC – No Objection subject to:-
- The number of vehicles on the site (in the order of 30) is too many. The previous application for the MOT Centre stated 16.
 - The fence between the MOT Centre and the side boundary should be open.
 - Amounts to 24 hour per day 7 day per week opening. Unacceptable.
14. Highway Authority – No observations.

ASSESSMENT

15. It is important for Members to consider that the application site was previously used as a village garage without any restriction on the way the business operated either in the sense of the hours of use or the physical day to day workings. This is an important material consideration when this application is assessed. The Applicant would contend that the use rights, which existed previously, still persist. That is not our opinion and it was this very point which was to be tested at an appeal inquiry earlier this year but has now been held in abeyance awaiting the outcome of this decision. However, it is acknowledged that the MOT Centre does not include any restrictions on its use and this is now an established rural business which needs some clarity of usage for the Applicant as well as for local residents and the Council. This application is seen by your Officers as an attempt by the Applicant to achieve that clarity but in a controlled manner i.e. suggesting reasonable conditions and restrictions on the use. It is further recognised that the Applicant has been prepared to accept restrictions of aspects of her business which are currently uncontrolled eg hours of use of the MOT Centre, no outside working, the establishment of an exclusion area to the side.
16. In this case the main issue is the effect of the use on the living conditions of the adjacent residents in the immediate locality in respect of outlook and noise and disturbance.
17. In the past there have been complaints relating to the manner in which the use of the site was conducted. This was with the background of an unclear picture of the accepted planning use of the site and very limited restrictions of the how the business was operated.
18. The concern regarding the impact of the use of the area between the building and the boundary with Wren Cottage for parking and storage would be addressed by the imposition of the exclusion area and restriction to turning only to the rear. The outlook of the residents of Wren Cottage would be significantly improved in this way.

19. Significant anxiety has been caused for residents generally regarding the size of vehicles that could be brought to the site for work to be done as well as the nature of that work. The imposition of a suitably worded condition would allay those fears and give control to the Council should a breach occur. The Applicant is agreeable to such a condition in this instance.
20. The Parish Council has raised concerns regarding the hours of use proposed. The Applicant has requested the following:-
- ◆ Monday to Friday excluding bank holidays 7.00 to 19.00
 - ◆ On Saturdays 8.00 to 16.00
 - ◆ With specific reference to the sale of vehicles the hours would be extended to 21.00 Monday to Friday only.
 - ◆ No working or sales on Sundays or bank holidays
21. Yours Officers have similar concerns and would suggest should Members be minded to permit the proposal the following hours be imposed.
- Monday to Friday excluding bank holidays 7.30 to 6.00
 - On Saturdays 8.00 to 13.00
 - With specific reference to the sale of vehicles the hours would be extended to 19.30 Monday to Friday only
 - No working on Sundays or Bank Holidays.
22. These would seem to be more reasonable and in this way the amenities of the local residents could be safeguarded by appropriately limiting the hours of use of a business in close proximity to residential property.

RECOMMENDATION

Grant Planning Permission subject to conditions –

- No vehicles of more than 3.5 tonnes to be repaired, serviced, sold or MOTed on the site.
- No working on vehicles outside of the MOT Centre building.
- Forecourt area to be used solely for short stay vehicle parking and access to the adjacent dwelling. No vehicle sales from this area.
- Common land in front of the new dwelling as indicated on the application plan shall be used as a sales display area for vehicles of no more than 3.5 tonnes in weight. This sales display area shall be operated solely as being ancillary to the other associated uses on the overall site.

- No use of equipment outside of the MOT Centre building other than that in connection with the cleaning of vehicles.
- No body works or vehicle spraying to be carried out.
- The hatched area between the MOT Centre and Wren Cottage shall at no time be used for parking, external storage of any kind or any other exterior operation in association with the other uses on the site. It shall be retained as an excluded area to safeguard the living conditions of the adjacent residents unless otherwise agreed in writing with the Local Planning Authority.
- The area hatched and identified as a turning area to the rear of the site and adjacent to Wren Cottage shall at no time be used for anything other than for its designated purpose.
- Details of the proposed boundary treatments to be agreed and then provided including appropriate works to the rear boundary hedge. To include details of a front railing or open fence between the MOT Centre and the common boundary with Wren Cottage.
- Defined hours of use for the MOT Centre
- Defined hours of use for vehicle sales
- Details of any external lighting

DECISION

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ITEM 2

B/04/02013/FUL
FULL

ALPHETON - ALPHETON GARAGE, TYE GREEN

Erection of single storey office extension to existing buildings and screen fencing.

Applicant: Mrs Susan Thompson

Case Officer: Frances Mahoney

Introduction

1. This application in essence is for the erection of a single storey side extension onto the existing MOT Testing building. It is proposed to partially cover the area identified in the previous item as the excluded area. It would still be set some 1.1 metres from the common boundary to allow for a walk way down the side and the maintenance of the fence. The proposed overall height of the new extension at eaves level would be 2.3 metres.

2. Wren Cottage the adjacent property is a listed building. It stands at a slightly lower ground level than the application site and there is an intervening 1.8 metre fence between the two properties. Wren Cottage has a kitchen and dining room window along the side boundary looking out onto the fence with an isolation distance between properties of some 1.7 metres.
3. The main issues in this case are:-
 - The impact of the extension on the living conditions of the residents of Wren Cottage;and
 - The effect of the addition on the setting of the listed building.
4. The History and Background relevant in this instance is as per the report in Item 1 above.
5. The Applicant's agent has submitted a supporting statement, summarised as follows:-
 - The extension is required to provide adequate office facilities and additional storage for the garage use.
 - There will be no outside side windows and therefore no overlooking to the adjacent property.
 - The construction of the extension would prevent the area of land to the side at any time in the future being used for the parking or storage of vehicles or anything else.
 - The extension in the main covers the footprint of the old village garage building that stood on the site.
 - The proposal includes some fencing and landscaping.

POLICY

PPS 7 (Sustainable Development in Rural Areas)

6. The Government's objectives as set out in PPS 7 include sustainable economic growth and diversification in rural areas. In addition planning authorities should support a wide range of economic activity in rural areas. People who live and work in rural areas should have reasonable access to a range of services and facilities.

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

7. 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)

Babergh Local Plan Alteration No.1

- Policy LP28 (General Employment)
- Policy LP79 (Setting of Listed Building)

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 CN10 (Listed Buildings)
- Policy CN01 (Design Standards)

OBSERVATIONS

8. Alpheton PC – No objection subject to:-
- Roof lights to be fixed shut to avoid any noise pollution.
 - Should not cause any impact on Wren Cottage including blocking light, noise disturbance and fumes.
 - Just because there was a building there before is no justification for a new building in its place.
9. Environmental Services –No objection subject to conditions relating to contaminated land matters.

ASSESSMENT

10. The application proposal is the continuation of an existing single storey extension with a lean to roof. It is considered that the scheme in design terms is acceptable as it adopts the same design approach as the existing building and proposes the use of the same materials to achieve a successful integration of the new addition.
11. The impact on the setting of the listed building is not considered to be significant in that the extension is only some 3 metres wide and when viewed in the context of the existing MOT Centre building and the garage use its effect would be minimal. Wren Cottage also stands slightly further forward of the existing building and at an angle, which adds to its prominence in the street scene particularly when viewed from the north.

12. In respect of the impact of the extension on the living conditions of the neighbours. The existing MOT Centre building has a single storey side element, which due to its location on the south side of Wren Cottage and the slight change in levels between the two properties already has an impact on the side windows of the property. With this in mind and taking into consideration the isolation distance between properties of 1.7 metres, the location of the existing fence and the single storey nature of the extension it is not considered that the effect of the proposal on the neighbours living conditions would not be so significant as to warrant with holding planning permission in this instance.

RECOMMENDATION

Grant planning permission subject to conditions -

- Materials to match existing;
- Roof lights to be fixed shut;
- No new openings in side wall or roof without specific permission of Council;
- Details of the proposed boundary treatments to be agreed and then provided including appropriate works to the rear boundary hedge;
- Contamination measures required.

DECISION

ITEM 3

B/05/00548/FHA
FULL

SUDBURY – 12 ACTON LANE

Erection of single storey side extension

Applicants: Mr. R. Bristow and Mrs. J. Baxendale

Case Officer: Gemma Pannell

BACKGROUND

The application has been referred to the Committee at the request of the Local Member. A panel of Members inspected the site on 1st June 2005 in order to assess the impact on residential amenity.

SITE

1. The application site supports a detached two-storey dwelling and is situated within the defined built up area of Sudbury. There are no other constraints that affect the site.

PROPOSAL

2. The application proposes a single storey side extension, which has an internal floor area of 4.68 sq. metres.
3. The proposed extension has a width of approximately 2.08m and a depth measuring 2.6m with a maximum ridge height of 3.38m.

HISTORY

4. None

POLICY

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

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

Suffolk Structure Plan 2001

- ENV3 (Design Standards)

Babergh Local Plan (Alteration No 1)

- LP20 (Extensions)

Babergh Local Plan (Draft Alteration No 2)

- HS17 (Extensions)
- CN01 (Design Standards)

OBSERVATIONS

6. TC -
 - Comments received 27th April 2005 – Approve.
 - Comments received 17th May 2005 - Refuse on the grounds of the restriction of light and amenity to the neighbouring property. The town councils decision to approve was overturned by the full council on Tues 10th May 2005, due to the original plan details being incorrect.
7. Letters – One letter of objection received the content of which is summarised below:-
 - The proximity of the wall of the proposed building to the only window of our sitting room. (This distance is approx. 725 mm).
 - The restriction of light to this already dark room would render it unusable for family purposes.
 - The proposal would exceed 2 metres in height at the boundary to our property by a considerable margin. This fact when considered in conjunction with the very little distance from the sitting room window to the boundary will further serve to exacerbate the problem of light into the room.
 - The proposed building is to provide office space in order to run a business. This may impact upon limited parking and access in Acton Lane.

ASSESSMENT

8. The application must be determined in relation to the provisions of the development plan and other material planning considerations.
9. The proposed extension would not lead to any significant loss of residential or visual amenity and is considered to relate satisfactorily to the dwelling in terms of design, form and scale.

10. With regard to the objections raised, most of these points are related to the fact the extension is being built up to the boundary line. However, this is not considered to be a reason for refusal as the applicant could erect a fence or wall up to 2 metres high in this location without the need for planning permission, which would restrict the light to the window of the living room in the same manner as the extension.
11. With regard to the objectors concerns over a business being run from the property, this is a separate issue. The application is for a small extension, which will form a study and therefore is considered in relation to the policies relating to household extension. Planning permission is not normally required to work from home, although if the character of the dwelling changes such that a material change of use to commercial use occurs planning permission would be required. Upon receipt of any such application the issues raised by the objector regarding parking and deliveries would be considered.
12. The property at this time appears to have the character of a residential dwelling, and therefore a change of use has not occurred. If in the future the use of the site were to intensify or the character of the property were to change from that of a dwelling then the Local Planning Authority would re-assess the situation regarding the need for a planning application.
13. With regard to the Town Council's comments, which state the plans were inaccurate, the original plans had not included the boundary wall on the elevations. The plans have subsequently been amended to show this detail.
14. In view of the above and having regard to the relevant development plan and its policies, the following recommendation is made.

REASON FOR APPROVAL

The proposal is considered to be in accordance with policies LP20, HS17 and CN01 by reason of its scale, design, materials and relationship to the existing dwelling. 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 condition –

- No additional openings in the side elevation.

DECISION

ITEM 4B/05/583/FHA
FULL

KERSEY – 9 VALE LANE

Erection of a rear conservatory.

Applicants: A. M. and E. N. Blyth

Case Officer: Gemma Pannell

The application has been referred to Committee at the request of the Local Member. A panel of Members inspected the site on 1st June 2005 in order to assess the impact of the application on residential amenity.

SITE

1. The application site supports a semi-detached two-storey dwelling and is situated within the defined built up area of Kersey. There are no other constraints that affect the site.

PROPOSAL

2. The application proposes a conservatory, which is of a Victorian design, in white UPVC, mounted on a dwarf brick wall. The small roof alteration to accommodate the conservatory is in materials to match existing.
3. The proposed conservatory has a width of approximately 3.30m and a depth measuring 4.2m with a maximum ridge height of 3.4m

RELEVANT HISTORY

4. 1988 – Planning permission granted for the erection of two-storey side extension. Application B/88/1227/FUL refers.
5. 1992 – Planning permission granted for the erection of single garage and insertion of bay window to front elevation. Application B/92/0004/FUL refers.

POLICY

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

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

Babergh Local Plan (Alteration No. 1)

- LP20 (Extensions)

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

- HS17 (Extensions)

OBSERVATIONS

7. PC– No objection to the principle of a conservatory in the proposed location. However an alternative roof design is requested, to reduce the height and be more in keeping with adjoining property (No.10 Vale Lane).
8. Letters - One objection received; referring to the design of the proposed conservatory, especially the high level Victorian styled roof. The objector considers the proposed conservatory will cause loss of light and view.

ASSESSMENT

9. The application must be determined in relation to the provisions of the development plan and other material planning considerations.
10. The proposed conservatory would not lead to any significant loss of residential or visual amenity and would relate satisfactorily to the dwelling in terms design, form and scale. Although the proposed conservatory may be visible from the neighbouring property, it will not be un-neighbourly such that refusal of planning permission would be justified.
11. In view of the above and having regard to the relevant development plan and its policies, the following recommendation is made.

REASON FOR APPROVAL

The proposal is considered to be in accordance with policies LP20, HS17 and CN01 by reason of its scale, design, materials and relationship to the existing dwelling. 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

DECISION

ITEM 5B/05/00790/FUL
FULLLITTLE WALDINGFIELD – PART SIDE GARDEN OF PAISLEY HOUSE,
CHURCH ROAD

Erection of detached two storey dwelling with garage. Construction of new vehicular access.

Applicant: Mr. P Maxim

Case Officer: Gemma Pannell

SITE

1. The application site is a vacant area of land between the recently constructed Paisley House and Grade II listed Pink Cottage. The site has a frontage of 16.75 metres and a depth of 37.45 metres, with a total area of approx. 0.05 hectares.
2. The site lies within the built up area boundary of Little Waldingfield and is in the Little Waldingfield Conservation Area.

PROPOSAL

3. The application proposes a two storey dwelling with integral garage and construction of a new vehicular access. The dwelling has a total floor area of approx. 238 sq. m (including the integral garage) and ridge height of 7.5m. The proposed dwelling is of brick and render construction under a tiled roof.

HISTORY

4. 1988 – Outline planning permission refused for the erection of a two storey dwelling and alteration of existing access to form a shared access with existing dwelling on site. Application B/88/01383/OUT refers.
5. 1991 – Outline planning permission refused for erection of a bungalow and garage and construction of vehicular access. Application B/91/00693/OUT.
6. 2001 – Outline planning permission granted for erection of two dwellings (existing dwelling to be demolished). Application number B/01/00420/OUT refers).
7. 2001 – Full planning permission granted for erection of 1 no. dwelling (existing dwelling to be demolished). Application number B/01/01636/FUL.
8. 2004 – Outline planning permission granted for erection of one no. two storey dwelling. Application number B/04/00153/OUT refers.

9. 2005 – Application withdrawn for the erection of a detached two storey dwelling with garage and construction of new vehicular access. Application number B/05.00246/FUL. This application was withdrawn following discussions with your officers, which indicated that the proposed design and scale of the dwelling were unlikely to be supported.

POLICY

PPG3 – Housing

10. 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.

Suffolk Structure Plan 2001

- CS3 (Housing Development)

Babergh Local Plan Alteration No. 1

- LP4, LP5 (Villages)
- LP17, LP18 (Infilling)
- LP78 (Conservation Areas)
- LP79 (Setting of Listed Buildings)

Babergh Local Plan Alteration No. 2

- HS02, HS03 (Villages)
- HS12, HS14 (Infilling)
- CN01 (Design)
- CN02a (Conservation Areas)
- CN10 (Setting of Listed Buildings)

OBSERVATIONS

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

ASSESSMENT

14. 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 a dwelling. 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.

15. Outline planning permission was granted in 2001 for the erection of two dwellings on a larger site (including this application site) and which was formerly occupied by a detached chalet bungalow. Full planning permission has since been granted for one dwelling occupying just over half of the original larger site area. This dwelling, Paisley House, has been erected and outline planning was granted in 2004 for a dwelling on the remaining second half of the site (plot 2). See paragraph 8.
16. The principle of constructing one dwelling on this land has therefore been established by the outline planning permission (granted in 2004) and therefore the issues to be addressed in this case relate to whether the proposal constitutes acceptable infill in the context of the street scene, the character of the Conservation Area and the setting of the Listed Building (see identified planning policies above).
17. 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 9 refers). It is also considered satisfactory in terms of the impact of the Listed Building. The access position has also altered from the earlier scheme and is now understood to be acceptable in highway terms.
18. 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, LP78, LP79, LP146 HS02, HS12, HS14, TP18, CN01, CN02a and CN10. In particular the proposed development is no considered to lead to any significant adverse impact upon the character of the areas or reduce the amenities enjoyed by occupants of neighbouring property. Furthermore the development is considered to be acceptable in terms of highway safety.

RECOMMENDATION

Subject to no new material issues being raised by the Parish Council the Head of Planning (Control) be authorised to grant planning permission subject to conditions:-

- Materials
- Levels (existing and proposed finished ground levels and finished ground floor levels).
- Removal of GPDO rights for the erection of extensions and new openings at first-floor level.
- Any as recommended by CHA

DECISION

ITEM 6B/05/00749/FUL
FULLGREAT CORNARD – PART REAR GARDEN OF RICHMOND LODGE 13,
KINGS HILL

Erection of two storey detached dwelling

Applicants: Mr and Mrs Barry

Case Officer: Gemma Pannell

SITE

1. The application site lies to the rear of established development fronting Kings Hill between Cats Lane and Stannard Way. The proposed development site currently forms part of the rear garden of a large Edwardian house, No. 13 Kings Hill. The garden is an L-shape with the shorter element passing to the northeast behind nos. 15, 17 and 19 Kings Hill, with property in Scofield Court adjoining to the north east, Oxford Close to the south and a Nursing Home to the south west.
2. The application site gains vehicular access from an existing partially hard surfaced driveway which runs along the southern boundary of No. 19 Kings Hill and is shared with Nos. 15, 17 and 19 Kings Hill. The driveway has an overall length of some 50 metres to the point where it widens out to accommodate the existing parking and turning area and an average width of some three metres over that length. The existing frontage properties benefit from the rear parking area and in the case of No. 15 garaging as well as turning facilities in this rear garden location. The application site currently gains access from the communal driveway via a gated access.
3. The site is bounded by a number of mature trees that are covered by Tree Preservation Order BT127. However, some of the trees covered by this Order do not remain on the site and it is understood that the majority of the trees were lost during the gale of October 1987.

PROPOSAL

4. The application proposal is to sub divide the rear garden of No. 13 Kings Hill to achieve a new building plot to accommodate a two storey detached house accessed along the side driveway. The application is for full planning permission and therefore includes details of the design and appearance of the proposed dwelling.
5. The dwelling has a total floor area of approx. 185.62 square metres with an approximate ridge height of 8.8 metres. The form and massing of the proposed property could be considered to reflect that of the character of the dwellings in close vicinity particularly those in Scofield Close. Parking and turning is to be provided in the forecourt area of the dwelling.

HISTORY

6. 2003 – Planning permission refused for the erection of two-storey detached dwelling. Application B/03/02163/FUL refers.
7. The application referred to above was subsequently dismissed at appeal in March 2005. In dismissing the appeal the Inspector did not rule out development on this site and concluded that there was no special character, which justifies retaining the site as an undeveloped feature. However, the appeal was dismissed as it was considered that the dwelling was cramped with unreasonable standards of outlook and privacy because of its design and siting.

POLICY

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

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

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

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

OBSERVATIONS

9. PC – Recommend Refusal: We do not believe that this application differs sufficiently from application B/03/02163/FUL to negate the conclusions of the Appeal Inspector in dismissing the appeal, or the original decision of the District Council to refuse permission. We maintain our objection.
10. CHA – The proposed parking and turning area is not sufficient to allow a vehicle to turn on site. Details showing an adequate turning space within the site shall be submitted and approved in writing by the Local Planning Authority.

11. Letters – Five received objecting to the proposal for the following précised reasons:-

- Detrimental effect on the character of my property.
- The windows will look directly down on my rear garden.
- Object to the removal of trees on the shared boundary.
- The parking and turning area is not adequate.
- The shared access area will become dangerous during the construction phase.
- Loss of light to my property.
- Replanting of the Tree Preservation Order should have taken place.
- The right of way along my boundary will be restricted.
- The existing access is very restricted and cars exiting this access have limited visibility.
- Concerns for the access of emergency vehicles to this site.
- Effect on the character and appearance of the residential area.
- The design of the dwelling, with a plain brick wall constituting one side of the house.
- Loss of privacy.

ASSESSMENT

12. The application site lies within the built up area of Sudbury/Great Cornard, in a grouping of residential development including some element of the built form in a backland location. No. 13 Kings Hill benefits from a substantial rear garden area that can more than easily accommodate a separate plot whilst maintaining an adequate amenity area for the existing house.

13. The main issues in this case are as follows:-

Impact on the Character of the Locality

14. This grouping of development, of which the application site forms part, includes elements of backland development particularly emphasised by the location of the adjacent Nursing Home, the old outbuildings to the northwest of the rear garden of No. 13 Kings Hill, Scofield Court and Oxford Close as well as the existence of the existing access way along the side of no. 19 Kings Hill. The road leading to 19 Kings Hill facilitates activity to the rear of the frontage development and with an existing gated access onto the application site would seem to confirm backland activity historically on the application site.

15. In terms of the principle of development on the site, the proposal is considered to reflect the character and grain of development in the locality. The design of the dwelling, similarly, reflects elements of the design and appearance of the buildings in the immediate locality including their scale and massing.

Impact on Residential Amenity

16. It is considered that the degree of isolation achieved between properties overcomes any concerns in respect overshadowing or over domination of dwellings. The existence of a massing of buildings in the vicinity of this rear garden location will assist in absorbing the development into the built form of the locality, which would not present an unacceptable form of development out of character with the grain of development in this section of Kings Hill.
17. In terms of overlooking and loss of privacy the properties to the northeast (Scofield Close) benefit from substantial trees in their rear gardens that serve to reduce the visual impact of the proposal in their outlook. The only window at first floor level on the elevation facing Scofield Court serves a bathroom and will therefore be obscure glazed, a window also serves a landing on this elevation and this could also be obscure glazed by condition.
18. The gable end nearest to the Nursing Home, on the South Elevation will have no windows at first floor level and therefore this safeguards the privacy of properties in Oxford Close and the Nursing Home.
19. At present within this grouping of development there is already a significant degree of mutual overlooking which this proposal will not significantly exacerbate.

Access, Parking and Turning

20. Members will note that the Suffolk County Highway Authority have commented that the parking and turning area appears inadequate, however they have not objected to the use of the access to serve the dwelling. The applicant is liaising with Suffolk County Council in order to achieve a satisfactory parking and turning area and an update on this issue will be given at the meeting.

Comparison with previous scheme that was dismissed at appeal

21. The previous application, (dismissed at appeal), had a floor area of approx. 221 sq. metres. The current scheme has a reduced floor area of 185.62 sq. metres representing a decrease of 35.38 sq. m. This reduction is considered to overcome the objections of the Inspector relating to the cramped nature of the appeal development. Furthermore the previous application had its east and west walls built very close to the boundary; the current scheme by contrast has been designed to allow a 2m gap either side of the dwelling. The previous scheme had a gap of only 1.2m on the east elevation and 0.6m on the west elevation, at its narrowest point.

22. In view of the above this scheme satisfactorily addresses the objections raised by the Planning Inspector in dismissing the previous scheme and accordingly the recommendation is one of Approval.

REASON FOR APPROVAL (subject to satisfactory resolution of outstanding matters)

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

RECOMMENDATION

Subject to resolution of the parking and turning area the Head of Planning (Control) be authorised to grant planning permission subject to conditions –

- Bathroom window and landing window on East elevation to be obscure glazed.
- No additional openings at first floor level.
- Any as recommend by CHA.
- Materials.
- Remove PD rights in respect of extensions.

DECISION

ITEM 7B/05/00740/FUL
FULL

ALPHETON – ALPHETON HALL, CHURCH LANE

Conversion of agricultural building to staff accommodation.

Applicant: N R E Willcocks

Case Officer: Gemma Pannell

This application is referred to the Committee at the request of the Local MemberSITE

1. The application relates to a barn situated within the curtilage of other barns and forming part of a group of important buildings including Alpheton Hall (occupied by the applicant) and Alpheton Church. Alpheton Hall is a Grade II listed building 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 part of the barn to a dwelling for staff accommodation. Externally, the proposal involves the provision of additional windows into the building.
3. The applicant's agent has included a statement in support of the application and this is summarised as follows;
 - The conversion of the former cattle shed to an annex to provide staff accommodation for a nanny and upon cessation of the need for a nanny to be used either as accommodation for staff employed at the hall or as holiday let.
 - Medium term plans exist subject to planning to find a beneficial use for the two principal grade II listed barns.
 - The nanny has been employed for nearly 2 ½ years and wishes to remain in employment at the Hall. The nanny does not drive and relies on family members and her partner to deliver and collect her from work.
 - The building is of great historic importance when taken as part of the setting of this historic site and it is important that it be preserved for future generations.
 - The building is by virtue of its layout and design unsuitable for anything but a residential type use.

RELEVANT HISTORY

4. None

POLICY

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

Suffolk Structure Plan 2001

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

Babergh Local Plan, Alteration No.1

- 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)
- LP78 – Listed Buildings
- LP79 – Setting of Listed Building

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

- CR31 – Conversion of barns (Residential)
- CN01 – Design
- CN10 – Listed Buildings

OBSERVATIONS

7. PC – No objection
8. EA – Objection - Flood Risk Assessment required.
9. SWT – recommend the building be surveyed for bats prior to the commencement of work.
10. Archaeology – Standard archaeological watching brief.

ASSESSMENT

Planning policy context (Policy relating to the conversion of redundant of under used buildings in the countryside)

11. 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 dwelling for staff claiming it will be an annexe. In your Officer's view 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 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.
12. 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 (see paragraph 17 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. 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.
13. 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.
14. In this particular case the application proposes the conversion of one of the most significant barns in this range of agricultural buildings albeit there are two more historically important barns located to the east and south west which are listed Grade II in their own right. Given the importance of this group as a whole the submission of proposals for individual elements would result in a piecemeal approach to this range of buildings, which may prejudice the ability to secure an acceptable comprehensive approach for the re-use of the group as a whole. In view of these concerns, the proposal neither accords with policy nor is acceptable on its merits.

Sustainable Development

15. 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 (listed at paragraph 20 above) 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. Government planning policies relating to sustainable development are reported within its Planning Policy Guidance Notes (PPG's) and paragraphs from relevant PPG's are summarised at paragraphs 7-13 above.
16. It is considered that the building is situated at an 'unsustainable' location, being remote from the nearest settlement of Alpheton with a poor access. 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, which 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.

Policy requirement to investigate alternative uses.

17. Policies LP51, LP53 and CR31 of the extant and emerging Local Plan documents require applicants proposing the conversion of under-used buildings to residential use to firstly fully explore the identified 'preferred' uses. This is normally achieved via a sustained and agreed marketing campaign. In this case, no marketing campaign has been undertaken, but instead, the quality of the access roads to the village is one reason that has been cited by the applicant as to why the buildings are not suitable for commercial re-use. The potential for a 'community' or 'recreation' re-use of the building has not been explored. Without a marketing campaign having been pursued, the potential for the commercial, recreational or community re-use of the buildings is unknown. Indeed, if marketing is undertaken a situation may arise where an appropriate 'low traffic impact' user of the site emerges

The Conversion

18. 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. The scheme has been revised since the original submission to improve the detailing of the fenestration and is now considered acceptable. Further investigation is currently taking place to establish whether the building comprises a curtilage building either to Alpheton Hall or to the independently listed barns on the site. A further report on this and the need for Listed Building Consent for the conversion works will be undertaken at the meeting.

Flood Risk Assessment

19. The applicant has now submitted a Flood Risk Assessment, which has been submitted to the Environment Agency for their consideration and an update on this matter will be made at the meeting.

RECOMMENDATION

Subject to the satisfactory resolution of the outstanding matters in Paragraph 18 and 19 above, the Head of Planning (Control) be authorised to refuse planning permission for the following reasons:-

- Alternative 'preferred' uses not explored to the satisfaction of the Local Planning Authority, being contrary to PPS7, and policies LP51, LP53 and CR31.
- Piecemeal approach to the reuse of a barn forming part of an important group of agricultural buildings (some of which are Grade II Listed Buildings). The proposal may prejudice the ability to secure an acceptable comprehensive approach for the re-use and conversion of this group of buildings as a whole.
- Any as required by the EA if appropriate.

DECISION

ITEM 8B/05/00399/FUL
FULL

LAWSHALL – LAND NORTH OF WAVEY CREST, HARROW GREEN

Erection of building and laying out of breeding beds for the purpose of vermiculture (worm breeding).

Applicant: W G Waspe & Son

Case Officer: Gareth Durrant

SITE

1. The application site is part of a field to the east of The Glebe in Lawshall and is situated within the countryside for the purposes of planning policy. It is close to the edge of the Special Landscape Area (to the west). Vehicular access to the site is gained from an existing field access onto the highway (Harrow Green) and the access driveway runs along the boundary of the adjacent field, alongside a dwelling known as ‘Wavey Crest’. This dwelling is one of the farm properties.

PROPOSAL

2. See report heading. The application proposes the erection of a building and the laying out of beds for the purposes of vermiculture (worm breeding).
3. The proposed building has a 432 square metre floorspace and a ridge height of 7.9 metres. The walls and roof of the building are to be finished in box profile plastic-coated steel sheeting (walls - Olive Green, roof – Goosewing Grey).
4. The breeding beds are to be laid out over the remainder of the site, which is approximately 2.8 hectares in size.
5. A lengthy planning statement has been submitted in support of the planning application. This can be viewed in full by prior arrangement with the case officer and is summarised as follows:-
 - *There has been a debate as to whether such enterprises comprise an agricultural activity that does not involve development. In the main, Inspectors determining appeals have tended towards the view that it is not agriculture, as defined, albeit it is plainly an operation which needs a rural location.*
 - *In this case, the applicants would be breeding the worms under contract to, and with the guidance of, Organic Resource Management Ltd (ORM), a company that is committed to addressing the problems of the disposal of biodegradable waste. In this respect they deal with the reduction of organic waste by various methods, one of which is utilising the digestive system of worms.*

- *The worms are bred in beds generally measuring some 5 metres wide by 50-100 metres long, with a unit of 10,000 square metres of breeding beds representing a viable enterprise. The only building required is an insulated barn for sorting, packing, storing and fattening the worms.*
- *The layout, including the beds and building would occupy some 3.21 hectares of field which would be separated by a new hedgerow from that part of the field remaining between the vermiculture unit and The Glebe.*
- *Each bed is made up of a base sheet upon which a bedding medium is spread, normally rotted horse manure, and which is then covered by a top sheet. The height of the finished beds is approximately 30 cm.*
- *For the first four months little else is required other than routine maintenance. After about four months feeding commences by the scattering of a grain-based meal which increases in frequency until it is being applied at two-weekly intervals.*
- *Topping up of the bedding medium is normally carried out in the autumn with about 25% of the original amount of manure required. The beds are completely replenished roughly every 4 years. This involves replacing the materials in each bed bit-by-bit allowing the worms to move into the new medium, enabling the next bit to be replaced.*
- *Harvesting of worms starts to take place after approximately 12-months, this can be done by hand, but a mechanical picker has been developed and would be used in this case. The worms are then sorted, weighed and packaged before despatch to ORM.*
- *The greatest concentration of traffic movements would be in the setting up phase of the enterprise, after which they are relatively infrequent.*
- *The new building will be typical in appearance to many a modern agricultural building and is located so as to form a cohesive grouping with the two relocated farm buildings.*
- *The field within which the worm breeding beds would be located is screened from wider countryside by mature hedgerow on its eastern, northern and southern boundaries. The new hedge proposed along the western edge of the unit will screen the beds from residents in The Glebe.*
- *Rotted horse manure does not create a particularly strong or offensive odour. Any odour would be short-term and would disappear relatively quickly after being spread and covered. The actions of the worms rapidly assists this process.*

- *The integration of this worm-breeding enterprise with the existing agricultural unit at Hall Farm will provide a valuable and sustainable form of diversification for the applicants. The use is one that is appropriate in a rural area and can be accommodated on this site without any adverse visual impact on the surrounding countryside and without causing any unacceptable problems for local residents at Harrow Green. Once established it is anticipated that two or three extra jobs would be created.*

HISTORY

Application site

6. 2005 – Planning application submitted for the erection of two agricultural buildings and alterations to existing vehicular access. The application was reported to the last meeting of Development Committee on 25th May (please refer to Paper E34. Item 5), where Members resolved that, subject to satisfactory details and assessment of the potential noise generated from the proposed grain drying equipment, the Head of Planning Control be authorised to grant planning permission. At the time of writing, a noise assessment report was awaited. Application number B/05/00400/FUL refers.

POLICY

Planning Policy Statement 7: Sustainable Development in Rural Areas

7. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.
8. All development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.
9. Planning has an important role in supporting and facilitating development and land uses which enable those who earn a living from, and help to maintain and manage the countryside, to continue to do so. Planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.
10. The Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes. Planning policies should recognise these roles and support development proposals that will enable farming and farmers to (inter alia) diversify into new agricultural opportunities.

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

The Development Plan

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

Suffolk Structure Plan 2001

- ENV3 (Design standards)
- ENV4 (Protection of the countryside)

Babergh Local Plan (Alteration No. 1)

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

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

- CR01 (Protection of the countryside)
- CR10 (Landscaping of development in the countryside)
- CR29 (Farm diversification)
- CN01 (Maintaining local distinctiveness)

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

OBSERVATIONS

13. PC – offer the following comments:-

“The Parish Council would like to support the application but will need assurance from our professional planning officers concerning potential smell and/or insect nuisance before doing so.

It is felt that there is a need for such enterprise and that vehicular movements etc. would not be of any consequence once the site is established.

Regarding the grain store – if silencing panels are available, then they should be used at the outset.”

14. CHA – Recommends that any permission granted should include conditions relating to the provision of the vehicular access and visibility and provision and retention of the proposed parking and manoeuvring areas.

15. HoES – offers the following comments:-

Following the site visit to an existing vermiculture site at Swaffham I consider that the proposed development does not have the potential to cause statutory nuisance from either odour or flies given that the material used in the beds is relatively inert. The odour impact is less than would be present in a traditional agricultural use, e.g. top dressing arable land with manure. As such I do not consider it necessary for conditions to be imposed with respect to odour control.

16. EA – No objection.

17. SPS – The Society supports the principle of the proposed development. However, it is concerned about the impact of the breeding beds and the materials needed to support them. The plastic covering, black in winter and white in summer will be visually intrusive in this part of the countryside especially as the beds cover a large area. Given the adverse impact of the proposal, the Society feels it has to object to this proposal.

18. Eighteen letters of objection have been received from local residents, including 4 anonymous letters. The issues and objections raised are summarised as follows:-

- Adverse impact of smell (18 letters)
- Negative impact upon property values (10 letters)
- Should be sited further away from dwellings (10 letters)
- Increase in traffic (10 letters)
- Attraction of flies/insects/vermin/birds (9 letters)
- Noise disturbance (8 letters)
- Visual impact (plastic sheeting) (6 letters)
- Will there be night time working? (4 letters)
- Possible risk to human health (3 letters)
- Potential risk of pollution to watercourses (2 letters)
- Nitrous oxide emissions (1 letter)
- Risk of worm migration (1 letter)
- What is to prevent the use of more noxious products? (1 letter)

ASSESSMENT

19. The planning application includes a proposal for the erection of a non-agricultural building in a countryside location. Whilst the proposed vermiculture enterprise (and building) is not strictly an agricultural operation, it is clearly an activity that requires a rural location, given the land coverage requirements of the beds. Whilst there are policies in the adopted and emerging Development Plan (ENV4, LP93 and CR01) that strictly control new development in countryside locations, Government planning guidance (PPS7) is supportive of the principle of farm diversification. Furthermore, adopted and emerging Local Plans policies LP49 and CR29 support, in principle, farm diversification proposals.
20. The proposal is considered to represent farm diversification and in considering the suitability of the proposal, the issues considered central to the outcome of the application are:-
 - i) impact upon the character of the countryside and landscape (use and building);
 - ii) impact upon residential amenity;
 - iii) highway safety issues.

Impact upon the Character of the Countryside and Landscape

23. The northern, eastern and southern boundaries of the field are marked by mature trees and hedgerows which would help to screen the buildings and beds from the surrounding countryside and soften its impact upon the adjacent Special Landscape Area. Whilst existing landscaping is good, there is scope to provide additional planting to further aid the assimilation of the buildings into their surroundings and there is a need to provide structural landscaping to the western boundary to help soften the impact of the building and beds from The Glebe.
24. It is likely that planning permission will shortly be granted for two agricultural buildings to be erected adjacent to this site and these will form a new base for the existing farm that currently operates from Lawshall Hall (please refer to paragraph 6 above). The proposed building to be used for the purposes of vermiculture would be grouped with these agricultural buildings around a yard with little net increase in landscape impact accruing. In the event that planning permission is subsequently refused for the proposed agricultural buildings, or if the buildings are never erected, it is considered that the impact of the proposed building in isolation from the two agricultural buildings, upon the character of the countryside and landscape would be minimal.

25. The impact of the proposed breeding beds upon the landscape and character of the countryside is also an important consideration. These are covered all year round with double-sided (black & white) plastic sheeting. In the warmer summer months the white face of the sheeting is exposed and in the colder winter months, the sheeting is turned to expose the black side. This process is followed to regulate the temperature of the beds (i.e. not too hot during the summer and not too cold during the winter). Given the location of the site which is tucked away from the public highway and footpath network and the fact that the site is well screened to three of its boundaries (with additional hedgerow planting proposed to the open west boundary), it is not considered that the bedding would have an such impact upon the landscape or character of the countryside to warrant a refusal of planning permission.

Impact upon Residential Amenity

26. A number of objections have been raised to the planning application on the basis of the potential impact of the use upon the amenities of local residents living close to the site. In particular, concerns have been expressed regarding potential smell, flies, rats, birds, and noise from the harvesting machinery. These issues were raised in particular because the proposal is to feed the worms with rotten horse manure.
27. Given the volume and strength of concern expressed regarding these issues, and as there are no other similar enterprises in the District that could be used for comparative purposes, Officers (including an Environmental Health Officer) visited a similar sized working vermiculture enterprise at Swaffham, Norfolk. At the time of the visit, rotten horse manure was being spread onto one of the beds (which had its sheeting removed) and worms were being harvested by hand on another. The smell given off by the manure was barely noticeable, even when standing directly next to the open bed. Furthermore, the harvesting process did not give rise to smells. The enterprise has experienced no problems of flies or rat infestations and birds were not a problem because the worms do not live at the surface of the material, which is also covered by sheeting.
28. In light of the above, the proposal at Lawshall is unlikely to cause smell issues for local residents living close by to the site. However, it is important that, in the event of planning permission being granted, the materials used to feed/bed to worms is controlled to prevent potential noxious substances being used. There are no objections to the use of rotted horse manure, which will not cause smell problems locally. Comments received from the Head of Environmental Services are summarised at paragraph 15 above.
29. Concerns have also been expressed regarding potential noise disturbance from the machinery used to harvest the worms. Worms are harvested by hand or machinery. It would be inappropriate for machinery to operate at antisocial hours and discussions are taking place with the applicant's agent to clarify the hours of operation. A further report on this matter will be undertaken at the meeting but it is understood from the agent that the applicant may be prepared to accept an hours of operation condition to control machinery for worm harvesting

Impact upon Highway Safety

30. Concerns have been raised by local residents that the development of this site will increase traffic through the village and place increased demands on the local road network.
31. The County Highway Authority has not objected to the application and, subject to conditions, are content with the location and design of the vehicular access. In the light of these factors, there are no objections to the proposal on highway safety grounds.

REASONS FOR APPROVAL

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

32. The proposal for the erection of a building for the purpose of vermiculture is considered to be in accordance with adopted and emerging Local Plan policies LP79, LP93, LP97, LP105, CR01, CR05, CR10, CR20 and CN10 by reason of their scale, design materials, siting, design, existing landscaping and relationship with existing dwellings. The proposal is not considered to reduce the level of amenity enjoyed by occupiers of neighbouring properties so as to justify refusal of planning permission and the proposal is considered acceptable with regard to highway safety.

RECOMMENDATION

Subject to the receipt of satisfactory details and conclusion of outstanding issues contained in the assessment above, the Head of Planning (Control) be authorised to grant planning permission subject to conditions –

- Landscaping.
- As recommended by CHA.
- Any as required regarding the hours of operation to avoid harvesting of worms by machinery at antisocial hours (see above)
- Controls to limit the worms feed and bedding materials.
- Surfacing of driveway.

DECISION

ITEM 9B/04/00689/FUL
FULL

LITTLE WALDINGFIELD – ARCHERS FARM, CHURCH ROAD

B/04/00689/FUL - Erection of dwelling. Demolition of existing fire damaged dwelling. Conversion of barn to 1 (no.) dwelling and change of use of existing building to Class B1 (light industrial) use.

Applicant: Cannon Nominees

Case Officer: Gareth Durrant

BACKGROUND

This application was reported to Members at their meeting on 24th November 2004 (Paper D186, item 11) and the following was resolved:-

- A. The Solicitor to the Council be authorised to secure an Obligation under S106 of the Town and Country Planning Act 1990 in respect of the relocation of the existing plant hire business to new premises within the Babergh District and the occupation of the Class B1 unit prior to, or concurrently with, the occupation of the barn as a dwelling.
- B. Upon completion of the obligation, the Head of Planning (Control) be authorised to grant planning permission, subject to conditions.

Otherwise,

- C. Refuse planning permission. Reasons

- Loss of an existing employment site (part), contrary to policies LP47 and EM15.
- Alternative ‘preferred’ uses to residential have not been investigated and discounted (relating to the barn conversion), contrary to policies LP51, LP53 and CR31.

Work commenced on the S106 Agreement following that resolution and a draft was prepared. It subsequently became apparent that the applicant was unable to enter into the Agreement because the part of the Agreements relied upon the actions of a third party, being outside the control of the signatory. In particular, the owner/operator of the existing plant hire business is not a signatory of the S106 Agreement. As a consequence, this report revisits the Committee resolution of 24th November 2004.

A description of the site and proposal, summaries of the planning history of the site, relevant planning policies and all observations received, together with the original officer assessment are detailed within paper D186 (Item 11).

ASSESSMENT

1. This planning application is in three parts; a replacement dwelling, conversion of a redundant/under used building to a Class B1 (light industrial use) and the conversion of a barn to a dwelling. The proposed replacement dwelling and conversion to B1 use did not form part of the proposed S106 Agreement and are considered acceptable.
2. The purpose of the S106 Agreement was to i) ensure the proposed B1 (light industrial) unit was provided prior to the occupation of the barn as a dwelling and ii) to ensure the existing plant hire business re-locates to a new site within the Babergh District. The S106 Agreement was considered necessary because the applicant had not investigated potential alternative uses for the barn (i.e. employment, recreation or community), in accordance with adopted and emerging policies.
3. It has been established, for legal reasons, that a S106 Agreement cannot be used to ensure the plant hire business re-locates to new premises within the Babergh District. However, owing to the nature of the business, it is unlikely to re-locate to a site away from its existing customer base, the majority of which will be local to the area. Officers are currently working with the owner of the business to find an alternative site. It is not considered that a refusal of planning permission could be sustained simply because the re-location of the plant hire business cannot be secured via a S106 Agreement. An element of employment will be provided at the site from the proposed B1 (light industrial) unit.
4. In light of this, and owing to the remote location of the site and the fact that its re-development will bring about significant environmental and landscape improvements it is recommended that, on balance, planning permission be granted without means of securing a new site for the re-location of the plant hire business. The provision of the proposed Class B1 unit prior to the occupation of the barn as a dwelling can be secured via a condition, thus revoking the need for a S106 Agreement.

REASONS FOR APPROVAL

5. The proposal comprising the erection of a replacement dwelling, the conversion of a barn to a dwelling and the change of use of an existing building to Class B1 use is considered acceptable in terms of policies LP8, LP 50-53, HSO5, CR30 and CR31 and will not adversely affect residential amenity, road safety, the character of the buildings or the environment and will ensure that part of the site is retained in employment use.

RECOMMENDATION

Grant Planning Permission subject to conditions

i) Replacement dwelling

- Samples of materials;
- Landscaping;

- Re-cycling / re-use of materials arising from the demolition works;
- As recommended by CHA.

ii) **Barn Conversion**

- As advised by CHA;
- Removal of permitted development rights (extensions, alterations, outbuildings, means of enclosure etc.);
- Samples of any new materials;
- Landscaping scheme.

iii) **Class B1 (light industrial unit)**

- Unit made available for use prior to the occupation of the barn as a dwelling;
- Hours of operation (to be agreed);
- No working, storage or display outside the building;
- Landscaping;
- As recommended by CHA.

DECISION

ITEM 10B/05/00664/FUL
FULL

ASSINGTON – ANGEL HOUSE, FURTHER STREET.

Change of use of a domestic outbuilding to Class A1 (retail) selling craft ware and handmade goods. Construction of new vehicular access.

Applicant: Karen McDougall

Case Officer: Richard Collins

BACKGROUND

This application is reported to Development Committee at the request of the Local Member.

SITE

1. The application site comprises an existing domestic outbuilding which is currently used for storage of household goods, and includes part of the front garden area and the existing drive and driveway. The outbuilding is detached from the dwellinghouse (Angel House) and is situated to the south-east of the dwellinghouse, approximately 3.5 metres away. The outbuilding is single storey and measures 4 metres by 3 metres and is constructed in red brick with a pan-tiled roof.
2. Angel House is situated off Further Street, which is the main A134, and is approximately 360 metres from the A134/A1071 junction. Angel House has an existing vehicular access.

PROPOSAL

3. This planning application seeks permission for a change of use of a domestic outbuilding to Class A1 (retail) selling craft ware and handmade goods. This application also seeks permission for a new vehicular access.
4. A supporting letter has been received from the applicant. Her intentions are to continue trading from Romford Market, and has recently begun selling her goods on an Internet auction site, as well as trading at Colchester Market as a casual trader with a view to becoming permanent. It is the applicant's intention to utilise these sources of trading as her main selling outlets.
5. The applicant has had 3 or 4 requests from local people to have a look at her goods with a view to purchasing. The type of goods she sells includes items such as gingham rag dolls, country kitchen signs and plaques, pyjama cases and flower fairies.

6. The applicant has informed the Council that she does not intend to erect notices or signage along country roads directing traffic to the property.

RELEVANT PLANNING HISTORY

7. 2004 – Refused – Change of use of a domestic outbuilding to Class A1 (retail) selling craft ware and handmade goods. Construction of new vehicular access. (B/04/01737/FUL refers).

POLICY

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

PPS1 – Creating Sustainable Communities

8. PPS1 states that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community. Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling.

PPS7 – Sustainable Development in Rural Areas

9. PPS7 states that planning authorities should focus most new development in or near to local service centres where employment, housing, services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling.
10. The following policies provide the framework against which this application should be judged.

Suffolk Structure Plan 2001

- Policy ENV4 ‘landscape quality and character of the countryside’.

Babergh Local Plan (Alteration No.1)

- Policy LP93 ‘landscape quality and character of the countryside’.

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

- Policy CR01 ‘landscape quality and character of the countryside’.
- Policy SP06 ‘shops in local centres and villages’.

OBSERVATIONS

11. PC – No objection.
12. CHA – standard conditions.
13. SPS – The Society considers that the site is unsuitable for retail development as it is in the open countryside. The access appears dangerous. The applicant states one to two car visits per day. If this is a correct assessment the Society doubts the business will be viable.
14. Letters – two letters have been received objecting to the proposal and their comments are summarised as follows:-
 - This area of Assington is primarily a rural residential area and it would be extremely detrimental to allow retail elements into Further Street.
 - There are retail units (shops) in Assington, Sudbury and Hadleigh, which could be utilised for such a use.
 - A retail element in this location would exacerbate the ‘urban blight’ of the Homefield shed emporium and Taylor’s equestrian centre near Newton.
 - Angel House is near to an accident black spot where several fatalities have taken place, and an increase in vehicular usage would be a danger.
 - Parking facilities are poor at Angel House and cars would no doubt spill onto the roads and verges to park, thereby leading to traffic congestion and danger.
 - Bambridge Hall (100 metres to the west) has already been the subject of severe damage from vehicular collision – further danger from increased car movements would not be welcomed.
 - Any increase in the already exceptionally high number of advertising signs in this area would be unacceptable.
 - Passers by stopping suddenly would present another hazard close to a dangerous junction.
15. The applicant has submitted a further letter to comment on the two letters of objection. Those comments are summarised as follows:-
 - She has no intention of erecting signage directing traffic to the property.
 - If this application were successful, her intentions regarding advertising would be by word of mouth by school mums and friends and by her next door neighbours at The Case Restaurant who have offered to put leaflets on their entrance table.

ASSESSMENT

16. Members will note under paragraph 7 a previous application B/04/01737/FUL was refused under delegated powers on 05 January 2005. It was considered that this type of development in this location did not represent a sustainable form of development and therefore would be contrary to policy SP6 of the Babergh Local Plan (Alteration No.2 Second Deposit Draft) as the site lays outside of any local centre or sustainable village (where such a use would be best located) and although small in nature, would therefore be considered to be an inappropriate location for retail use resulting in increased trip generation to the site. It was also considered that this type of development was not essential for the operation of agriculture, forestry and horticulture and for appropriate outdoor recreation therefore contrary to policies ENV4 of the Suffolk Structure Plan 2001, LP93 of the Babergh Local Plan (Alteration No.1) and CR01 of the Babergh Local Plan Alteration No.2 Second Deposit Draft.
17. Sustainable development is the core principle underpinning land use planning. PPS1 and PPS7 states that most new developments should be located, where possible, in areas which give people the greatest opportunity to access them by public transport, walking and cycling. The application site is not located within the settlement boundary of Assington and therefore in planning terms is located in the countryside. Although it is understood that this proposal is of a small-scale nature, the provision of a parking areas and additional vehicular access onto the A134 within this proposal suggests that the preferred or perceived mode of transport to visit the site is likely to be by private vehicle.
18. This application has been made with the intention of using the existing outbuilding as a secondary source of retail outlet for the sale of the applicant's craftware. As already stated, the applicant intends to use Romford and Colchester Markets, and an on-line auction site as the primarily source for sale of these goods. Although this would appear to help overcome the increase in trip generation to the site to view the goods for sale, the LPA would be unable to control any future increase in car trip generation. As a consequence, it is your officers' view that the site could be visited by private vehicles in an uncontrolled manner, therefore leading to an increased number of trip generations to the site by private vehicle and as such this proposed use would be best suited for accommodation in a town or sustainable village where access can be gained by public transport.
19. The CHA has recommended standard conditions to be attached to any planning permission that the LPA may give. On this basis, the construction of a new vehicular access is acceptable.
20. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made -

RECOMMENDATION

Refuse planning permission as contrary to policy ENV4 of the Suffolk Structure Plan 2001, policy LP93 of the Babergh Local Plan (Alteration No.1) and policies CR01 and SP06 of the Babergh Local Plan (Alteration No.2 Second Deposit Draft).

DECISION

ITEM 11B/05/00692/OUT
OUTLINE

CHATTISHAM – LAND OPPOSITE THE OLD RECTORY, THE STREET

Erection of a two-storey dwelling, single garage and garden store.

Applicant: Mrs R H Agate

Case Officer: Alison Taylor

BACKGROUND

This application is presented to Development Committee as it is a departure from the Local Plan.

SITE

1. The application site is located on the south side of The Street opposite the Grade II listed Old Rectory. The site has a frontage width of 43 metres, a maximum depth of 32 metres and encompasses an area of approximately 0.08 hectares.
2. The site is currently used as garden land, lies outside of any built-up area boundary and is immediately adjacent to a Special Landscape Area.

PROPOSAL

3. This application seeks outline planning permission for the erection of a detached two-storey dwelling, single garage and garden store. All matters are reserved (i.e. external appearance, siting, design, means of access and landscaping).
4. One letter has been submitted in support of the application. The following comprises a summary of the points raised: -
 - The proposal is for a two storey house with 3 bedrooms, two bathrooms, living/dining room, kitchen, conservatory, utility room, larder, WC/cloakroom, single garage with garden store.
 - The design will generally be in sympathy with the listed Old Rectory and will include clay plain tiled pitched roofs with rendered or traditional red brick walls and timber windows.
 - The intention is to locate the house as close to the western boundary as possible to minimise the overlap with the Old Rectory.
 - Four cottages were located on this site until 1938. Photographs of these buildings have been submitted.
 - The applicant intends to use the building as a house in which to retire.

HISTORY

5. No previous planning history

POLICY

PPS1 (Delivering Sustainable Development)

6. PPS1 states that land of a suitable quality in appropriate locations should be brought forward to meet the expected needs for housing, taking into account issues such as sustainability and sustainable transport needs, the provision of essential infrastructure. Provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport, rather than having to rely on access by car, while recognising that this may be more difficult in rural areas.

PPG3 (Housing)

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

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

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

Suffolk Structure Plan 2001

- Policy ENV3 (Design Standards)
- Policy ENV6 (New Housing in the Countryside)
- Policy CS1 (Distribution of New Development)
- Policy CS3 (Location of New Housing)

Babergh Local Plan Alteration No.1

- Policy LP4 (Housing Development in Villages)
- Policy LP17 (Criteria for Infilling & Groups)
- Policy LP18 (Layout and Design)
- Policy LP79 (Development in the Vicinity of a Listed Building)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy HS02 (Housing in Villages)
- Policy HS12 (Criteria for Infilling and Groups)
- Policy HS14 (Layout and Design)
- Policy CN01 (General Design)
- Policy CN10 (Listed Buildings)

OBSERVATIONS

9. PC – No problems overall although trees have been cut down and there may be a need to cut more. The last cottage on this site was demolished in 1938. It would be important to site vehicular access away from the dangerous bend.
10. CHA – No objection and recommend imposition of standard highway conditions.
11. Letters - One received. The following comprises a summary of the objections and issues raised: -
 - Have no objection in principle to the development of the site if carried out sympathetically with the existing property.
 - Many large trees have been felled during the last few months some over 60 feet high and a number more will be required.
 - Do not believe there have been any buildings on the site for at least 60 plus years.
 - The land floods in winter after heavy rainfall. The proposed building is directly in line with the water flow and will either flood or divert the water onto my property. Sand bags have been needed to protect the Old Rectory during the past years.
 - Would be happy to see proposed dwelling brought forward in line with Church Cottage to prevent the loss of light if it is set further back in the site.
 - The dwelling should be located further from the boundary hedge so it may be maintained.
 - The footings should be at least 2.5 metres deep due to the felling of such large trees.

ASSESSMENT

12. The application must be determined in relation to the provisions of the development plan and other material planning considerations. The main issues to be considered in this case are the location of the site outside any defined built up area boundary; the sustainability of the proposal and the impact on the amenities of the adjoining residents and the character of the site and its surroundings.

13. This application is submitted in outline form, with all matters reserved. The submitted block plan is for illustrative purposes only and does not therefore form part of the consideration of this application. Therefore, the Local Planning Authority is unable to ascertain the precise impact of development at this stage. However, the site is of sufficient size to satisfactorily accommodate one residential dwelling without prejudicing residential amenity or the character of the area.
14. Chattisham is a village without a defined built up area boundary and without any village facilities. It is not therefore classed as a sustainable location by local, regional or national planning policy. This central area of The Street supports approximately 40 dwellings, the majority of which are located on the north side of the road. The application site lies at the end of a row of seven detached dwellings on the south side of The Street. The frontage width and depth of the site is in proportion to these properties and previously supported four cottages, the last of which was demolished in 1938. Further to the west of the application site five dwellings (one replacement) have been approved since 1993.
15. The definition of previously-developed land in Annex C of PPG3 excludes land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site – such as its contribution to nature conservation – or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment. There are no surviving features of the previous dwellings, the site is well maintained with grass and dense boundary hedging, with mature trees to the eastern boundary.
16. However, the site is not considered to be a visually important gap nor that its development would result in an adverse visual impact. The Arboricultural Officer has no objection to the resultant loss of a number of small trees and shrubs. The western boundary hedge is an attractive and appropriate landscape feature and the siting indicated on the submitted plan would likely result in its destruction. The large Ash tree is diseased but if removed would leave the adjacent Scots Pine heavily exposed promoting actual or perceived fears for safety. If the dwelling were located as indicated it would be very difficult to argue for the retention of adjacent trees as the growth in the south east of the site is very dense creating a dark and overbearing impression. It is therefore considered that the dwelling footprint should be made smaller and/or moved towards the front of the site.
17. It is not considered that the proposed dwelling would have an adverse impact upon the setting of the Grade II listed Old Rectory, or the Grade II* listed All Saints' and St Margaret's Church and the Grade II listed Chattisham Place which lie to the immediate south east of the site but have no visual link by virtue of the dense vegetation.

18. The application site is considered to be 'exceptional' in that it has certain qualities, absent from other sites in the village, which make it suitable for residential development. The fact that the site is located at the end of an existing row of seven properties and is of a comparable size to the surrounding residential plots, make it a unique site within the village. It is concluded that, subject to satisfactory siting, layout and design, the development of this site will not have a material adverse impact on residential or visual amenity such that a refusal of planning permission is warranted.
19. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made –

REASON FOR APPROVAL

Despite being contrary to Local Plan policy LP93 and emerging policies HS04 and CR01, the proposal, for the erection of a two-storey dwelling, single garage and garden store is considered to be in accordance with the provisions of policies LP18 and LP79 of the Babergh Local Plan, Alteration No.1 and emerging policies HS14, CN01 and CN10 of 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 area or likely to reduce the amenities enjoyed by occupants of neighbouring property.

RECOMMENDATION

Subject to no new material planning considerations being raised as a result of public consultation exercise the Head of Planning (Control) be authorised to grant outline planning permission subject to the following conditions:-

- Approval of reserved matters
- As recommended by CHA
- Drainage
- Levels
- Materials
- Hardsurfacing details
- Boundary treatments
- Removal of Permitted Development Rights

DECISION

ITEM 12B/05/00040/FUL
FULL

NAYLAND WITH WISSINGTON – 2 CHURCH MEWS, HIGH STREET

Continued use of 1 No. room on ground floor for office use

Applicant: Mr M Frost

Case Officer: Mrs Clare David

SITE

1. No. 2 Church Mews is located on the east side of High Street, to the west of St James' Church and is a Grade II listed building. The application site lies wholly within the built up area, the Nayland with Wissington Conservation Area and the Dedham Vale Area of Outstanding Natural Beauty.

PROPOSAL

2. This application seeks permission for the continued use of one room on the ground floor for office use. This is a residential property but one room has been used as an office in connection with an independent financial advisers business since November 2004.
3. The room is located at the front of the dwelling and measures 3.6 metres wide by 5.5 metres in length.
4. The hours of working are 9am to 5pm weekdays.
5. One letter has been submitted in support of the application. The following comprises a summary of the points raised: -
 - The use consists of one reception room as an office including three desks for the applicant, an assistant and a self-employed consultant who primarily works from home.
 - The applicant sees clients in their own home or place of work.
 - Other than the applicant's car there is only one additional car parked at the site on a regular basis in a village where there is ample parking.
 - The applicant has no wish to make any structural changes and does not foresee the likelihood of ever employing additional staff at this site.

HISTORY

6. 1987 – full planning permission for works in connection with conversion of two existing dwellings into five flats – B/87/00246/FUL.

POLICY

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

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

Suffolk Structure Plan 2001

- Policy ENV1 (Conservation Areas)
- Policy ENV7 (Area of Outstanding Natural Beauty)
- Policy ECON4 (New Small Scale Employment)

Babergh Local Plan Alteration No.1

- Policy LP39 (Offices)
- Policy LP48 (Working from Home)
- Policy LP70 (Conservation Areas)
- Policy LP95 (Area of Outstanding Natural Beauty)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy CR02 (Area of Outstanding Natural Beauty)
- Policy CN02a (Conservation Areas)
- Policy EM06 (Offices)
- Policy EM16 (Working from Home)

OBSERVATIONS

8. PC – No objections.
9. CHA – No observations.
10. HoES – No adverse comments. The office has been in use for some time and the occupier of the adjoining residential property has not made any reference to transmission of noise through the party wall. I do not anticipate that the small-scale office use will have any noise impact.
11. A letter has been received from the Local Member stating that there are objections to the proposal from neighbours. It seems a condition on the conversion of the former commercial property some years ago contained a clause that the properties should remain ‘residential’. There are concerns as to car parking and the loss of residential amenity.

12. Letters – Two received. The following comprises a summary of the objections and issues raised: -
- This commercial use is totally out of keeping with this small shared courtyard of five residential Grade II listed buildings. No. 2 has been a residence for 400 years.
 - Church Mews is a close-knit community of elderly retired people.
 - There is only limited vehicular access and parking at the rear of the house.
 - The leases state that no business or commercial activity may be carried out at these addresses.
 - Approving this application would set a precedent allowing commercial usage for all five properties in the future.
 - Those using the office at the present time are not resident and commute in daily.
 - Although this application is for only one room they are presently using the kitchen as a storage space for office filing cabinets.

ASSESSMENT

13. National guidance, reflected by local development plan policy seeks to encourage sustainable communities and encourage small business operations. In many instances home-offices do not require planning permission provided that the main use of the property remains to be residential. This case however, requires planning permission as it has been established that the use is not considered to be ancillary to the main use of the property as a residential dwellinghouse. The reason for this is that the business operation employs two additional members of staff who are not normally resident within the building.
14. The main issues to be considered are those of residential amenity, highway safety, impact on the fabric of the listed building, and impact on the qualities of the Conservation Area.
15. The activities of this office use falls within the definitions of a B1 office use. There are no calling customers and no machinery etc in use that would cause nuisance by virtue of noise, smells, dust or fumes etc. the use is considered to be one which can operate within a residential area without detracting from the enjoyment of nearby dwellings. Furthermore, the office is situated on Nayland High Street that is characterised by a mix of uses including residential, commercial, retail and food and drink uses. The current proposal would not be out of keeping with the locality.
16. The County Highways Authority does not have any observations to offer on the application. It is not considered that the proposal impacts adversely on highway safety.

17. The proposal makes no internal or external alterations to the building. There can be no objection in terms of impacts on the listed building.
18. The Conservation Area in this locality is characterised by a compact group of buildings within a variety of uses. There can be no adverse impact on the qualities of the Conservation Area as a result of this proposal.
19. 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, (namely Policy ENV1, Policy ENV7 and Policy ECON4 of the Suffolk Structure Plan; Policy LP39, Policy LP48, Policy LP70, and Policy LP95 of the Babergh Local Plan Alteration No. 1; and, Policy CR02, Policy CN02a, Policy EM06, and Policy EM16 of Babergh Local Plan Alteration No. 2 Second Deposit Draft) it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

RECOMMENDATION

Subject to the receipt of no new representations following expiry of the statutory publicity period the Head of Planning (Control) be authorised to grant planning permission subject to the following conditions:-

- Hours of operation
- Restrict to the use applied for

DECISION

ITEM 13B/05/00913/DLB
LISTED BUILDING CONSENT

HADLEIGH – BABERGH DISTRICT COUNCIL, CORKS LANE

Application under Regulation 13 of the Town and Country Planning (Listed Buildings and Conservation Area) Regulations 1990 - Insertion of 1 no. replacement window to match existing.

Applicant: Babergh District Council

Case Officer: Mrs Clare David

BACKGROUND

This application is reported to Development Committee as Babergh District Council is the applicant.

SITE

1. Babergh District Council offices are located on the north side of Corks Lane and is a Grade II listed building.
2. The application site lies wholly within the Hadleigh Conservation Area and the Special Landscape Area.

PROPOSAL

3. This application seeks consent for the insertion of one replacement window on the south east frontage with Corks Lane. The existing window is rotten and beyond repair.
4. It is proposed to construct the window in timber and to decorate to match the existing windows. The proposed window measures approximately 600mm wide by 480mm high.

HISTORY

5. Numerous applications for alterations, extensions and replacement windows.

POLICY

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 (Conservation Areas)
- Policy ENV3 (Design Standards)
- Policy ENV8 (Special Landscape Areas)

Babergh Local Plan Alteration No.1

- Policy LP70 (Conservation Areas)
- Policy LP78 (Listed Buildings)
- Policy LP97 (Special Landscape Areas)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy CN02a (Conservation Areas)
- Policy CN10 (Listed Buildings)
- Policy CR05 (Special Landscape Areas)

OBSERVATIONS

7. TC – members will be updated verbally.
8. English Heritage – Members will be updated verbally of any response.
9. Letters – None received.

ASSESSMENT

10. The application seeks listed building consent to insert a new window in lieu of an existing window which has become rotten and is beyond reasonable repair.
11. The design of window currently proposed was originally granted listed building consent during the refurbishment works to the building from 1979 – 1982. The window was the subject of vandalism during the early 1990's and the central panel, originally divided by glazing bars, was repaired by replacing it with a single glazed panel. In replacing this window the Council wishes to replicate the design of the original window to match those within the remainder of the building.

REASON FOR APPROVAL

Listed building consent is recommended to be 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 Babergh Local Plan (Alteration No. 2) Second Deposit Draft and having regard for other material considerations.

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

RECOMMENDATION

Following receipt of the comments of English Heritage that the proposal be referred to the Office of the Deputy Prime Minister for determination in accordance with Regulation 13 of the Town and Country Planning (Listed Buildings and Conservation Area) Regulations 1990.

DECISION

ITEM 14

B/03/01929/OUT and B/03/02147/FUL
OUTLINE and FULL

BELSTEAD – MILL POULTRY FARM, GROVE HILL

Outline – Erection of 5 No. dwellings and garaging. Erection of garage/store for existing property (B/03/01929/OUT)

Use of land for the provision of public open space (B/03/02147/FUL)

Applicant: Mr. D. Abbott

Case Officer: Clare David

SITE

1. Located on the south side of Grove Hill, it currently supports a range of agricultural buildings and a dwelling that are operated as a poultry farm, together with an area of grassland to the south of the buildings.
2. The access (which is sited between two dwellings fronting Grove Hill) lies within the defined built-up area of the village, as does the existing dwelling and a small part of the agricultural buildings. The remainder of the application sites lie outside the defined built-up area. That part of the site (Application B/03/02147/FUL) to the south of the agricultural buildings is currently grassland.
3. The combined area of the application sites is 1.14 ha (0.39 ha - B/03/01929/OUT & 0.75 ha B/03/02147/FUL)

PROPOSAL

4. Application B/03/01929/OUT is in outline form with all details reserved for future approval. A site layout plan is submitted, but is for illustrative purposes only and does not form part of the application as such. The existing dwelling on the site is to be retained, and a garage/store is proposed for that dwelling. In a letter accompanying the application, the agent advises that the proposed vehicular access is intended to follow the route of the existing access with the junction to the highway being repositioned to improve visibility in a northerly direction. This access would also provide access for future maintenance of the public open space. The agent states that the proposals are entirely in accordance with Policy CR35 of the Babergh Local Plan Alteration No. 2 – Second Deposit Draft. And will have no material adverse impact on any interest of acknowledged importance.
5. The land the subject of Application B/03/2147/FUL is proposed as public open space. The application is submitted in detail but includes no information with regard to how the public open space will be set out e.g. whether it is to incorporate formal play equipment, sports provisions etc. Access to the site is intended to be achieved via the existing, improved access serving the poultry farm.

HISTORY

6. 1979 & 1980 – outline planning permission and reserved matters approved for erection of detached bungalow and garage – B/79/460 & B/80/392. Permission was granted subject to an agricultural occupancy condition.

POLICY

PPG3 – “Housing”

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

Suffolk Structure Plan 2001

8. CS3 –small-scale infilling within the built up area.
9. ENV3 –design standards
10. ENV4 – protection of the countryside

11. ENV6 – agricultural workers dwellings

Babergh Local Plan Alteration No.1

12. H6 (adopted as interim planning policy from County Structure Plan (Incorporating Alterations 1 & 2) – new housing will be integrated into towns and villages. In the countryside outside towns and villages it is intended that existing land uses will remain for the most part undisturbed.
13. LP18 – design standards
14. LP93 – protection of the countryside

Emerging Babergh Local Plan Alteration No.2

15. HS04 – protection of the countryside
16. HS14 – design of new housing
17. CR01 – landscape quality
18. CR35 – This policy is reproduced in full for Member’s information including the preamble to the policy.

- *In response to the publication of the Babergh Local Plan Alteration No.2 Issues Report, representations were received about two separate areas of land at Belstead. Taken together, these areas of land offer an opportunity to secure landscape, biodiversity and public access benefits. In return for two small groups of enabling development. There is an opportunity to secure a large area of land in perpetuity for the local community. The closure of the existing poultry farm on part of the site will enable environmental benefits to be obtained.*
- *The District Council proposes to make the land covered by the following policy a Local Nature Reserve, which will be conveyed to an appropriate organisation (such as the Woodland Trust Greenways Countryside Project or RSPB), for appropriate long- term management. Although at one time in arable cultivation the land is a good example of lowland heathland, which is an important habitat and landscape feature. Designation of the land as a Local Nature Reserve will complement the adjoining farmland’s entry into the Countryside Stewardship Scheme. This farmland, which is owned by Ipswich Borough Council, is managed with wildlife in mind and provides for public access throughout.*

CR35 - Approximately 11.2 hectares of land at Mill Farm and Grove Hill, Belstead, as shown on the Proposals Map, are allocated for a Local Nature Reserve. Provision will need to be made for: the retention of all perimeter hedgerows and trees; encouragement of biodiversity, and in particular, heathland management; creating public open space or children's play area; safeguarding the existing Public Rights of Way and creating permissive footpaths; creating a small car park, for users of the Local Nature Reserve, with access off Grove Hill; and managing the Local Nature Reserve by an appropriate organisation, including a programme of work to trees, shrubs and hedgerows enhance biodiversity.

The District Council will seek a Planning Obligation to ensure that the above criteria are met and the transfer of the land and commuted sums, if appropriate, are achieved.

OBSERVATIONS

19. PC – Recommends approval of both applications and considers the closure of the poultry farm with its associated smells to be of benefit to local residents. The Parish Council also request that applications be linked with the future application for the remainder of the Local Nature Reserve and that strict conditions be imposed on the use of the Public Open Space in liaison with the Parish Council.
20. CHA – No objections (provided that no other development is proposed and the public open space is protected) Recommend standard highway conditions relating to the layout and design of the access and the provision of car parking.
21. HoES – the farm comprises an intensive poultry unit currently housing 30 000 broiler chickens. These are kept on a 9-week cycle throughout the year. Environmental health records indicate a low incidence of complaints (one in 1999 relating to smell and one in March 2001).

A low incidence of complaints however, may not reflect the true situation, as it is clear that the current owner has strived to maintain good relations with neighbours. It is noted that such a farming operation would need planning permission were it to be proposed today as it is within 400m of residential property. Furthermore, permits from the Environment Agency are only required for more than 40 000 birds. The permits require sophisticated control measures to prevent pollution of the air, land and watercourses. The costs of providing such control measures are likely to be prohibitive and to avoid the need for such controls it is likely that the operations will continue below the limit of 40 000 birds.

An assessment of the existing operation of the site has been made and it is judged that it may give rise to loss of amenity to residential properties.

Noise and Dust – the poultry sheds have large exhaust fans to control ventilation and temperature within the buildings. On occasions these are required to be operated at maximum output and fan noise is likely to be audible at residential properties. Dust emission is minimal under normal circumstances. Sheds to the north of the site are presently unused but may be available for stocking at any time. Their proximity to Highlands is a matter for concern.

Slight odour was apparent on the date of inspection but this will be much more intense when the 30 000 birds are fully grown and ambient temperatures are higher. Nuisance will be dependent on wind direction.

Smell – soiled bedding and manure is removed from the sheds at 9 weekly intervals and odour is likely to be significant when work is in progress. Currently the manure is stored at the south end of the site and light odour is apparent from the storage heap. This is periodically carted away by another farmer and on these occasions very foul smell will be released on the farm and along local highways.

Deliveries – feed stuffs are delivered weekly. Noise from the vehicle and filling hoppers will be apparent. There is pressure from feed suppliers for the applicant to accept deliveries at night. Currently the applicant restricts deliveries as a good will gesture to neighbours after 7am on weekdays and 8am on Saturdays. Mature birds are collected every 9 weeks with typical collection times between 2am, 3.30am and 4.30am on the same night.

In conclusion the continued use of this site for intensive poultry farming is not recommended. The poor location is self-apparent and the low incidence of complaints seems to be on the basis of the applicant's longstanding good relation with neighbouring property owners.

22. EA – Provides advisory comments.
23. SPS – The site is outside the built-up area and should therefore remain in agricultural use. If permission is granted a less cramped and car dominated layout should be secured. The Society are also of the opinion that insufficient information is provided with regard to the use of the public open space which does not appear to have any public access.
24. Greenways Project – advise that they are very interested in this area due to their current arrangement with Ipswich Borough Council to manage the adjoining land. The Project supported the proposal in the Local Plan review for small-scale development to enable creation of a Local Nature Reserve.

The current applications unfortunately only generate a very small proportion of the overall Public Open Space and Local Nature Reserve. A single scheme incorporating both sites would be much more satisfactory.

If the Project were to become future managers then they would want to be involved in any discussions on this topic to ensure commuted sums are appropriate. The site may also need investigation for contamination and costs calculated accordingly for the site to be brought up to an acceptable standard.

25. SWT – the land consists of scrub and rough grassland and is of high ecological value and is likely to support a good range of breeding birds, reptiles, invertebrates and small mammals. The site requires little management at present. Additional planting to gap up boundary hedges and improvements to sections of footpaths are recommended. SWT would wish to be involved in development/maintenance of the site as a local Nature Reserve.

26. Letters – fourteen letters of support have been received from local residents. The main points of which are as summarised:-
- The farming operations have expanded over the years resulting in very intensive operations.
 - The current smell problems are only tolerated because of the good relationship that neighbours have with the applicant.
 - There is a rodent problem.
 - The residents do not understand why the current applications have taken so long to determine.
 - Local residents have a strong desire to secure the Local Nature Reserve but see no reason why the current applications should be linked to the larger site area.
 - HGV's visiting the site create a noise problem.
 - Problems have been experienced in selling property because of the presence of the poultry farm.
27. A letter has also been received from a local resident, which expresses concern that the delay in processing the applications may have been as a result of the applicant wishing to increase the number of dwellings being proposed. The author would strongly object to such a proposal as village facilities would not cope and a larger number of dwellings would impact adversely on wildlife.
28. A further letter has been received from the agent acting on behalf of the landowner for the larger part of the LNR. The main points of this letter are as follows:-
- The future planning of Mill Farm and Grove Hill have been proceeding independently based on officer advice.
 - Attempts to plan the two sites, involving cross-funding with be doomed to failure.
 - The Council is now pursuing a Countryside Stewardship scheme rather than a LNR as proposed by Policy CR35.
 - The owner of Grove Hill will only make the land available for an LNR involving transfer of ownership if not the land will be fenced off and retained in the hope that it will ultimately be developed for residential purposes in the future.
 - The owner of Mill Farm is best seeking development of 5 No. dwellings on a brownfield site district from Policy CR35.

ASSESSMENT

29. The majority of the application sites lie outside the defined built-up area of the settlement where adopted and emerging development plan policies militate against new residential development. The emerging local plan however, includes policy CR35 that recognises the environmental benefits of the removal of the existing poultry farm, as an inappropriate use, and securing the southern part of this site together with a larger tract of land to the east as a Local Nature Reserve. In order to achieve this the local plan recognises that two small enabling developments will be necessary.
30. A problem arises as the land, the subject of the draft allocation for a Local Nature Reserve in the emerging Local Plan, is in two different ownerships. The land required for the larger part of the Local Nature Reserve is not within the current applicant's ownership and does not lie with the site of these applications. The land required to be provided as public open space as part of the overall Local Nature Reserve within the draft allocation is the subject of the current Application B/03/02147/FUL). At present there is no clear indication of what investment and facilities will be required in order to establish the Local Nature Reserve and provide for its future maintenance. In the absence of such details no authoritative decision can be taken as to the level of enabling development currently being proposed.
31. To grant planning permission in respect of the current applications would, in officers' opinion, prejudice delivery of the Local Nature Reserve. If the current applications were to be granted there is no way of securing the provision of the larger part of the Local Nature Reserve due to it being within a different ownership to that of the applicant. The Council would thus allow housing outside of the built up area contrary to policy without securing the objective which is the basis of Policy CR35.
32. It is officer's firm opinion that the provisions of policy CR35 should be dealt with as one planning application. If not, then at least by way of two or more applications running in parallel to control the extent of the combined enabling development and ensure that both parts of the Local Nature Reserve are brought together for development.
33. Consideration has been given to the environmental benefits that would arise as a result of the closure of the existing poultry farming operations. However, it is considered that the problems at present represent a loss of amenity and no proven statutory nuisance has occurred. The Council has recognised in the preamble to policy CR35 that the closure of the farm would result in environmental benefits but this is on the basis that its closure will result in the provision of a Local Nature Reserve, of which the public open space forms only a small part. The current applications are thus considered unacceptable.

RECOMMENDATION

Refuse planning permission –

Contrary to policies CS3, ENV3, ENV4 of the Suffolk Structure Plan; policies H6, LP18, LP93 of the Babergh Local Plan (Alteration No. 1) and policies HS04, HS14, CR01, CR35 of the Babergh Local Plan (Alteration No. 2) – Second Deposit Draft.

DECISIONITEM 15

B/05/00596/FUL
FULL

HOLBROOK – CLENCH HOUSE, CLENCH ROAD

Erection of residential care home for the elderly (existing care home to be demolished). Alterations to existing vehicular access. As amended by drawing Nos. 1896/04A; 1896/04-02; 5812-1; 1896/01A; 1896/02A and 1896/03A received on 7th June 2005.

Applicant: Carefore Homes Limited

Case Officer: Mrs Clare David

SITE

1. Clench House is located on the west side of Clench Road at its junction with Woodlands Road and has a frontage width of approximately 82 metres, a depth of 76 metres and encompasses an area of approximately 0.62 hectares.
2. The application site adjoins residential development to the east and south, with amenity land associated with Holbrook High School to the south west. The site currently supports vacant accommodation for the elderly and is wholly within the built-up boundary for the village.

PROPOSAL

3. This application seeks permission for the erection of a residential care home for the elderly (existing care home to be demolished) and alterations to the existing vehicular access.
4. The proposed care home has an overall floor area of approximately 2450 square metres (1850 square metres at ground floor level) and accommodates 60 single bedrooms with en-suite facilities.

5. The care home would provide the following accommodation at ground floor level:-
 - 41 bedrooms with en-suites, 5 bathrooms, 9 WCs, 4 sitting rooms, 2 day rooms, 2 dining rooms, 2 courtyards, 2 offices, 2 staff rooms, 1 snoezelum, 1 activity room, 11 miscellaneous store/utility rooms, 1 laundry, 1 kitchen, 1 entrance hall and 1 hair salon.
6. The following accommodation is provided at first floor level-
 - 19 bedrooms with en-suites, 2 bathrooms, 1 WC, 2 store rooms, 1 utility and 1 kitchen/sitting room.
7. The proposed care home measures approximately 66 metres wide and has a depth of between 33 and 36 metres. The maximum ridge height measures approximately 10.2 metres with two chimneys extending to approximately 11.6 metres in height. The proposal is two-storeys high on the corner of Clench Road with Woodlands Road and fronting Woodlands Road (10.2 metre maximum), predominantly 1½ and single storey to Clench Road (10.2 metre maximum), predominantly single storey to the west (9.6 metre maximum) and single storey to the south (6.1 metre maximum).
8. It is expected that 45 cars and one light goods vehicle will visit the site during each normal working day and 26 car parking and 1 lorry parking space are proposed.
9. It is proposed to construct the care home in part red brick, part render on a brick plinth, with clay plain tiles to the main roof, clay plain tiles and slate to the 1½ storey elements, and slate and clay pantiles to the single storey elements.
10. For information and comparison purposes, the existing care home has an overall floor area of approximately 2000 square metres and accommodates 46 bedrooms, 8 of which are double with a total capacity of 54 residents.
11. One letter has been submitted in support of the application. The following comprises a summary of the points raised: -
 - The continued care use of this site has the support of Suffolk County Council and was one of their conditions of sale on the site.
 - Suitable, large sites for new care facilities are extremely difficult to acquire and very few new facilities have been built in the past five years, 10,000 care home beds were lost nationally last year.
 - Propose a 60-bed residential care home to provide 24-hour care primarily for the over 65 'frail elderly' client group with a range of dependency levels.

- From our experience, the residents will be over 90 and can no longer ‘cope’ with living alone, they or their primary carer will live within a few miles radius of the care home, their average length of stay will be between 18 and 24 months and most will be too frail to venture further than the gardens.
 - To provide residency for the elderly that complies with the Care Standards Act every room requires en-suite facilities, preferably with disabled access, which requires a lot of space. Wheelchair stores, private meeting rooms, better staff facilities, service user kitchenettes never existed in the care homes of the 1970s.
12. The application has been subject to amended plans since original submission. The amended plans form the basis of the application and involve -
- SITING – moved south approximately 1.5 metres and east approximately 1 metre to ensure a satisfactory relationship between the proposed building and existing oak trees.
 - HIGHWAYS – Increase in width of Woodlands Road at the proposed new vehicular entrance (vehicular exit to Clench Road only).
 - DESIGN – Front conservatory omitted and replaced by bay window. Lower level circular windows replaced by casement windows. Two-storey gable end to west façade revised. Materials indicated on elevations. Principal landscaping indicated.

HISTORY

13. 1970 – planning permission granted for home for elderly people with staff living accommodation – W/794/5.
14. 2000 - planning application withdrawn for application under regulation 4 of the Town and Country Planning General Regulations 1992 – Change of use from staff housing in support of home for older people to two separate dwellings – B/00/01142.

POLICY

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

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

Suffolk Structure Plan 2001

- Policy CS1 (New Development)
- Policy CS2 (Employment)
- Policy CS3 (Location of Housing)

- Policy ENV3 (Design)
- Policy ENV17 (Trees and Hedgerows)
- Policy ECON2 (Employment)
- Policy ECON3 (Re-use of Employment Land)
- Policy T9 (Car Parking)

Babergh Local Plan Alteration No.1

- Policy LP4 (Housing in Villages)
- Policy LP5 (Villages)
- Policy LP25 (Special Needs Housing)
- Policy LP47 (Retention of Existing Employment Sites)
- Policy LP100 (Protection of Trees)
- Policy LP146 (Parking)

Babergh Local Plan Alteration No.2 – Second Deposit Draft

- Policy CN01 (General Design)
- Policy HS02 (Housing in Villages)
- Policy HS03 (Villages)
- Policy HS23 (Special Needs Housing)
- Policy CR08 (Protection of Trees)
- Policy EM15 (Retention of Existing Employment Sites)
- Policy TP18 (Parking)

OBSERVATIONS

16. The following comments are have been received as a result of the originally received drawings and details. The revised details are currently the subject of a reconsultation exercise and Members will be updated verbally of representations received. In particular, members are advised, that the agent has been in discussions with CHA to overcome previous highway objections to the proposed new access from Woodlands Road.
17. PC – Would like to see TPO's on the oak trees on the Woodlands Road boundary. The layout of the entrance should be reviewed and we are concerned there is insufficient parking and therefore recommend refusal.
18. EA – Standard response small residential development (with soakaway).
19. CHA – The proposed access onto Woodlands Road is in close proximity to Clench Road. An additional access at this location could cause confusion to other motorists and pedestrians and is considered detrimental to road safety. With this omitted from the scheme would recommend imposition of standard highway conditions.
20. SCC Fire Officer – Recommend standard access requirements and minimum carrying capacity for hardstanding for pumping appliances.
21. Social Services – no response received to date.

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

- 26 car parking spaces is inadequate.
- Predicted vehicle visits of 45 cars and 1 lorry per day is most certainly an underestimate in comparison to that of the original care home.
- Does not take into account volume of visitors at weekends and Christmas.
- Previous problems of staff and visitors parking in the road, obstructing the narrow access, double yellow lines would cure some of the problems.
- With the proposed entrance at Woodlands Road the Clench Road access is unnecessary.
- The lorry parking space is not shown on the plans.
- Need assurance that Clench Road will not be obstructed during demolition and construction.
- Is the mains sewer capable of taking waste from an extra 60 residents and staff and visitors?
- What is the purpose of the chimneys on the single storey elements – open coal fires and pollution?
- Will the existing plants and trees on the site be reused, resited or flattened? One particular tree was a memorial.

ASSESSMENT

21. The application must be assessed in relation to relevant planning policies and other material planning considerations. The main issues to be considered are design and layout; neighbour amenity; and highway safety issues (including parking), all of which are contained within Policies LP25 and HS23. In addition, the impact on nearby trees must also be considered.

22. Policies LP25 and HS23 refer to special needs housing and include nursing, residential care homes and rest homes. The following represents a summary of those policies with officer comments on the application in bold print. The policies state that such homes will be permitted provided that: -

- They are within the built up area boundary of a town or large village where a range of services and facilities available. **The site lies within the built up area for Holbrook village. The village has the benefit of a range of local facilities including a doctor's surgery.**
- The proposal provides an adequate amount of staff accommodation. **The proposal is to provide 24-hour care but does not intend to have manager's accommodation. There are however sufficient areas for staff rest rooms and administration etc.**

- The development incorporates useable attractive areas of communal gardens. **The application proposes three courtyard areas and external gardens all of which are considered appropriate subject to satisfactory landscaping details.**
 - The development is located near to existing facilities. **The site is some distance from the local facilities within the village that are for the post part situated on The Street. However, it should be remembered that the site is currently occupied by an existing care use and that it is envisaged that the majority of occupants will be ‘frail elderly’ and will not often venture far from the site.**
 - Adequate car parking is provided in accordance with adopted standards. **The adopted standards would only require a maximum of 32 spaces if all staff (both full and part time were present on site at any one time). The proposal accommodates 26 spaces, 6 spaces short of the maximum. The proposal is thus considered acceptable in terms of car parking provision.**
 - The internal and external layout and design meets the needs of people with mobility problems. **The building and its grounds have been specifically designed with this in mind. Circulation routes exist both within the building and the external areas to allow ease of access. Lifts are also provided to access first floor areas.**
 - Where permission is granted for an institutional use (Class C2) the permission will be restricted to the use permitted only. **See suggested conditions below.**
 - There is no detriment to road safety, residential amenity or drainage infrastructure. **The building is designed in such a way that the two storey elements relate well to existing two storey buildings and likewise with the single storey elements. The nearest residential property to the two storey building will be approximately 30metres and from the single storey building approximately 15metres. There will be no direct overlooking of habitable room windows due to this degree of separation. The proposal will not adversely impact on residential amenity as a result. The comments of CHA are currently awaited.**
23. The drawings originally submitted illustrated the proposed building in very close proximity to one of the mature oak trees on the northern boundary of the site. The amended drawings show the building to have been moved back by 1.5 metres, to bring the building outside of the canopy spread of the tree. The comments of the Council’s Aboricultural Officer are awaited as to the acceptability or otherwise of the revised drawings.
24. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made -

REASON FOR APPROVAL

The proposal by virtue of its location, siting, design and layout accords with Suffolk Structure Plan 2001 policies CS1 (New Development), CS2 (Employment), CS3 (Location of Housing), ENV3 (Design), ENV17 (Trees and Hedgerows), ECON2 (Employment), ECON3 (Re-use of Employment Land) and T9 (Car Parking); Babergh Local Plan Alteration No.1 policies LP4 (Housing in Villages), LP5 (Villages), LP25 (Special Needs Housing), LP47 (Retention of Existing Employment Sites), LP100 (Protection of Trees) and LP146 (Parking); and Babergh Local Plan Alteration No.2 – Second Deposit Draft policies CN01 (General Design), HS02 (Housing in Villages), HS03 (Villages), HS23 (Special Needs Housing), CR08 (Protection of Trees), EM15 (Retention of Existing Employment Sites) and TP18 (Parking).

RECOMMENDATION

That subject to no adverse comments being received from the CHA and/or the Council's Aboricultural Officer and subject to no new issues arising from the reconsultation exercise that the Head of Planning (Control) be authorised to grant planning permission to this scheme (or as may be amended as a result of comments received) subject to the following conditions: -

- Restrict to use applied for.
- Levels in relation to existing, proposed ground levels and surrounding ground levels and building heights.
- Submission of materials.
- Submission of landscaping details (including details to protect existing trees and hedgerows during construction).
- Submission of boundary treatment details.
- As recommended by the CHA.
- Submission of details of any ancillary buildings and external lighting

DECISION

ITEM 16B/05/00823/FUL
FULL**LEAVENHEATH – PART SIDE GARDEN OF TYNWALD, EDIES LANE**

Erection of 1 No. 1 ½ storey dwelling and detached double garage. Alteration to existing vehicular access.

Applicants: Mr and Mrs B Mann

Case Officer: Martyn Fulcher

BACKGROUND

A panel of Members inspected this site on 1st June 2005 in order to assess the environmental impact of the development upon visual amenity and the character and appearance of the locality at the request of the local Member.

SITE

1. The character of Edies Lane, for the most part, consists of detached dwellings that sit forward within their respective plots. The dwellings primarily consist of 1950's to 1960's bungalows. The application site is located at the end of the lane, within what is currently utilised as side garden area associated with the property known as 'Tynwald', a two-storey detached dwelling. The application site forms an irregular shaped parcel of land and encompasses a total area of 0.11 hectares. The site measures approximately 50.0m in depth with a frontage area of some 14.0 metres, widening to a maximum width of 32.0 metres. Part of the application site falls outside of the defined built up area for the village

PROPOSAL

2. See report heading. The proposed 1 ½ storey dwelling is set back approximately 9.0 metres from the main rear wall of Tynwald, and is located centrally within the application site. It provides the following accommodation at ground floor level:-
 - Kitchen, utility room, lounge, dining hall, study, lobby and 1 no W.C.
3. The following accommodation is provided within the roof space:-
 - 4 no. bedrooms (1 with en suite facilities), 1 no. bathroom and landing.
4. The dwelling has an overall floor area of approximately 137 square metres.
5. The dwelling has a maximum ridge height of approximately 7.7 metres with one chimney extending to approximately 9 metres in height, a maximum depth of 10.5 metres and a width of approximately 11.8 metres.

6. The proposed detached double garage measures 5.8 metres in width, 5.7 metres in depth, with a ridge height of approximately 5.3 metres. The garage is to be sited to the rear of the proposed dwelling.
7. It is proposed to construct the dwelling of painted render over a red brick plinth to the external walls and weathered orange clay pantiles to the roof. The single-storey rear element is to be clad in black stained softwood weatherboarding.
8. The garage is to be constructed of weather boarding to the external walls.
9. The applicant has submitted a letter in support of the application. The following comprises a summary of the points raised: -
 - Outline planning permission has recently been granted for a dwelling not exceeding 1 ½ stories in height in the garden land of Kilbirnie opposite. This dwelling is wholly outside the built-up area boundary.
 - The proposal lies substantially within the built-up area boundary, which follows the line of a track serving a small group of farm buildings, rather than the more logical eastern boundary to Tynwald.
 - As was the case at Kilbirnie, the eastern boundary of the application site is defined by mature hedgerow, which acts as an established boundary between the countryside and the distinguishable residential group.
 - The conclusions of the planning officer in respect of the land next to Kilbirnie apply equally to this site, to quote, “The site would not represent scattered or sporadic development within open countryside or ribbon development to the detriment of the character of the area and would form part of a large identified settlement”. And
 - Although the proposed dwelling is set back behind the rear wall of Tynwald, it would not be set back any further than other dwellings fronting the south side of Edies Lane, e.g. 30A and its immediate neighbour to the west.

RELEVANT HISTORY

10. 1972 – Outline planning permission refused for the erection of a dwelling - S/72/650/M.
11. 1979 – Outline planning permission refused for the erection of a bungalow - B/79/1023/OUT.
12. 1980 – Outline planning permission refused for the erection of a bungalow and construction of new vehicular access to serve ‘Tynwald’ - B/80/85/OUT. Appeal dismissed.

POLICY

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

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

Suffolk Structure Plan 2001

- Policy ENV3 (Design Standards)

Babergh Local Plan Alteration No.1

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

Babergh Local Plan Alteration No.2 – Second Deposit Draft

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

OBSERVATIONS

14. PC – To be reported if available.
15. EA – Standard advisory comments regarding small residential development (with watercourse).
16. HoES – No adverse comments, recommend a condition prohibiting the developer from burning vegetation etc when clearing the site.
17. Letters - Two letters of objection have been received, the salient points are as follows:-
- Dwelling to be partially outside the village envelope;
 - Different circumstances to land opposite (Kilbirnie);
 - Edies Lane is privately owned and already serves nine dwellings;
 - Traffic concerns;
 - Substantial house is overlooked by the existing house;
 - Dwelling should be sited nearer the front of the site;

- Relocation of car parking could lead to a fire hazard;
- Single track cannot support further development;
- If allowed, the floodgates for further applications both on the remainder of the plot to the south and also on adjoining land belonging to No.30;
- Leavenheath is not an urban settlement; and
- Future developments on the rest of the site would be contrary to the Development Plan and outside of the built up boundary and would substantially alter the appearance of this part of the village.

ASSESSMENT

18. The application must be determined in relation to the provisions of the development plan and other material planning considerations.
19. A substantial part of the application site lies within the built up area of Leavenheath. As such, there can be no fundamental objection in principle to the erection of a dwelling within the site. However, the application must also be assessed on the suitability and siting of the dwelling proposed, having regard to the site and its setting given the criteria of adopted and emerging Development Plan policies.
20. The immediate locality primarily consists of bungalow type properties set in generous plots with open countryside immediately to the east. The exception to this is the host property 'Tynwald' which is a two-storey dwelling.
21. The proposed 1 ½ storey dwelling would be situated within a plot having a frontage of some 14.0 metres and a maximum depth of approximately 53.0 metres. The proposed dwelling would be set back and angled from the host property (Tynwald) and be situated 9.0 metres from the nearest point elevation of that property. In addition, the proposed property would be sited only 2.5 metres from the site boundary. A central access would serve both the existing property and outbuildings, and the proposed dwelling and collective parking areas.
22. The objectors' comments relating to the recent decision to approve a new dwelling at Kilbirnie to the north of the application site, the relationship of the proposal with the defined built-up area boundary of the village and to further development of the application site have been noted. However, this application has to be assessed on individual merit.

23. It is acknowledged that PPG3 advocates the more efficient use of land and promotes the use of brownfield sites for residential development. However, in this instance, it is considered that the proposed development would result in a contrived form of development, out of character with the prevailing pattern of development by virtue of the siting of the dwelling, its orientation and resultant relationship with the host property. As such, the proposal is considered to be harmful to visual amenity and to compromise the setting of the host property.
24. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made -

RECOMMENDATION

Refuse planning permission – Contrary to policies ENV3, LP17, LP18, HS12 and HS14.

DECISION

ITEM 17B/05/536/FUL
FULL

CHILTON - PLOTS 18, 19 & 20, CHURCH FIELD ROAD

Erection of factory / warehouse and offices, associated access and parking.

Applicant: William Armes Ltd.

Case Officer: Christine Thurlow

SITE

1. Plots 18, 19 & 20 are located on the west side of Churchfield Road, opposite Mauldons Ltd (plot 13) and Morecroft Engineering (plot 14). In total the site measures 1.778 hectares and is vacant, grassed land which slopes significantly away from Church Field Road, in a south-westerly direction. There is no existing vehicular access to the site.

PROPOSAL

2. The application seeks planning permission for the erection of a large factory / warehouse and offices, together with the construction of a vehicular access and parking for 48 cars and a delivery yard with associated turning/manoeuvring areas and landscaping. The floor space of the building would total 7,690 square metres comprising 6,960 square metres - Industrial and Warehousing and 730 square metres – Offices. The proposal is intended for occupation by William Armes Ltd who currently occupy premises in Cornard Road in Sudbury and plan to relocate and expand their operation at the Churchfield Road site. (The existing premises in Cornard Road including the Yellow Dot sports facility are the subject of a separate outline planning application for redevelopment of the site for residential development (04/01176/OUT). This application is currently the subject of negotiation by your Officers and is as yet undetermined.)
3. In support of this application the agent states the following:-
 - This proposal will allow the Company to relocate from their existing premises and it is important that the application is determined at its earliest opportunity to allow the company to successfully programme a move to their new facility in the summer of 2006.
 - The site at Churchfield road is zoned for industrial development.
 - The Company currently employ 47 full time staff. The redevelopment will enable the company to improve productivity and should lead to the construction of new jobs.
 - Suffolk County Council has raised no objections to the proposed access.

- We have been in contact with Suffolk Wildlife Trust and have commissioned a survey and report for the catching and relocation of lizards.
- Our client has carried out a study into the travel patterns of its employees - this is available for inspection via the Case Officer. In summary it states that the preferred travel choices are not expected to change, however a minibus service may be operated into the town centre at lunchtimes.
- The site is an irregular shape with an overall fall of 6.5 metres from north-east to south-west over the site. There is no existing landscaping.
- In design terms, the Brief calls for a large warehouse/production area. This is provided by a double span flat arch portal design. The weaving works will be carried out in a sound insulated extension to one of the portal structures. The height of the loom building will have a reduced eaves which will provide a visual break from the larger warehouse/production area.
- The warehousing will be on one level but using existing falls across the site to their full effect so that the required dock levelling to the goods in/goods out bays can be achieved.
- A mix of horizontal and vertical profile coated cladding will be used on the warehouse/production building. The main offices will stand away from the main warehouse/production building but be linked with two access bridges.
- The offices are contemporary in design with a curved front wall of rendered finish which follows the curve of Churchfield Road. The roof has a curved profile to link to the form and material of the warehouse.
- A landscaped car park area is separated away from the access to the main goods in/goods out service area. This service /turning area is screened from the road and by the building. A further vehicular access is provided to the north allowing service and maintenance to the sprinkler tank installation. will allow for good boundary landscaping treatment
- The overall footprint of the building is 39% of the site area, allowing for good boundary landscaping treatment.
- The main surface water and foul water sewers run parallel to the southern most boundary and therefore there will not be a need for new drain connections within the road.

HISTORY**Plots 18,19, and 20**

4. 1988 – planning permission granted for the layout of roads and sewers to facilitate general employment use. (B/88/01539/FUL).
5. 1998 - an application was submitted for the erection of a two storey factory unit with associated offices and construction of vehicular access. However this was withdrawn by the applicant prior to determination.(B/98/00141/FUL)

Plot 18 only

6. 1990 - an application was submitted for use of the land for Class B2 general industrial use However this was withdrawn by the applicant prior to determination.(B/90/00167/OUT)
7. 1990 - outline planning permission granted for the erection of a building (s) for Class B2 or B8 use (B/88/90/401/FUL)

Plot 19 only

8. 1990 - outline planning permission granted for the erection of a building (s) for Class B2 or B8 use (B/88/90/401/FUL)

POLICY**PPG25-Development and Flood Risk**

9. PPG 25 address flood risk issues and requires the submission of flood risk assessments where appropriate.
10. The following policies are taken from the Suffolk Structure Plan 2001:-
 - Policy ECON 1 states that expansion of an existing employment use will be acceptable where there is no material conflict with residential amenity or with policies for transport or the protection of the environment.
 - Policy ENV3 advises that Local Planning Authorities will require high standards of siting, design and landscaping in all development and that design layouts should respect the characteristics of their sites and surroundings while achieving densities and development consistent with the efficient use of land.

- Policy T14 deals with the control of development and states that major development will not be acceptable unless a comprehensive transport impact assessment has been carried out. Policy T14 also states that in assessing development proposals trip generation, adequacy of the existing and proposed accesses, adequacy of surrounding network and scope for access by means other than by private car and lorry and matters taken into account.
- Policy T9 deals with car parking requirements.

11. The following policy is taken from the Babergh Local Plan (Alteration No. 1):-

- Paragraph 2.11 deals with the expansion of existing firms and states that there will be a strong presumption in favour of normally permitting the expansion of the existing firm and proposals will be judged against Structure Plan policy.
- Policy LP146 – requires all development to have sufficient on-site car parking to cater for the development involved.
- LP59-Flood issues

12. The following policies are relevant and taken from Babergh Local Plan (Alteration No. 2):-

- TP17 – adequate provision for cycle and vehicle parking.
- TP18 – parking in new developments
- TP19 - provision of green travel plans.
- CR14 - protected species
- EN05 – Flood issues
- EM02 – employment related development proposals.
- Paragraph 4.34 – “there will be a strong presumption in favour of permitting the expansion of an existing firm and proposals will be judged as against Structure Plan policy ECON1”

OBSERVATIONS

13. PC (Chilton)– In general we have no major objection provided that development takes place on the current ground level which is 3-4 feet below Churchfield road. Any attempt to raise the base levels of the building to current road level would be opposed. The site also needs more screening in front of the proposed offices (space for a water feature perhaps) and more trees on the other 3 sides particularly alongside Churchfield Road. Site lighting should be controlled and directed downwards in such a way so as not to increase light pollution.
14. Adjoining PC - Sudbury Town Council-Approve
15. CHA – recommends six standard conditions and one advisory note regarding access, gradient, parking, cycle storage and visibility splays.

16. SCC Archaeology – No case for objection to planning permission being granted on archaeological grounds. However recommend a condition stating no development shall take place until the applicant has secured the implementation of a programme of archaeological work which shall have been submitted and approved by LPA.
17. HoES – No objection in principle.
18. SWT – records indicate that common lizards are present on the site. This species is protected under the Wildlife and Countryside Act 1981. Mitigation measures are necessary and request that:-
 - No site clearance or heavy machinery movement takes place until appropriate mitigation takes place.
 - Any lizards captured should be translocated in the vicinity to a location with suitable habitat and no existing reptile population.
19. Fire Officer – states that no new hydrants are required at this time and that access to buildings must meet Building Regulation requirements.
20. EA – The proposal constitutes operational development on land between 1 and 5 hectares within a flood zone 1 area. In order to show that the development is of low risk, a Flood Risk Assessment should demonstrate acceptable surface water run off levels with sustainable drainage techniques.

ASSESSMENT

21. There is no objection in principle to the erection of the proposed industrial buildings on the site for the purposes proposed. The proposed development would be entirely in accordance with the planning policies listed above and the grant of planning permission in 1988 which facilitated industrial development of the land and gave permission for the necessary infrastructure.(i.e. construction of roads and drainage). Indeed the construction of a large unit for the relocation and expansion of an existing firm in Sudbury is to be welcomed particularly as it will consolidate existing jobs and allow for others to be created in the future.
22. With regard to the design of the building, it is successfully broken into smaller elements to reduce its mass and comprises a modern design with an interesting two storey “stand alone” element with a sloped roof design for the offices (located on the frontage of the site) which would be linked to the remainder of the building by a glazed link. Whilst the offices would be at ground level on the site frontage, the other buildings are at levels cut into the ground to obtain a level floor essential for warehousing usage. No soil would need to be removed from the site or imported to achieve these ground level changes, although soil will need to be redistributed around the site. However the impact of these changes and of the development as a whole is acceptable. However a good landscaping scheme will be necessary as the site is prominent and has a large frontage onto Churchfield road as it lies within the curve of this estate road. Such a landscaping scheme can be secured through the imposition of a condition.

23. The choice of external materials for a building of this size is also important although the selection of appropriate colours for the profiled metallised sheeting and other materials can also be secured by condition. Conditions are also recommended to address issues of the presence of lizards on the site together with archaeological interests. With regard to the Parish councils concerns about light pollution, a condition is also recommended to ensure that any lighting schemes for the site and buildings are submitted to the Council and approved before installation in order to safeguard visual amenity interests particularly given the prominent nature of the site.
24. The County Highway Authority has assessed the access positions, parking levels and layout, lorry servicing and visibility splays and consider the submitted details to be acceptable. In view of this and with the imposition of a green travel plan condition to ensure that sustainability issues concerning modes of travel are satisfactorily addressed, there are no highway objections to the proposal.
25. With regard to the EA's comments no flood risk assessment currently forms part of the application. The site is not within any designated flood plain but it does slope significantly and discussions are currently taking place with the agent to resolve surface water flood risk issues. A further report on this outstanding matter will be undertaken at the meeting. Subject to the satisfactory resolution of this outstanding matter the recommendation is one of approval.

REASONS FOR APPROVAL (subject to the resolution of the outstanding matter)

26. The proposed development is in accordance with Structure Plan policies ECON 1 ENV3, T14 and T9, adopted Local Plan policies LP 146 and LP59, and emerging policies, TP17, TP18, TP19, CR14, EM02 and EN05 by reason of the scheme constituting acceptable industrial development. There is no highway objection and the design and external appearance of the scheme are acceptable and flood risk issues relating to surface water run off have been satisfactorily addressed.

RECOMMENDATION

Subject to the resolution of the outstanding matter referred to above regarding flood risk issues and no objections from the EA, the Head of Planning (Control) be authorised to grant planning permission subject to conditions:-

- As recommended by the SCC – Archaeology Unit;
- As required by CHA;
- Mitigation measures relating to lizards (see SWT's comments);
- Condition to ensure that finished floor levels are implemented in accordance with submitted details;
- Detailed landscaping scheme;
- Control of floodlighting;

- Details and samples of all materials.
- Green Travel plan
- Any as required relating to flood risk issues

DECISION

ITEM 18

B/05/543/FUL
FULL

GREAT CORNARD - QUEENS ARMS, 28 BROOM STREET

Conversion and extension of existing outbuildings to form 3 No. dwellings. Alterations to existing vehicular access.

Applicant: Landfast Ltd

Case Officer: Christine Thurlow

SITE

1. The Queens Arms Public House is located in Broom Street, on the corner with Radiator Road. The Queens Arms currently consists of a Public House, car park, garden and outbuildings. The garden is walled on the south-west side with a brick topped flint wall. The outbuildings are used as stores and include a commercial kitchen which is currently unused.

PROPOSAL

2. The application seeks planning permission for the Conversion and extension of existing outbuildings to form 3 No. dwellings. Alterations to existing vehicular access.
 - The roof height of the outbuildings will be increased by 0.7metres to allow the formation of first floor rooms.
 - The properties will be accessed through the proposed front gardens formed by the existing pub garden.
 - Residents car parking will be shared with that of the pub and will use the existing pub car park and access.
 - In support of the application the agent states the following:-
 - Since reducing its operational area size, the pub business has been trading successfully in its current capacity since September 2004.

- The redundant outbuildings have been unused for approximately five years.
- The pubs current income is predominantly generated through beer and drink sales. There is a refurbished kitchen area that is sufficient to serve light snacks.
- The client base is adult; this is not a family restaurant type operation.
- The current leasee also runs three other successful pubs.
- The manager, responsible for the day to day running of the pub lives on site.
- The pub garden will cease to be used for that purpose and become gardens to the proposed dwellings

RELEVANT HISTORY

3. 2002 - Outline residential development – refused (B/02/1188/OUT)
4. 2005 - an application was submitted for the erection of 9 No. two-storey dwellings.

(Following demolition of existing dwelling). Alterations to existing vehicular access. However prior to determination the application was withdrawn at the applicants' request (B/02/1188/OUT).

POLICY

5. The following policies are taken from the Suffolk Structure Plan 2001:-
 - Policy ENV3 advises that Local Planning Authorities will require high standards of siting, design and landscaping in all development and that design layouts should respect the characteristics of their sites and surroundings while achieving densities and development consistent with the efficient use of land.
 - Policy T9 deals with car parking requirements.
6. The following policies are taken from the Babergh Local Plan (Alteration No. 1):-
 - Policy LP18 – requires new housing development to be of a high standard of layout and design, respecting the existing character of an area.
 - Policy LP17 - density and housing type
 - Policy LP3 - development in the built up area

- Policy LP146 – requires all development to have sufficient on-site car parking to cater for the development involved.
7. The following policies are relevant and taken from Babergh Local Plan (Alteration No. 2):-
- TP17 – Adequate provision for cycle and vehicle parking.
 - HS12 – Infilling
 - HS14 - Design of new housing
 - HS01 - Development in the built up area
 - CR33 – Protecting Public Houses

OBSERVATIONS

8. PC – Recommend approval.
9. One letter from resident in Broom Street making the following comments:-
- Object to any extra traffic in Broom Street;
 - Nowhere for residents to park;
 - Current traffic levels in Broom Street and lorries delivering;
 - Problems with two dropped kerbs to two dwellings further up the street.
10. CHA – Recommends two conditions regarding parking and visibility splays
11. Fire Officer – recommends no need for fire hydrants and states that access to buildings for fire appliances and firefighters must meet Building Regulation requirements.

ASSESSMENT

12. The site is within the Built Up Area Envelope of Sudbury, Great Cornard and Chilton. Consequently there is no settlement policy objection to the formation of three small one bedroomed dwellings. Indeed by virtue of their size they will in fact contribute to meeting affordable housing needs.
13. Although the proposal would result in the loss of the pub garden and large unused commercial kitchen, as detailed by the agent there is an existing kitchen which adequately serves the pub in terms of catering requirements.
14. The pub car park will remain, although the application proposes that it will be shared between the potential residents of the dwellings and the pub clientele. The CHA is entirely happy with this arrangement and the level of parking provision for both uses.

15. On this basis it is considered that the proposal will allow the public house to continue to function as such whilst securing the renovation of outbuildings in poor condition and providing small dwellings to meet housing need. Consequently there is no objection to the principle of the proposal.
16. In respect of detailed issues the following comments are made:-

Conversion works

- The applicant proposes to raise the roof height in order to provide first floor rooms.
- The insertion of windows at both the ground and first floor levels in the North-west elevation, fronting Radiator Road.
- A Single storey ground floor extension to the South-east elevation is proposed to provide extra living space and access to the dwellings.
- The removal of existing windows and the insertion of new windows to the first floor level of the South-east elevation.
- The existing pub garden will be divided up to provide enclosed patio/garden areas for each of the proposed dwellings, with individual access.

All of the above works are considered acceptable.

Impact on Residential Amenity and Road Safety

- The CHA has not raised any objection to the proposal and the addition of 3 no. one bedroom dwellings is not anticipated to materially increase traffic on Broom Street.
- Future residents of the proposed dwellings will not suffer any overlooking from pub clientele as the application proposes the cessation of the pub garden.
- Parking is to be provided in the existing pub car park.
- Retention of the boundary wall to south west

In view of the above the proposal is considered acceptable in terms of residential amenity and road safety considerations.

REASONS FOR APPROVAL

Given that the application does not propose the loss of the public house (albeit the pub garden will cease) and relates to the creation of three one bedroomed dwellings (which will help to meet housing need) with adequate parking provision, the scheme is considered to be in accordance with adopted policies LP3,LP17 LP 18 and LP146 and emerging policies HS01,HS12 and HS14,TP17and CR33. The proposal is not considered to reduce the level of residential amenity enjoyed by neighbours and there is no highway objection to the proposal.

RECOMMENDATION

Grant (Planning Permission) subject to conditions:-

- As recommended by Highways.
- Cessation of the pub garden.
- Details and samples of materials.
- Retention of wall to south-west boundary.
- Withdrawal of permitted development rights relating to extensions, alterations and shed or outbuildings.

DECISION

Richard Watson
Head of Planning (Control)
16 June 2005