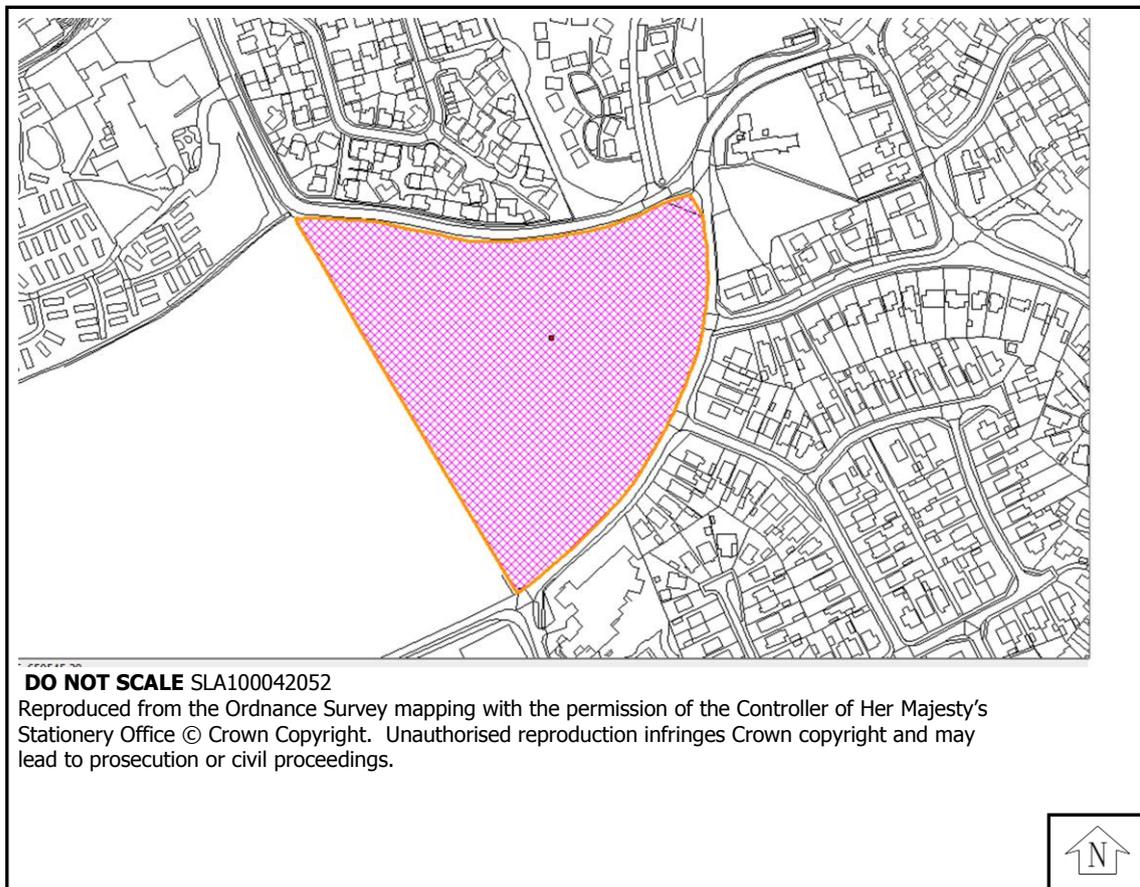


**PLANNING COMMITTEE - 13 MARCH 2018****APPLICATION NO** DC/17/3519/OUT**LOCATION**Land At Church Lane,  
Carlton Colville,  
Lowestoft**EXPIRY DATE** Extension of time agreed to 28 February 2018**APPLICATION TYPE** Outline Application**APPLICANT** Badger Building (E. Anglia) Ltd.**PARISH** Carlton Colville**PROPOSAL** Outline Application - Residential development including access roads.**1. SUMMARY**

- 1.1 This application was deferred at the last meeting held on January 13, to enable a Members site visit to take place. The site visit was held on 7<sup>th</sup> March 2018.
- 1.2 This application seeks outline planning permission for up to 78 dwellings, including 35% affordable housing, open space and a car parking area for the church, along with improvements to the local road and footpath network. The site is within the setting of the Grade II\* listed Church

of St Peter and it is considered that the proposal would have a negative impact on the setting of the church.

- 1.3 Whilst there would be some benefits arising from the proposed development, notably the provision of affordable housing, these benefits are not considered to outweigh the harm that would be caused to the setting of the church.
- 1.4 Whilst the Council cannot currently demonstrate a five year housing supply it is considered that the supply is not significantly lacking against targets, and will soon be remedied by the forthcoming Local Plan which will allocate a significant amount of land for new housing which will meet the needs of the District.
- 1.5 The application is referred to the Planning Committee as it is a major application. The recommendation is for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is triangular shaped area of agricultural land extending to around 3.5 hectares situated on the eastern side of Carlton Colville. Chapel Road forms the northern boundary to the site. To the north of Chapel Road is residential development and Carlton Hall Residential Care Home and development of sheltered bungalows. Church Road marks the eastern and southern boundaries of the site. On the opposite side of Church Lane is existing residential development. Opposite the north eastern corner of the site is the Grade II\* listed Church of St Peter's. The site is bounded on its western side by a footpath which runs north south from Chapel Lane to Church Road. The eastern boundary of the path abuts a substantial field hedge which follows the whole of the boundary and separates this land from the more open farm land and paddocks beyond on Mutfordwood Lane.

## **3 PROPOSAL**

- 3.1 This application seeks outline consent, including the means of access, for up to 78 dwellings, including 35% affordable housing, open space and a car parking area for the church, along with improvements to the local road and footpath network. With the exception of access, all subsequent matters are reserved for subsequent approval although the application is accompanied by an indicative Master Plan which shows how development might take place on the site.
- 3.2 Two vehicular access points into the site are proposed from Church Road and Chapel Lane respectively. The indicative site layout plan shows that the access roads link through the development and with a loop road provide for the majority of the dwellings to have a frontage to an adopted highway. The plan states that the positions of the junctions have been agreed with the County Council.
- 3.3 A revised indicative site layout plan also shows an area of open space of approx. 430 sqm in the apex of the triangle, opposite St. Peter's Church. The layout plan indicates that the proposed additional parking for the church would be provided within this area of open space.
- 3.4 The submitted Design and Access Statement provides the following information:

“As an outline submission this application does not contain detailed designs for the individual properties proposed that it is likely that the majority of dwellings will be two storey, with eaves heights of around 4.8m and ridge heights, depending upon the floor plans, of around 7.7 to 9 m. Properties will be constructed in red or buff brick and may include plinths and corbel detailing to the eaves, or the use of decorative barge boards. Contrasting boarded cladding will provide a degree of variation and roofs will for the most part be covered using clay pantiles in the orange or grey colour range.

Doors, windows and fascia boards will be in white or appropriately coloured UPVC. Drive ways will be surfaced in brick weave or porous paving to aid the soakage of water and reduce run off. Front gardens will be laid to turf and a landscaping scheme will be subsequently agreed with the local planning authority as part of any conditional approval. Plot boundaries will be defined by close boarded fencing or post and rail fencing to frontages where required.”

3.5 The application is supported by the following documentation:-

- combined Planning and Design and Access Statement
- combined Flood Risk Assessment and Drainage Strategy
- Affordable Housing Statement
- Energy Statement
- Stage 1 Contamination Assessment
- Heritage Statement

## 4 CONSULTATIONS/COMMENTS

4.1 **Neighbour consultation/representations** 22 objections have been received on the following grounds:

- The Waveney Local Plan has already earmarked a site off The Street in Carlton Colville for up to 800 houses.
- According to the first draft Local Plan it appears the target for 9000 new homes in the WDC area has been met.
- The site was considered in the draft Local Plan before preferred sites were selected
- The site clearly lies outside of land identified for development.
- The development will tower above existing properties, reducing privacy, destroy the design of the local area and devalue existing properties.
- detrimental to Carlton Colville and the surrounding area. The views of the local church, a 17th century Grade 2 listed building, would be destroyed forever.
- View from the west towards the Grade 2\* listed church identified previously by CPRE as important landscape view and should be preserved. Development conflicts with the setting and character of the church,
- Chapel Road and Church Road are already busy roads with buses and lorries.
- There are a large number of brownfield sites available to meet the demand for housing,
- The development and additional traffic generated will be dangerous for pedestrians and cyclists.
- The development will result in a loss of sunlight and privacy.
- Inadequate drainage and flooding issues.
- The design of the development is out of keeping.

- The roads are a natural boundary between Lowestoft and Carlton Colville.
- More houses are not needed.

4.2 **Carlton Colville Town Council**:- Carlton Colville Town Council recommend **REFUSAL** of this application on the following grounds:

**NPPF 12 and DM30 Conserving and enhancing the historic environment**

4.3 St Peter's Church is the oldest recorded building in the village, originally built in 1326c and has a Grade II\* listing. The church was rebuilt in 1884 to the original 14th Century style and incorporates earlier remains from the original church including the medieval tower. The proposed development would totally destroy the setting of the church.

4.4 The development of very sheltered dwellings and modifications at Carlton Hall magnify the importance of the setting to St Peter's Church. The proposed development would result in substantial harm to a Grade II\* listed building and impact on the communities enjoyment of this heritage asset and its setting and the views, currently enjoyed, across the site which offer a vista of open fields towards Gisleham. A true reminder of the heritage of this setting and the rural roots of the village of Carlton Colville as mentioned in the Domesday Book.

**CS01 Spatial Strategy**

4.5 This application does not protect nor enhance the local distinctiveness of the oldest remaining part of the original village of Carlton Colville.

4.6 There is already an area of land with planning permission (awarded to another developer) that seems to be very slow to be developed.

**CS02 High Quality and Sustainable design**

4.7 This application has a detrimental effect on the character, appearance and environmental quality of the area as it does not sufficiently protect the historic character or setting of the historic buildings.

4.8 Due to the suggested access on to the highway it does not create safe accessible environments. The new estate roads would enter the highway very near to the sharp bend in the highway on the north side and almost opposite the new exit for the school on the south side. It is understood that larger vehicles (i.e. buses) are not able to pass one another due to the narrow roads. It is also felt that the new estate road will become a cut through of traffic making the access points even more dangerous. It is also understood that vehicles have left the highway at the sharp bends and ended up in the field. The suggested open space sits well above and right next to the existing road, which could be hazardous to both users of the park and traffic.

4.9 The existing footpath, which is very well used, will be close to the estate road possibly making it difficult/dangerous for footpath users.

**CS03 Flooding and Coastal Erosion**

- 4.10 We note that the development will incorporate the SuDS system for dealing with surface water runoff. The Town Council would like to understand how this system is to be maintained in the future and who would be responsible for it.
- 4.11 A development of any size, in this and many other parts of the locality, will have an impact on the water systems. Due to the lack of drainage in Chapel Road during periods of heavy/persistent rain the water runs down the adjacent roads causing flooding in Beaumont Road, Famona Road, Hall Road, Waters Avenue and Mutfordwood Lane. Regardless of how the development deals with the surface water runoff some will leave the site causing further problems to these roads. Some residents have also noted that the water pressure is reduced of late too.
- 4.12 The council would also like to understand whether the sewage systems (including the pumping stations) would be able to cope with a development of this size, some of these roads already suffer from sewage blockages and overflowing on to properties around The Street, Peacock Close and surrounding roads.
- 4.13 It is well documented and understood by the various agencies that parts of the original village suffer from flooding, for this reason Carlton Colville Town Council would recommend that the views of the various water authorities are sought.

#### **CS04 Infrastructure**

- 4.14 We see no evidence that this development will be able to support the necessary increase in infrastructure to meet the needs of those who will live there or those that already live in the locality. Residents report already having to wait 3 to 4 weeks to see their doctor, the nearest dentist is a car/bus ride away. The local pre-school is already full and the local primary schools are almost at full capacity. The nearest senior school is also at capacity. The water systems are at capacity. Residents have already been told that they cannot have access to the super fast broadband services as they are at capacity already.
- 4.15 This development would not generate sufficient CIL/Section 106 monies to improve any of these matters.
- 4.16 The site is considered unsuitable for development in the new plan as it would have the potential to negatively impact on the setting of the church and does not deliver the benefits of the suggested larger site.

#### **NPPF 9 and CS11 Housing**

- 4.17 Paragraph 5 provides the criteria for where development will take place, despite the perceived difficulties put forward by the developer there are other more preferable sites to develop, these also have the infrastructure to cope. Other sites are also better suited to provide access to rail links thus reducing carbon emissions. It is the opinion of this Council that the various developers and WDC should work together to ensure that the brownfield sites are utilised first before considering any greenfield site, without this happening then vast swathes of land in Lowestoft will end up being underdeveloped whilst the villages and outlying areas will be overdeveloped.

- 4.18 It was also reported in the press in October 2016 that there were approximately 1,500 vacant dwellings across the district. If there are such large numbers of empty dwellings why consideration should be given to building on Greenfield sites. The NPPF supports the need to bring forward dwellings that are empty either by compulsory purchase or other measures.
- 4.19 This development would not meet the criteria of the NPPF as point 79 states that the fundamental aim of the policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Although this site is not strictly Green Belt it is nonetheless grade 1 agricultural land and therefore forms part of the countryside and as such should be safeguarded from encroachment.
- 4.20 During the last 30 years or so Carlton Colville has been developed to within an inch of its life, without exception on farmland. This is the last remaining part of the original settlement and deserves to be preserved especially to protect the heritage site of St Peter's Church.

### **CS17 Built and Historic Environment**

- 4.21 The proposed development does nothing to protect the setting of the Grade II\* listed St Peter's church. A previous application to develop land to the west of Carlton Hall had to leave a sufficient break on the southern edge of the plot to protect the setting of the church. Given that that is behind a wall and this development would be sited in front of the church preserving the setting is considered by the community to be very important. Especially as the church is the oldest recorded building in the village.
- 4.22 We support the need for a full and proper archaeological survey to be undertaken of the area, the area is known to be rich in archaeological finds.
- 4.23 Council would recommend that English Heritage and Suffolk Preservation Society should be approached for their comments on the application with regard to the impact of the setting on this heritage asset.

### **DM02 Design Principles**

- 4.24 *point 3.3... design that respects and enhances its setting, is paramount.*
- 4.25 For reasons stated under CS17 above this development would totally destroy the setting of the Grade II\* listed church of St Peter's.
- 4.26 *point 3.5 ....all development provides an acceptable standard of amenity for its occupants and does not result in significant harmful effects to the surrounding users.*
- 4.27 The application would be of significant harm to the surrounding users i.e. the whole village. The proposal is to build mainly 2 storey dwellings, this would be detrimental to the streetscape, especially on the south side - a small strip of open space is insufficient and the housing would be very imposing on what is the low lying part of the village which is built with predominantly older cottages and bungalows, even the school is a single storey building.

- 4.28 The development would impact on the general amenity and tranquillity of the area e.g. increase noise and light pollution.
- 4.29 One of the purposes for building Castleton Avenue was to take traffic away from the area, this development would bring traffic into the village. We believe that, at the very least, a Transport Statement should be provided as part of this application.

**Other matters for consideration**

- 4.30 The area under consideration is deemed by the community and Carlton Colville Town Council to be of great importance. It is the last remaining site which in any way reflects the heritage of the village and should be protected. At various times of the year there are migrating birds species which visit the area. It was also identified under another application to develop land to the west of Carlton Hall that within 2k there were 5 or more species of bat known to fly in the locality.
- 4.31 Furthermore, it is understood that there may be Anthrax on the site too.
- 4.32 We would recommend that a site visit should be undertaken to allow the Planning Committee to gain an appreciation of the location.
- 4.33 Following on from a public consultation held at the Carlton Colville Town Council office on Tuesday 12<sup>th</sup> September these are the concerns of the residents:

<b>Concerns and Objections</b>	<b>Comments</b>
WDC rejected application to build on here once before	It was on the original Local Plan but not the current one. When refused last time residents informed that this site would never be developed
Higher ground area	Given the location of the proposed development, on higher ground, close to the church and Carlton Hall (the oldest recorded parts of the old village) it is likely to have been used historically for settlement – archeologic dig is required
Infrastructure Flooding	Well documented issues within this area and roads adjacent
Spoiling of views of established village	This is the first view of the village
Greenfield land being used	Following Brexit more arable land will be needed to grow more of our own food
Overdevelopment of site	With an average of 2 cars per household plus business/utility movements appears

	inadequate
Church Views – iconic land must have special regard to the desirability of <a href="#">preserving</a> the <a href="#">building</a> or its setting or any features of <a href="#">special architectural</a> or <a href="#">historic interest</a> which it possesses.	The oldest building in the village will have loss of views and setting View from the west identified previously by CPRE as important landscape view and should be preserved
Privacy	Bungalows on Chapel Lane will have car headlights shining into their living rooms
Access Roads	Both road access are coming out onto already dangerous spots and very narrow roads also one entrance is opposite the new school entrance
Infrastructure Doctors, hospital, dentists	Already at capacity
Infrastructure Schools	Primary schools and High schools already at capacity
Infrastructure Sewerage	Well documented issues not only in the immediate vicinity but further into the village
Infrastructure Roads	Chapel Road and surrounding are very narrow and will not cope with an influx of traffic Double decker buses already go on the path due to road width Roads become 'Rat Runs' Castleton Avenue was built to take the traffic away from the village now we will be bringing it back
Lack of footpaths	Particularly dangerous for children
Destruction of Village feel and community	Residents moved into village for that way of life The area was semi rural now be more of a housing estate
Obstruction of country views	Chapel Road residents
Devaluation of Property	
Noise pollution	Traffic

Light pollution	
Development of Brownfield sites first	Sanyo, Jeld Wen
Loss of water pressure	This has already been reported in the village
Power supplies	Will be overloaded
Loss of wildlife	Corridor for bats
Employment concerns	Where is the employment for all the new houses
Infrastructure - Broadband	Broadband speed issues
Green area issues	Young people gathering causing noise for mainly older residents in immediate vicinity

4.34 I am sending this response on behalf of the Town Council following the Heritage Statement produced by One Planning in relation to the Land at Church Lane/Chapel Road development and also the revised layout submitted by the developer.

4.35 Firstly we would like to note that the Anglian Water response on 15<sup>th</sup> September is actually quoting the wrong address so we are thinking that they have commented on the wrong site. Given the scale and the subsequent incremental increases that small sites in the area are being developed are Anglian Water going to put in place any improvements to assist with the ongoing flooding issues? With the local knowledge that we have and given the issues with the Kirkley Stream and referring to **National Planning policy Framework section 102** – ‘If following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the exception Test to be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

4.36 Both elements of the test will have to be passed for the development to be allocated or permitted’.

4.37 The Town Council previously advised that due to a lack of drainage in Church Lane during periods of heavy rain surrounding roads are flooded. The development will not ease the situation, it is more likely to increase the situation.

4.38 **The Waveney Local Plan summary of responses to the consultation part 2 – responses to site August 2016 state:** ‘Land off Church Lane –This site is of extremely high archaeological potential, to the south of late Saxon and medieval settlement remains (CAC 048, 049, 067, 088) excavated west of the church (CAC 011). Iron Age features were excavated to the north (CAC 025). A scatter of prehistoric features was recovered from within the site (CAC 034). Cropmarks are recorded to the west (CAC 076). Archaeological field evaluation will be required at an appropriate design stage prior to the granting of any planning permission to allow for preservation in situ, where appropriate, of any sites of importance that might be defined (and which are currently unknown) and to allow archaeological preservation or mitigation strategies to be designed. Any planning application must be supported by the results of a programme of archaeological evaluation, including appropriate fieldwork, and should demonstrate the impacts of development on archaeological remains and proposals for managing those impacts. Red/Amber – very high potential significance.’ **Consequently this site was not allocated in draft of Waveney Local Plan (July 2017).**

4.39 **Subsequently WDC local Plan Appendices 2017 state**

**As stated in the Suffolk Preservation Society response of 19 December**

‘Housing Supply and Presumption in Favour of Sustainable Development

The most recently published assessment of housing land (September 2017) concludes that, at 4.9 years, Waveney District Council has identified just less than the required 5 years supply. NPPF para. 49 states that, where a 5 year supply of deliverable sites cannot be demonstrated, housing applications should be considered in the context of the presumption in favour of sustainable development and that local policies for the supply of housing should not be considered up-to-date.

However the Supreme Court judgment (Suffolk Coastal DC v Hopkins Homes Ltd, 10 May 2017) confirmed that the NPPF does not displace the statutory primacy of the development plan under Section 38(6) of the 2004 Planning Act and concluded that the purpose of para. 49 is to trigger a ‘tilted balance’ towards sustainable development under para. 14. Moreover footnote 9 of para. 14 makes clear that the presumption in favour of sustainable development does not apply where policies protecting designated heritage restrict development. In this case the proposals will harm the significance of a highly graded designated heritage asset, contrary to para. 132 of the NPPF’

4.40 It is worth noting that several of the responses in the Heritage Statement by One Planning quote ‘This is a negative impact on the experience (setting) of the church’.

4.41 The Heritage Statement by One Planning refers to economic benefits. We have first-hand experience that the new housing built around here almost always does not get bought by local people and many do not even work in the immediate vicinity choosing to commute to Norwich, Ipswich or even Cambridge. This development would not give a level of economic benefit that other larger ones already identified in the new Local Plan could.

4.42 The southern edge of the field is some 5 feet or more higher than the road. To site 2 storey dwellings on the land opposite single storey dwellings will have a detrimental impact on the Streetscape causing overlooking and causing loss of privacy to the existing properties and the school site. The whole development is out of context with its surroundings. **NPPF point 64 states** that ‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character

and quality of an area and the way it functions' There is considerable loss of amenity to the community who will not be able to enjoy the current excellent views in this area.

- 4.43 The new layout shows a small green area. These pockets of green space actually become more of a burden on the local economy to keep them in good order whereas a larger area on a larger site is much more functional.
- 4.44 Section 4.21 of the statement talks about a wheelie bin and modern brick footpaths in the churchyard reducing the aesthetics, putting this into context one wheelie bin which is necessary to keep the churchyard clean and tidy when people are visiting graves for example is very tiny compared to losing the context of the setting of church.
- 4.45 The statement suggests putting in a further bus stop which is not needed as there are already sufficient bus stops the issues are that the buses struggle to get around the already narrow roads and this regularly causes disputes. It is very difficult on the plans issued to see the footpaths and how safe this development is bearing in mind that there is a school immediately opposite the site. The issue of the roads has already been highlighted and not considered.
- 4.46 The development of Carlton Hall is contained within its own boundaries and is unintrusive. Even this had to be set back to ensure that it did not impact on the setting of the church. The Town Council are not against development and understood the need for this type of dwellings.
- 4.47 As stated Carlton Colville Town Council is not against development but believes that this historical heritage site should be protected. The village is not blessed with lots of listed buildings so this makes the church a more vital part of the history and does not want its views or setting to be damaged by this development but preserved for the community. Next year there will be more than enough suitable less contentious areas of land to build on rather than this one.
- 4.48 The Town Council continues to recommend REFUSAL of this application.
- 4.49 **Suffolk County Council - Highways Department:** Further to receiving an amended plan showing a new footway along the northern side of Church Lane, no objection subject to conditions.
- 4.50 **Suffolk County Council Travel Plan Officer:** No objection subject to conditions for residents travel pack and details of electric vehicle charging points.
- 4.51 **Suffolk County Council Passenger Transport :** No objection subject to bus stop improvements.
- 4.52 **Suffolk County Council Flood and Water Management:** No objection subject to conditions.
- 4.53 **Suffolk County Council Archaeology:** Whilst we would strongly advise that archaeological evaluation is undertaken at this pre-determination stage (a geophysical and metal detecting survey's in the first instance, followed by a trial trenched evaluation), as there is a risk that significant finds will be identified which require preservation in situ, and thus require revisions to the layout of the site which would have both financial and time costs,

if the developer is happy to recognise and accept this risk, we would not advise refusal of planning permission if the required archaeological assessment is not undertaken prior to the determination of this application.

- 4.54 Should the Local Planning Authority be minded to grant planning permission without a requirement for up front archaeological investigation, we would advise that in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage assets before they are damaged or destroyed.
- 4.55 **Suffolk County Council Rights of Way:** Although we do not object to the outline application, we will expect to see the whole length of the footpath (Footpath no 14 on the western boundary) set within an open corridor and not adjacent to the property boundary walls or fences in the detailed design proposals.
- 4.56 **Suffolk Fire and Rescue Service:** Recommends the installation of fire hydrants.
- 4.57 **WDC Environmental Health Officer:** No objection subject to a condition dealing with any suspected contamination that may be encountered during development.
- 4.58 **WDC Arboricultural and Landscape Officer:** Despite the planning application saying there are no trees on this site there in fact 3 mature Oaks along the Church lane part of site. The large Oak tree closest to Carlton Manor has a bad lean and is growing out of bank over site, the middle tree has a lot of ganoderma around main stem including fresh fruiting bodies and needs to be urgently inspected. The last Oak appears to be younger.
- 4.59 The proposed housing scheme shows the Oak tree with the lean very close / leaning over a proposed property but the other 2 are not shown. The end one could be incorporated into the scheme and the middle one depending on level of decay could possibly be heavily reduced.
- 4.60 There is a footpath and existing well managed hedgerow with young standards. We would need good extra planting in between this footpath and properties. To strengthen the buffer between residential and agricultural open countryside.
- 4.61 We also need to know on whose land the footpath and hedgerow will continue to run on as we do not want this hedgerow to become part of garden boundaries. This hedgerow is very important in the landscape as a buffer, which could well be lost if added to garden boundaries.
- 4.62 This hedgerow / footpath and the mature existing Oak trees will have future implications on future layout of this site. So we require a Tree Survey & AIA (Arboricultural Implications Assessment), which should have ideally have been supplied with this application, to ensure the trees & hedgerow are fully accounted for in future site layout planning.
- 4.62 **Historic England:** Comments summarised - The site lies to the south west of the Church of St. Peter, a church with medieval origins heavily restored and re-built in the 1880s. It is listed grade II\*. The proposal would develop the last open area of land in the setting of the church and result in harm to the significance of the building.

4.63 Historic England objects to the application on heritage grounds due to the loss of the last component of the rural setting of the grade II\* church. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 14, 131, 132 and 137.

Comments following the submission of a Heritage Statement and revised sketch scheme (summarised):

4.64 We remain of the view that the development would cause harm to the setting of the church and object to the proposal on heritage grounds.

4.65 In sum, we remain of the view the development would result in a high level of harm to the significance of the church. In line with planning policy, your authority should weigh the public benefit the scheme would deliver against the harm to the significance of the church. Great weight should be given to the church's conservation as one of a small percentage of grade II\* buildings, is set out in the Framework, paragraph 131.

4.66 Suffolk Preservation Society: Comments summarised - It is important to note that this site was not allocated in the draft Waveney Local Plan (July 2017) due to the potential for development to negatively impact on the setting of the grade II\* listed church. Furthermore other sites could cumulatively deliver more than sufficient housing for the Lowestoft area. Para. 134 of the NPPF requires less than substantial harm to a heritage asset to be weighed against any public benefits of the proposal when deciding an application. The Society urges that when weighing in the balance the harm outlined above against the public benefits, it is recognised that suitable development sites have been identified which are less valued locally. We therefore continue to request that this outline application is resisted.

4.67 Essex and Suffolk Water: No objection.

4.68 Anglian Water: There is available capacity for waste and foul water flows from the proposed development.

## 5 PUBLICITY

5.1 The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Major Application, Public Right of Way	25.08.2017	14.09.2017	Beccles and Bungay Journal
Major Application, Public Right of Way	25.08.2017	14.09.2017	Lowestoft Journal

## 6 SITE NOTICES

6.1 The following site notices have been displayed:

General Site Notice Reason for site notice: Major Application, Public Right of Way

## **7 PLANNING POLICY**

7.1 National Planning Policy Framework (March 2012)

7.2 The Waveney Core Strategy was adopted in January 2009 and the following policies are considered relevant:

**CS01** Spatial Strategy, **CS02** High Quality and Sustainable Design, **CS04** Infrastructure, **CS11** Housing and **CS17** Built and Historic Environment.

7.3 The Waveney Development Management Policies were adopted in January 2011:

**DM01** Physical Limits, **DM02** Design Principles, **DM18** Affordable Housing, **DM22** Housing Development in the Countryside **DM30** Protecting and Enhancing the Historic Environment.

## **8 PLANNING CONSIDERATIONS**

### **Principle of Development**

8.1 The site is located outside of the physical limits of Lowestoft (inc. Carlton Colville and Oulton) which is identified as the main town in the District in Policy CS01 of the Waveney Core Strategy. Policy CS01 states that 70-80% of the District's housing growth will be accommodated in Lowestoft. As of April 2017, 56% of housing completions over the period 2001-2017 have been in Lowestoft. Looking forward, the latest Strategic Housing Land Availability Assessment predicts that based on current outstanding permissions, allocations and windfall, over the period 2001-2025 (the plan period), 61% of housing development would have occurred in Lowestoft. The addition of an extra 78 homes in the built-up area of Lowestoft will help support the achievement of the overall distribution outlined in this policy. The site in question is also a greenfield site. Policy CS01 states that more than 50% of housing development is expected to be delivered on brownfield sites. Based on past completions and projected future completions it is expected that the Council will meet this target. Considering the above, it is considered that the development of the site in isolation has minor conflict with the overall Spatial Strategy.

8.2 Policy CS11 of the Waveney Core Strategy provides further detail for the housing strategy for the District and sets out a sequential approach housing developments. This site is greenfield site outside of the physical limits and therefore is the least sequentially preferable type of site. However, the Council's latest Strategic Housing Land Availability Assessment Update 2017 and Statement of 5 year supply of housing land March 2017 indicates that there is insufficient housing land over the next 5 years to accommodate the housing targets set out in the Council's Core Strategy. On this basis it can be considered there are no suitable alternative sequentially preferable sites which could accommodate the need for housing. The proposal is therefore broadly in conformity with Policy CS11 of the Core Strategy.

8.3 Policies DM01 and DM22 support the housing strategy of the Core Strategy and provide extra detail on how to deal with planning applications for housing development.

- 8.4 Policy DM01 of the Waveney Development Management Policies states that development will be concentrated within physical limits and the supporting text to policy states that land outside of physical limits or allocated sites will be treated as being in the open countryside. This site clearly fits the description of open countryside. Policy DM22 of the Development Management Policies makes clear that housing development will not be permitted in the open countryside except in the following circumstances:
- Dwellings for agricultural or forestry workers where there is an essential need for the worker to live close to the workplace,
  - Affordable housing exception sites
  - Replacement dwellings for homes affected by coastal erosion
  - Infill development, or
  - Conversion of rural buildings
- 8.5 The proposed development fits with none of the above categories, therefore is contrary to Policy DM01 and DM22.

### **Housing Land Supply**

- 8.6 In the Design and Access Statement, the applicant argues that the policies relating to physical limits are 'out of date' as they believe the Council does not have a robust 5 year supply of housing. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of housing.
- 8.7 As stated above, the Council's latest Strategic Housing Land Availability Assessment Update 2017 and Statement of 5 year supply of housing land March 2017 state there are insufficient deliverable sites to meet the five year supply of housing requirement. Currently the Council is 52 units short of a five year supply which equates to a 4.9 year supply. These figures are against the Core Strategy target of 290 homes per year over the period 2001-2025. The Core Strategy target of 290 homes per year is based on the former Regional Spatial Strategy for the East of England and was adopted prior to the introduction of the National Planning Policy Framework. It is therefore not necessarily the full and objectively assessed housing need for the District as required by the National Planning Policy Framework. The Statement of 5 year supply of housing land March 2017 therefore assesses the supply against both the 2014 ONS Household Projections and the emerging objectively assessed need from the emerging New Local Plan. These indicate a five year supply of 4 years and 3.2 years respectively.
- 8.8 Paragraph 49 of the National Planning Policy Framework, specifies that relevant policies for the supply of housing should not be considered up to date if a five-year supply of deliverable housing sites cannot be demonstrated. The Supreme Court judgement of *Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East*

Borough Council 2017 makes clear that the primary purpose of paragraph 49 is to trigger the operation of a tilted balance in Paragraph 14 of the National Planning Policy Framework. Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.

- 8.9 The main parts of the Framework with respect to this application are the paragraphs relating to impact on the setting of a listed building (paragraphs 128-134). The site falls within the setting of the Grade II\* listed Church of St Peter.

### **Heritage Considerations**

- 8.10 Historic England have commented in detail on the application including the revised sketch scheme and the Heritage Statement. The church sits within its churchyard and formed part of a small rural community surrounded by agricultural fields until the expansion of Lowestoft in more recent decades. Historic England note that modern development now almost surrounds the historic core of the village. The triangular piece of agricultural land to the west of the church which forms the application site is the only direct connection the church now has with the rural countryside. This open space allows the church to be appreciated in views from the west and views out from the churchyard to the countryside. It provides an attractive setting for the church and illustrates something of the historic setting of the building within a rural landscape.
- 8.11 Historic England are of the view that the proposed housing development would change the character of the land from agricultural fields. It would reduce and detract from views to the church from the west and views from the churchyard looking out to the west. The infilling of this last area of undeveloped land within the setting of the church would result in the church and historic core being surrounded by modern development, cutting it off from the rural landscape which it had a connection to for much of its history. A small area of land at the eastern end is proposed as car parking for the church. The character of a car park is different from an agricultural landscape and is itself likely to detract from the setting of the church. This would result in a high level of harm to the significance of the grade II\* church.
- 8.12 Policy CS17 of the Core Strategy requires the protection of the setting of listed buildings. Policy DM30 of the Development Management Policies echoes this stating proposals should preserve and enhance the setting of listed buildings.
- 8.13 At the heart of the NPPF is a presumption in favour of sustainable development and it identifies the protection and enhancement of the historic environment as a core part of sustainable development (paragraphs 7, 8 and 14). The conservation of heritage assets in a manner appropriate to their significance is identified as one of the core planning principles (paragraph 17). The section on Conserving and enhancing the historic environment notes it is desirable that the significance should be sustained and enhanced (paragraph 131). It continues that great weight should be given to an asset's conservation and the more important the asset, the greater that weight should be. Any harm requires clear and convincing justification (paragraph 132). Local planning authorities are directed to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (paragraph 137). Any harm should be weighed

against the public benefits of the proposal (paragraph 134).

- 8.14 The submitted Heritage Statement concludes that the overall impact of the proposal is negative on the setting of the Church, but this is considered to cause less than substantial harm.
- 8.15 Historic England are of the view that the proposed development results in a high level of harm to the significance of the church and would not meet the requirements of paragraphs 14,131, 132 and 137 of the National Planning Policy Framework. Furthermore Historic England do not consider that the area of open space proposed close to the church mitigates the impact of the development.
- 8.16 The Senior Design and Conservation Officer has considered the application and is of the view that the application site is important to the setting of the Church as it allows the building to remain a prominent feature in the landscape, able to be seen in views when approaching the village and when looking out from the church itself. This enables the context of the church, with its association with the village and the surrounding countryside to be appreciated.
- 8.17 The Heritage Statement states that “the quality of both the close setting and the wider setting of this Church are diluted reducing the significance of the setting of the Church to the Church to moderate.” Whilst it is recognised that development in the grounds of Carlton Hall has had an impact on the setting of the church to some degree, this is considered to be low by the Senior Design and Conservation Officer as the development is single storey and the site retains a high degree of trees and vegetation which reduces and softens the visual impact. The setting of the church continues to contribute highly to the church’s significance which would be lost if the site is developed.
- 8.18 The Senior Design and Conservation Officer concludes that the proposal would physically and visually cut the church off from the surrounding farmland, preventing appreciation of the long and close association between the church and the open agricultural landscape to be appreciated, which cannot be reversed. It is considered that the negative impact on the setting presents “*less than substantial harm*” as set out in paragraph 134 of the NPPF.
- 8.19 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “*In considering whether to grant planning permission [F1or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”. In *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council & Ors* 2014 EWCA Civ 137, the Court of Appeal held that “Parliament's intention in enacting section 66(1) was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise”.
- 8.20 The Framework supports this strong protection. Paragraph 132 states that in considering the impact of a designated heritage asset great weight should be given to the asset’s conservation and the greater the importance of the asset the greater the weight should be. Given that this is a grade II\* listed building it is of some importance and therefore its

significance should be given great weight. As Historic England point out in their response, the church is the most highly graded building in Carlton Colville being the oldest building and the principal historic building in the community by virtue of its scale and role within the community.

### **The Planning Balance**

- 8.21 Overall the development is considered contrary to the development plan and the emphasis in the NPPF of having a plan led system for development.
- 8.22 Paragraph 134 of the NPPF indicates that where a development will lead to less than substantial harm the harm should be weighed against the public benefits of the proposal. The tilted balance will apply only if it is satisfied that the harm to the setting of the heritage assets as identified above is outweighed by the public benefits of the proposal in accordance with NPPF paragraph 134.
- 8.23 The benefits of the scheme are principally the provision of housing, including affordable housing, in an otherwise sustainable location to meet needs and also the economic benefits associated with this. As stated above, the Council does not have a five year supply of housing which lends weight to this. Also of benefit is the provision of car parking for the church, however, the justification for this is minimal and would itself cause harm to the setting.
- 8.24 However, even if the harm to the listed building is less than substantial, it is, as concluded by Historic England, a high level of harm to an important designated heritage asset. The applicants main justification for this application is the Council's lack of a five year housing supply. Whilst the Council cannot currently demonstrate a five year housing supply it is considered that the supply is not significantly lacking against targets, and will soon be remedied by the forthcoming Local Plan which will allocate a significant amount of land for new housing which will meet the needs of the District. The extent of the shortfall and the prospect of development soon coming forward to make up the shortfall are confirmed as relevant considerations by Crane Vs SoS and Harborough District Council 2015 EWHC 425 in determining the weight to be given to the development plan. The fact that the shortfall should soon be remedied by the emerging Local Plan somewhat reduces the overall benefit of the provision of new housing. The site was considered for inclusion in the First Draft Local Plan (Preferred Options stage) alongside many other sites. However it wasn't included due to the potentially negative impact on the setting of the Grade II\* listed Church of St Peter and because other more favourable sites were available.
- 8.25 Given the above, the harm caused by this development to the setting of the listed building together with harm due to the conflict with the development plan is not considered to be outweighed by the benefits of the development.
- 8.26 The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The environmental role includes the protection and enhancement of the historic environment. In view of the harm caused to the setting of the listed building the proposal is not considered to constitute sustainable development.

### **Employment and Economic Considerations**

- 8.27 There would be some employment and economic benefits particularly during construction however these benefits are not considered to outweigh the harm that would be caused to the setting of the church.

### **Residential Amenity**

- 8.28 As this is an outline application with all matters apart from access reserved for future consideration there are no details of the proposed houses although the indicative layout shows where dwellings might be located. It is considered that the amenities of existing residential properties close to the site are unlikely to be adversely affected.

### **Highway Safety and Parking Provision**

- 8.29 A number of local residents have expressed concern that the traffic generated by the proposal will be detrimental to highway safety and pedestrians and cyclists. Following the submission of a revised layout showing a new footway along the northern side of Church Lane the Highway Authority raise no objection to the application, subject to conditions. On this basis it is considered that there would no justification to oppose the proposal on the grounds of highway safety.

### **Flood Risk**

- 8.30 The site is situated in Flood Zone 1, as shown on the Environment Agency mapping. Flood Zone 1 is a low probability flood zone and comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (< 0.1%). The Environment Agency publishes mapping showing the risk of flooding from surface water. The mapping shows that the site is generally at 'very low' (less than 1 in 1000) risk of flooding from surface water.

### **Land Contamination and Mitigation**

- 8.31 The Phase 1 report submitted with the application has not identified any significant on or off site sources of contamination.

### **Biodiversity and Geodiversity**

- 8.32 It is not considered that the proposal will impact on any protected species or adversely affect any designated sites. The Design and Access Statement states the site has been under intensive agricultural production for a significant number of years and provides little by the way of habitat for wildlife. Presently cropped for sugar beet it is not a satisfactory environment for ground nesting birds. In the absence of a more suitable environment for wildlife, no specialist Ecological study has been commissioned.

### **Trees and Hedgerows**

- 8.33 It would be possible to protect existing trees and hedgerows in any detailed layout by requiring a detailed tree survey and Arboricultural Implications Assessment to accompany any reserved matters application.

### **Environmental Impact Assessment (EIA)**

8.34 The proposed development of this site is not EIA development.

### **Habitats Regulations Assessment (HRA)**

8.35 A HRA is not required in respect of this particular development.

### **Community Infrastructure Levy (CIL)**

8.36 The 2018 Indexed CIL rate per square metre is £74.59. Suffolk County Council have requested £488,000 for Education, £16,848 for libraries and £3978 for waste. This is very likely to exceed the CIL income expected to be generated by this proposed development once neighbourhood funding and affordable housing relief is factored in.

## **9 CONCLUSION**

9.1 This application seeks outline consent for 78 dwellings. The justification put forward is the Council's lack of a five year housing supply. The Council's Statement of 5 year supply of housing land (March 2017) confirms the Council has a 4.9 year supply against the Core Strategy target but also assesses the supply against both the 2014 ONS Household Projections and the emerging objectively assessed need from the emerging New Local Plan. It indicates a five year supply of 4 years and 3.2 years respectively.

9.2 Paragraph 49 of the NPPF specifies that relevant policies for the supply of housing should not be considered up to date if a five year supply of deliverable housing sites cannot be demonstrated. The primary purpose of paragraph 49 is to trigger the operation of a tilted balance in paragraph 14 of the NPPF. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.3 The site falls in the last remaining open area of farm land in the setting of the Grade II\* Listed Church of St Peter. Historic England are of the view that the proposal results in a high level of harm and would not meet the requirements of paragraphs 14, 131, 132 and 137 of the NPPF.

9.4 The Senior Design and Conservation Officer considers the proposal to have a negative impact on the setting of the church, which causes a high level of harm to its significance, by the loss of connection to the landscape to which it strongly relates. Whilst the negative impact on the setting of the church is considered to be less than substantial harm the Council's five year housing supply is not significantly lacking against targets and will soon be remedied by the forthcoming Local Plan.

9.5 Whilst new housing including affordable housing would be benefits arising from the proposal it is considered that the harm caused to the setting of the church and conflict with the development plan is not outweighed by the benefits. The application is therefore recommended for refusal.

**10 RECOMMENDATION:- REFUSE** for the following reasons:

1. The site lies in open countryside outside the physical limits defined by Development Management Policy DM01. Development Management Policy DM22 states that housing development will not be permitted in the open countryside except where it can be demonstrated to be essential for an agricultural or forestry worker to live at or close to a workplace, where housing would meet an identified local housing need, where it would constitute infill development or where the proposal would replace dwellings affected by coastal erosion. The proposed development does not fall into any of these categories and is therefore contrary to Policies DM01 and DM22.
2. The site is within the setting of the Church of St Peter a Grade II\* listed building. The proposed development would result in the loss of the last component of the rural setting of the church and have a negative impact on the setting of the church contrary to paragraphs 14, 131, 132 and 137 of the National Planning Policy Framework and Policy CS17 and Policy DM30. The benefits of the proposal are not considered to outweigh the harm that would be caused.
3. The proposal fails to make adequate provision/contributions (and/or agreement to provide) for facilities/services for the occupants of the dwellings. The applicant has not entered into the necessary legal agreement, which is required to ensure the following is provided:
  - The provision of a third of the dwellings as affordable housing
  - The provision of enhanced bus stopsThe proposal is therefore contrary to the NPPF, Core Strategy Policy CS04 and Development Management Policy DM18.

**BACKGROUND INFORMATION:**

See application ref: DC/17/3591/OUT at  
[www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

**CONTACT**

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