

**Target Decision Date: 23/12/2023**

**Expiry Date: 06/01/2024**

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## **OFFICER'S REPORT AND RECOMMENDATION**

**CASE OFFICER:** Emily Vuyk

**CASE REFERENCE:** DC/23/04993

### **The Openness of Local Government Bodies Regulations 2014**

The national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

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**PROPOSAL:** Householder Application - Erection of two storey triple bay garage with store above and storage for bins and logs to the side including removal of trees.

**LOCATION:** Wind Willow House, Hyams Lane, Holbrook, Ipswich, Suffolk, IP9 2QF

**PARISH:** Holbrook.

**WARD:** Stour.

**APPLICANT:** Mr David Clark

**SITE NOTICE DATE:** 24/11/2023

**PRESS DATE:** 21/11/2023

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## **BACKGROUND DOCUMENTS**

This decision refers to drawing number Windy Ridge 1:1250 received 24/10/2023 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan Windy Ridge 1:1250 - Received 24/10/2023

Floor Plan - Proposed 1643 01 New Cart Lodge - Received 24/10/2023

Proposed Plans and Elevations 1643 02 New Cart Lodge - Received 24/10/2023

Block Plan - Proposed 1643 03 New Cart Lodge - Received 24/10/2023

Topographic Survey AS2075-01-AS2075-01 - Received 24/10/2023

OAS 23-308-TS01 Tree Constraints Plan - Received 24/10/2023

OAS 23-308-TS02 Tree Constraints Plan - Received 24/10/2023

Application Form - Received 24/10/2023

Arboricultural Report Tree Survey Schedule - Received 24/10/2023

Arboricultural Assessment OAS 23-308-AR01 dated November 2023 - Received 06/11/2023

Ecological Survey/Report by Skilled Ecology Consultancy Ltd. dated November 2023 - Received 11/11/2023

Planning Statement by Tim Moll Architecture Ltd - Received 25/10/2023

Flood Risk Assessment and Statement by Tim Moll Architecture Ltd - Received 25/10/2023

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk) or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

## **SUMMARY OF CONSULTATIONS AND REPRESENTATIONS**

**Holbrook Parish Council Comments Received - 20/11/2023 - Approval recommended.**

**Arboricultural Officer Comments Received - 13/11/2023 - No objection subject to condition.**

**Ecology - Place Services Comments Received - 30/11/2023 - No objection subject to condition.**

**Local Community - Representation - No responses were received by close of consultation.**

## **PLANNING POLICIES**

Holbrook Neighbourhood Plan (Adopted 28 November 2023) – policies carry full weight:

HNP05 - Design  
HNP07 - Preservation of Dark Skies  
HNP08 - Landscape Protection  
HNP12 - Sustainable Drainage and Flood Risk  
HNP13 - Biodiversity

Babergh & Mid Suffolk Joint Local Plan - Part 1 (Adopted 21 November 2023) – policies carry full weight:

SP03 - The sustainable location of new development  
SP09 - Enhancement and Management of the Environment  
SP10 - Climate Change

LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP18 - Area of Outstanding Natural Beauty  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP27 - Flood risk and vulnerability  
LP29 - Safe, Sustainable and Active Transport

NPPF - National Planning Policy Framework (Adopted

## **PLANNING HISTORY**

<b>REF:</b> B/13/00738	Erection of extensions, external alterations and annexe, as amended by agent's e-mails received 26th February 2014 and 07th March 2014 and attached revised drawing nos. 1725-01B, 1725-03F, 1725-04F, 1725-05G, and 1725-06G.	<b>DECISION:</b> GRA
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<b>REF:</b> BIE/12/00477	Proposed erection of 2 dwellings in garden.	<b>DECISION:</b> PCO
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## **ASSESSMENT**

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

### **Site and Surroundings**

Wind Willow House is a two-storey detached dwelling located in the countryside and the Holbrook parish. The house has a contemporary appearance having a large white rendered porch and vertical cladding. There is established tree planting and hedgerows at the site boundaries and the topography is sloped so that the house lies upon land lower than the road reducing its visibility to the street and wider landscape.

### **Proposal**

This application seeks planning permission for the erection of a two-storey triple bay garage with store.

### **Pre-Application Advice**

None received specified within application.

### **Details of Amended Plans and Negotiations**

Neither amended or additional information were invited or received during the course of determination.

### **Principle of development**

The National Planning Policy Framework (NPPF) provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

The up-to-date development plan comprises of the Babergh & Mid Suffolk Joint Local Plan (JLP) - Part 1, and the Holbrook Neighbourhood Plan which applies to development proposals at this site location. Both plans were adopted during November 2023, and their policies carry full weight in decision making. Which are considered alongside the adopted Supplementary Planning Documents, (SPD) and the latest NPPF.

Therefore, this proposal for a new outbuilding within the curtilage of a dwelling upon land forward of its principal elevation, at a site adjacent to the boundary of the AONB and located in the countryside is assessed against the following most relevant strategic policies: SP03, SP09, and SP10. As well as the policies LP15, LP16, LP17, LP18, LP23, LP24, LP27, and LP29 from the JLP, and the Holbrook Neighbourhood Plan policies HNP05, HNP07, HNP08, HNP12, and HNP13.

Subject to compliance with the details of those policies then the proposal will be acceptable in principle.

The policies can share similar considerations, but the main aims and directions of these policies are that:

- SP03 outlines what circumstances can be considered as a sustainable location to host new development, and generally does not support new development located outside of the 2006 drawn settlement boundaries. Unless that development would be allowed by another policy detailed by table 5, or is in accordance with a made Neighbourhood Plan, or the exceptions of the NPPF paragraph 84. In respect of this proposal the application site is located outside the 2006 drawn settlement boundary line.

Therefore, this is regarded as an unsustainable location to host new development, there are no policies listed by table 5 that make allowance for new outbuildings ancillary to an existing dwelling to be built, and no such allowances given by either the Holbrook Neighbourhood Plan or under the NPPF paragraph 84. So, the proposal is contrary to the directions of the JLP core strategy policy SP03 and should be refused.

- SP09 through biodiversity net gain, all development is required to protect and enhance biodiversity ensuring the measures are resilient to climate change, and to conserve natural and historic landscapes.

- LP16 seeks to safeguard and improve local biodiversity by delivering 10% net biodiversity gain onsite.

- HNP13 encourages use of bat and swift boxes where the ecological enhancement measures are located for optimum effectiveness/success to achieve biodiversity gains onsite in line with national policy. It is feasible to include bat and sparrow boxes that have been proposed as integral measures in the fabric of the new outbuilding, however the precise placement of them is not shown on the elevations and plans.

- LP17 requires that new development will integrate well with the site context and surrounding landscape.

- LP18 safeguards the scenic and special qualities of the AONB such as it's dark skies and tranquillity.

- HNP08 asks new development in/near the AONB to be of vernacular design and screened from views. This new outbuilding would be located parallel to the southeastern site boundary which forms the border to the AONB, it is proposed to remove the tree planting in between that acts as significant screening.

- SP10 requires all development to mitigate and adapt to climate change with clear expectations of how. Including water conservation, sustainable construction, and futureproofing for unavoidable flood impacts.

- LP15 prevents and controls any harmful impacts from development such as light and noise pollution.

- HNP07 expects all proposals to be sensitively designed in respect of mitigating its impact to dark skies and invites details to be given for external lighting. This site has been identified to be foraging habitat for bats and therefore external lighting installation will need to be controlled to mitigate impact to wildlife.

- LP23 intends to deliver new development that utilises sustainable construction and design principles. This new outbuilding is not shown to be served by renewable energy technologies such as solar panels.

- LP26 looks to initially relocate new development away from risk of flooding and to mitigate the impacts. This new outbuilding is positioned upon land that is identified to be at a high risk of surface water flooding, and it is considered that there are alternative positions within the site to relocate the building away from the flood risk such as parallel to the boundary with Hyam Lane and closer to the dwelling. Although a Flood Risk Assessment and Statement supports this application the mitigation is insufficient.

- HNP12 requires all development including minor scale to utilise sustainable drainage systems and to mitigate its own impact to avoid worsening greenfield run off. This proposal does not detail how it will manage the surface water displaced by its siting and does not include means to capture and reuse rainfall from its roof such as by specification of traditional oak rain butts in order to limit rainfall discharge.

Overall, the principle of development is unacceptable as the proposal does not accord with the policies.

## **Design and Layout**

The new outbuilding is positioned upon land forward of the dwelling that is used for parking setback at least 0.9m to the site boundary with its length orientated parallel with the border to the AONB. Ten trees within the site will be felled, and a length of hedgerow removed with some hedge replanted to allow for the construction and access to the outbuilding and a new 1.8m high close boarded boundary fence.

The proposed new two-storey three-bay cartlodge will measure 9.6 m x 6.15 m in plan, and a 50° dual pitched roof that has eaves set at 2.5 m high and ridge set out 6.5 m high finished by anthracite profiled sheet metal and having three large velux rooflights within the rear roof slope facing towards the AONB.

The external walls are clad in horizontal fixed dark grey coloured hardieplank boards a composite material over a brick plinth, two of the garage bays have dark grey timber / composite double doors, was the third is an open bay. There is an open fronted log and bin store with lean-to roof attached at the side, and at the opposite side there is an external staircase leading to a door at the first story in the gable.

It is considered that the appearance of the new outbuilding strikes a good balance between traditional form mimicking the vernacular architecture requested by the neighbourhood plan design guidance, while responding to the contemporary character of the dwelling by a complimentary materials palette.

## **Highway Safety (Parking, Access, Layout)**

There are no impacts on highway safety significant to warrant refusal. The site has ample space to meet the minimum parking standard of at least three vehicle spaces for a dwelling with four or more bedrooms. The site is large enough to accommodate storage of construction materials and contractor parking needs.

## **Residential Amenity**

Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. It is considered that this proposal does not give rise to any concerns of loss of neighbour amenity by reason that the nearest neighbours are to the north of Hyams Lane at adequate distance to not be impacted in terms of shadow and privacy. Nor does the ancillary use as the cartlodge/store cause concern for any undue disturbance.

## **Landscape, AONB, and Trees**

The dwelling although just outside of the built-up area for core village Holbrook is situated within a distinctively rural area and stands alone south of Hyams Lane but is itself of little visibility due to the natural topography and the well-established tree and hedgerow planting at the site boundaries so that the contemporary appearance of the dwelling does not impose greatly upon the adjacent AONB landscape.

The Joint Local Plan and Neighbourhood Plan policies seek to preserve the dark skies and scenic beauty of the AONB and therefore, the tree loss associated to the proposal will diminish the natural form of screening onsite that is usually encouraged to mitigate visual impacts of new development to the AONB.

Furthermore, the large velux skylights that are shown upon the AONB facing roof slope would result in harmful light spillage into the dark skies which could be avoided by using rooflights on the other slope. Or by substitution for a window within the opposite gable facing towards the street away from the AONB.

## **Biodiversity and Protected Species**

JLP policy LP16 (2) e) requires decision-makers to identify and pursue opportunities to secure delivery of at least 10% net biodiversity gain onsite, this expectation applies to all scales and types of development.

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30<sup>th</sup> November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." It has been considered that no criminal offence under the 2017 Regulations against any European Protected Species is likely to be committed. There are recordings of protected and priority species and habitats on this site. Places Services Ecology were consulted on this application and raised no objections, subject to conditions to secure mitigation and enhancement onsite.

In the consultee response, received 30/11/2023, Place Services Ecology noted that the site has habitat suitable for foraging bats and that if approved an external lighting strategy should be agreed by condition. Furthermore, that a layout for the proposed biodiversity enhancement measures be agree by condition, it would be reasonable to agree these details through condition and to demonstrate accordance with LP16.

## **Flood Risk and Drainage**

The proposed cart lodge is to be situated within the portion of the site that is at lowest risk Flood Zone 1. However, the land is identified to be at risk of surface water flooding shown by the Holbrook Ward map of Appendix A – RoFSW from the Strategic Flood Risk Assessment (SFRA) directed to be the starting point of consideration under the JLP policy LP27 (1), the Flood Risk Assessment and Statement that supports this application includes E.A mapping that also shows this detail but then concludes that the risk is low. Although measures have been detailed for how the building can be made resilient to the flood risk:

*"The ground floor construction will be a beam and block concrete floor. The reason for this is concrete floors generally suffer less damage than suspended timber floors and are less expensive and faster to restore following exposure to floodwater. External walls are to be constructed from timber. No fitted carpets on the ground floor. Electricity sockets (if there are any), are to be raised above likely flood levels. All ground floor doors are to be painted, including the underside."*

The proposal does not detail how it will manage the displacement of the surface water and drainage.

Therefore, the Flood Risk Assessment is not considered to be proportionate to the risk of flooding posed, and consequently the proposal does not demonstrate accordance with the expectations of policy LP27.

## **CONCLUSION**

The proposal does not conflict with the development plan in respect to highway safety, residential amenity or design matters. However, the proposal would result in adverse impact to the adjacent AONB landscape by the loss of trees at the site boundary screening visibility of the contemporary dwelling from view, and does not fully address its impact to wildlife, dark skies, and surface water flooding risk.

Fundamentally though the site location in the countryside is unsustainable and results in material conflict with the JLP plan policy SP03 which does not give an exceptional allowance to this type of development.

Therefore, the proposal is unacceptable, recommendation is to refuse permission for the alterations.

**RECOMMENDATION**

*I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and wellbeing of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.*

<b>RECOMMENDED DECISION:</b>	Refused
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Case Officer Signature: Emily Vuyk	Date: 04/01/2024
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