

Section 73 Application at Paddock House, Eye On behalf of Mid-Suffolk District Council

Job No. 5000125

S73 Planning, Design and Access Statement

Author: SW
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1.0 Introduction

- 1.1 This Planning, Design and Access Statement has been prepared by Ingleton Wood LLP on behalf of the applicant, Mid Suffolk District Council, in support of a Section 73 application for minor material amendments to planning permission referenced as DC/20/01537 for the Erection of 16 no. affordable dwellings including vehicular accesses, footpaths, car parking, car port, bin and bike store buildings, open space and landscaping (following demolition of existing buildings).
- 1.2 The planning permission with reference DC/20/01537 has been lawfully implemented through the material operations of demolition occurring on site within the required timescales.
- 1.3 This application seeks to vary Condition 2 (Approved Plans and Documents) of the approval. The proposed changes to the design comprise small changes to the size and location of some windows, a small shift in the location of the permitted bin/bike store, and the installation of photo voltaic panels on the roofs of each dwelling.
- 1.4 The Statement sets out the detail of the proposed amendments, establishes the relevant planning policy framework against which the application is to be determined, and assesses the acceptability of the proposals in the context of that framework and other material considerations.
- 1.5 This Statement should be read in conjunction with the following plans and documents which are submitted in support of this application.

| Application Supporting Documents | | |
|---|--------------------------|---|
| Documents | | |
| Description | Author | |
| Addendum to Heritage Statement for A New Housing Scheme (Nov. 2023) | Architectural Management | |
| Heritage Statement for New Housing Scheme (Oct. 2019) | Architectural Management | |
| Clearline Fusion (Roof Integrated Solar PV) Brochure | Viridian Solar | |
| Drawings | | |
| No. | Rev. | Drawing Name |
| PADHOU-IWD-XX-XX-DR-A-2000 | P07 | Proposed Site Plan – Roof Level |
| PADHOU-IWD-XX-XX-DR-A-2001 | P09 | Proposed Site Plan – Ground Floor |
| PADHOU-IWD-XX-XX-DR-A-2002 | P06 | Proposed Site Plan – First Floor |
| PADHOU-IWD-01-XX-DR-A-2501 | P05 | Plots 1, 2 & 3 – Plans and Elevations |
| PADHOU-IWD-02-XX-DR-A-2502 | P07 | Plots 4, 5 & 6 - Plans and Elevations |
| PADHOU-IWD-03-XX-DR-A-2503 | P05 | Plots 7,8,9 & 10 – Proposed Plans and Elevations |
| PADHOU-IWD-04-XX-DR-A-2504 | P03 | Plots 11, 12, 13 & 14 – Proposed Plans and Elevations |
| PADHOU-IWD-05-XX-DR-A-2505 | P07 | Flats 15 & 16– Proposed Plans and Elevations |
| PADHOU-IWD-ST-XX-DR-A-2506 | P01 | Block 5 Bin and Bike Store - Plans and Elevations |

2.0 Site, Context, and Planning History

- 2.1 The site of approximately 0.4 hectares within Eye is located between Wellington Road and Church Street with street frontage on three sides. The site was previously home to the Paddock House care home which closed in 2015.



Figure 1 – Site Location (Source: Google Earth)

- 2.2 The site is within a Conservation Area and there are a number of listed buildings in the vicinity of the site.

Existing Consent

- 2.3 Planning consent was granted in July 2020 under Application Ref. DC/20/01537 for the Erection of 16 no. affordable dwellings including vehicular accesses, footpaths, car parking, car port, bin and bike store buildings, open space and landscaping (following demolition of existing buildings).
- 2.4 The design was carefully considered by both applicant and Council and provided dwellings that were sympathetic to the historic setting, compliant with all policies and standards, and responsive to the Council's evidence, including that supporting a mix of housing types.
- 2.5 The permitted development allows for a development of two-storey buildings with a mix of occupancy. The dwellings are located with frontages to Church Street and Wellington Road with parking located centrally and screened from street views. Additionally, an open green space, planted with trees was proposed to the front of the Church Street fronting dwellings creating a buffer between the development and the historic street. Other areas of green are provided around the edge of the site in addition to the private rear gardens provided to the dwellings.

- 2.6 In terms of aesthetics, the dwellings facing Church Street reflect its historic significance with design and materials mimicking nearby historic buildings. Those facing Wellington Road and the elevations towards the interior of the site are more contemporary.

Planning History

- 2.7 The relevant planning history of the site (Former Paddock House Care Home, Wellington Road, Eye, Suffolk IP23 7BE), is tabulated below:

| Application No. | Description | Status |
|-----------------|---|---------------------|
| DC/20/01537 | Full Planning Application - Erection of 16 no. affordable dwellings including vehicular accesses, footpaths, car parking, car port, bin and bike store buildings, open space and landscaping (following demolition of existing buildings) | Granted 30.07.20 |
| DC/22/01169 | Discharge of Conditions Application for DC/20/01537- Condition 10 (Demolition & Site Clearance Management Statement/Construction Management Statement) (Part-Discharge for Demolition Stage), Condition 14 (Protection of Former Garden Area), Condition 22 (Archaeological Written Scheme of Investigation) and Condition 30 (Surface Water Management Plan) (Part-Discharge for Demolition Stage) | Granted 06.05.22 |
| DC/20/04530 | Discharge of Conditions Application for DC/20/01537- Condition 15 (Landscaping Scheme) | Granted 08.07.22 |
| DC/22/03095 | Discharge of Conditions Application for DC/20/01537 - Condition 10 (Demolition Management Plan) (Part-discharge for Demolition Stage), Condition 14 (Protection of Former Garden Area) and Condition 30 (Construction Surface Water Management Plan) (Part-discharge for Demolition Stage) | Granted 08.07.22 |

3.0 The Proposal

3.1 The proposal would introduce small changes to the permitted development. As such, the current proposal seeks a non-material amendment to Application Ref. DC/20/01537 through the variation of Condition 2 (Approved Plans and Documents) of that permission.

3.2 The proposal broadly involves:

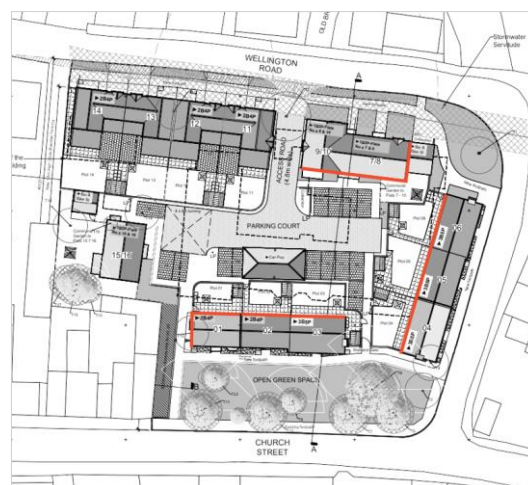
- changes to the position and/or size of some windows and the addition or omission of some windows;
- slight shift in the location of the bin/bike store; and
- installation of PV Panels to the roofs of the dwellings.

Amendments to Windows

3.3 Changes to selected windows are proposed in order to achieve compliance with recent amendments to Building Regulations Part O (Overheating). The proposed changes comprise:

- Plots 1-3 – Reduction in size of some windows on rear elevations, slight shifting of location of some windows on rear elevations, and omission of one first floor window to the western elevation of Plot 1.
- Plots 4-6 – omission of one first floor, rear elevation window to each plot and reduction in size of some rear elevation windows.
- Plots 7-10 – addition of one first floor, rear elevation window, addition of one ground floor, east elevation window and reduction in size of some windows to rear and east elevation.

3.4 The locations of the proposed changes are highlighted in the figure below:



affected elevations



affected windows of Plots 1-3 showing approximate permitted window outlines in orange (rear and west elevations)



affected windows of Plots 4-6 showing approximate permitted window outlines in orange (rear elevations)



affected windows of Plots 7-10 showing proposed additional windows in blue and permitted features, orange (rear and east elevations)

Figure 2 – Indicative Locations of Proposed Changes to Windows and Bin/Bike Store

Amended Location of Bin/Bike Store

3.5 The location of the permitted bin/bike store adjacent to Plots 7-10 is proposed to be moved slightly south to account for the proposed new window positions of Plot 7. The change in location is highlighted within the figure above.

Installation of Photo Voltaic Panels

3.6 In consideration of environmental sustainability, the installation of solar panels to each dwelling is being proposed. Air Source Heat Pumps are also being installed without the need for planning permission as part of the desire to increase the sustainability of the development.

- Plots 1-3: Six panels per plot to south (front) elevation.
- Plots 4-6: Eight panels per plot to west (rear) elevation.

- Plots 7-10: Twelve panels to the south (rear) elevation of the block and 12 panels to the west (side) elevation of the block.
- Plots 11-14: Six panels per plot to the south (rear) elevation of the block.
- Plots 15-16: Sixteen panels to the west (rear) elevation of the block.

3.7 The panels will be of 'Veridian' style which sit within the roof and are not the standard bolt-on panels that are installed above roof tiles. This design choice has been made in consideration of the historically sensitive nature of the site's context.



Figure 3 – Proposed Roof Plan showing Location of Proposed PV Panels

4.0 Summary Design and Access Statement

4.1 Below is an assessment of the key ‘Design and Access’ issues formerly promoted by CABE which are still of relevance in the preparation of Design and Access Statements, namely: Use, Amount, Layout, Scale, Landscaping, Appearance and Access. This short summary statement should be read in conjunction not only with the rest of this Planning, Design and Access Statement, but with the other submitted drawings and documents.

| | |
|----------------------------------|---|
| Use | The use of the site for residential use will remain the same as permitted. |
| Amount and Scale | The proposal does not amend the number, size, or type of permitted residential dwellings and does not amend the size of the permitted bin/bike store. The proposed changes to the windows and the proposed installation of PV panels to the roofs are detailed above in Section 3. |
| Layout | The site layout will not be altered by the proposal, but for a slight shift of the location of the permitted bin/bike store. |
| Landscaping | There are no changes proposed to the permitted landscaping scheme. |
| Appearance/ Materials and Design | The proposal would result in small changes to location and size of the permitted windows and doors on rear or side elevations only. The proposal would not alter the character of the permitted dwellings’ appearance or the materials of the development except for the addition of ‘Veridian’ style PV panels to the roofs of the dwellings. These panels will be set into the roof, replacing the tiles, allowing them to be low-profile and to better integrate with the existing materials, form, and appearance of the permitted dwellings. |
| Access | The permitted access to the site would not be affected by this proposal. |

5.0 Planning Policy

5.1 This Section identifies the planning framework within which the proposed development is to be assessed, and further identifies other material considerations relevant to the proposal. In identifying the planning framework, consideration has to be given to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which states that:

‘If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Act, the determination must be made in accordance with the Plan, unless material considerations indicate otherwise.’

The Adopted Development Plan

5.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 consideration is given below to the adopted Development Plan. The document containing policies relevant to the proposal comprises:

- Babergh and Mid Suffolk Joint Local Plan Part 1 (2023)
- Eye Neighbourhood Plan (2021)

5.3 There are other live policies including some from the Core Strategy (2014) and Local Plan (2006) which are not relevant to this proposal.

5.4 The relevant policies of the Babergh and Mid Suffolk Joint Local Plan Part 1 (2023) as a description of other material considerations and guidance are set out in more detail in this section.

Babergh and Mid Suffolk Joint Local Plan (2023)

5.5 The Councils of Mid Suffolk and Babergh are in the process of preparing a new combined Local Plan document covering both Council areas, which will establish the development management policies for the district up to 2037. Part 1 of this combined Local Plan has recently been adopted. Part 2, which includes the spatial strategy and site allocations, is timetabled to be submitted in the winter of 2024.

5.6 SP10 (Climate Change) required development to consider climate change within their design. This includes “Applying existing and innovative approaches to sustainable design and construction”.

5.7 Policy LP15 (Environmental Protection and Conservation) requires proposals to consider minimising adverse environmental impacts relating to use of land and resources, pollution, and water.

5.8 Policy LP19 (The Historic Environment) seeks to conserve and enhance the historic environment and to this end requires the submission of a heritage statement if the application has the potential to affect heritage assets. The Council will support proposals that respect the built form and scale of the

heritage assets and that use appropriate design and materials. Any level of harm to heritage assets will require adequate justification.

- 5.9 Further, Policy LP19 supports proposals that enhance the environmental performance of heritage assets if the significance and special characteristics of the heritage asset is preserved.
- 5.10 Policy LP23 (Sustainable Construction and Design) requires all new development to minimise its use of fossil fuels. As part of a sustainable design, the policy requires new development to “provide feasible and viable on-site renewable and other low carbon energy generation to allow the greatest CO2 reduction”.
- 5.11 Policy LP24 (Design and Residential Amenity) defined high-quality designs as those which:
- a. *Respond to and safeguard the existing character/context;*
 - b. *Create character and interest;*
 - c. *[are] designed for health, amenity, well-being and safety; and*
 - d. *Meet Space Standards.*

The policy further sets out a number of detailed criteria to ensure that all new development is of high-quality design.

Eye Neighbourhood Plan 2018-2036 (2021)

- 5.12 The Eye Neighbourhood Plan sets out the strategy for future development within Eye. Although it sets out requirements for residential development on the site (Policy Eye 5), it was adopted after application ref. DC/20/01537 was permitted. The Plan also sets out design guidance which highlights a consideration of the historic context of Eye, in particular Policy Eye 16 (Development within the Settlement Boundary, while Supporting Document 19 supports sustainable design for buildings including solar electricity.

Material Considerations

- 5.13 In addition to the adopted Development Plan, there are Material Considerations that are relevant to the proposed development and, therefore, form part of the planning framework within which the development is to be assessed. These include the National Planning Policy Framework (2021) and the emerging Local Plan. The relevant policies within these documents is set out below.

National Planning Policy Framework (NPPF), 2023

- 5.14 The NPPF sets out the Government’s planning policies for England and how these are expected to be applied. The document is a material consideration that is afforded considerable weight in determining planning applications.

- 5.15 At the heart of the NPPF is a presumption in favour of sustainable development. Sustainable development is described as “At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”
- 5.16 In determining planning applications, Local Planning Authorities need to approve development which accords with an up-to date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date permission should be granted unless:
- The application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken.
- 5.17 The NPPF sets out requirements for good design. The NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Elements of good design include, but are not limited to, good functionality, visual attractiveness, and being sympathetic to local character and history.
- 5.18 The NPPF deals with meeting the challenge of climate change and supports the use of renewable and low carbon energy.
- 5.19 The NPPF deals with conserving and enhancing the historic environment and includes a requirement for applicants to describe the significance of any heritage assets affected by a particular proposal, including any contribution made by their setting. They should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Emerging Babergh and Mid Suffolk Joint Local Plan – Part 2

- 5.20 Part 2 of the emerging Babergh and Mid Suffolk Joint Local Plan, which includes the spatial strategy and site allocations, is timetabled to be submitted in the summer of 2025, with adoption expected in late Autumn of 2026. It is therefore in the early stages of preparation and should not carry much weight in current planning decisions.

6.0 Planning Analysis

Principle of Development

- 6.1 The principle of development of the site has already been established by the granting of permission Ref. DC/20/01537 which has permitted the erection of 16 no. affordable dwellings with vehicular accesses, footpaths, car parking, car port, bin and bike store buildings, open space and landscaping. The proposal does not affect the description of development, this application is largely in accordance with the submitted documents of that planning application, and the proposal will have no effect on the dwelling provision, occupancy, layout of the dwellings, access arrangements, parking provision, ecology and biodiversity of the site, scale or massing of the development, or flooding risk. Further, it will only minimally affect the design and materials of the permitted development.

Design Considerations

- 6.2 The changes to the windows are proposed in order to achieve compliance with current building standards. The proposed changes would have little impact on the permitted elevations, and they would not change the character, the permitted colour, or materials of the dwellings,
- 6.3 The visual impact of the proposed PV panels has been considered and 'Veridian' style panels and installation has been chosen to minimise the panel's visual impact and any potential impact on the form of the dwellings.
- 6.4 For these reasons, the development would remain in compliance with local and national design policies.

Heritage Impact

- 6.5 The heritage impact of the proposed dwellings was considered and accepted within the original application and the proposed changes to the windows would have negligible effect on the permitted design, affecting only rear and side elevations with no impact on the significance of any listed building, their setting, or the Conservation Area greater than that permitted. The proposed shift of location of the bin/bike store has a similarly negligible effect on the appearance of the proposed development.
- 6.6 To help assess the heritage impact of the proposed PV panels, a heritage impact assessment was commissioned. This accompanies this application as an addendum to the heritage statement that was submitted to support planning Application Ref. DC/20/01537. The addendum considers the heritage impact of the proposed PV panels and meets the requirements of NPPF Paragraph 194. The Addendum describes how many of the proposed PV panels are on roof slopes facing the interior of the site or are shielded from street views by other buildings which minimises their impact; while the proposed PV panels on roof slopes facing Church Street would be screened by trees, set back from the street, and would have no impact on the shape of the buildings due to their design which has also worked to minimise their visual impact. Further note of how the increased use of PV panels in

general has lowered their impact due to them becoming commonplace and positively associated with their benefit to the environment and occupier. The Addendum concluded that the proposed changes would result in a neutral impact on nearby listed buildings and the Conservation Area.

- 6.7 Any impact on heritage assets must be weighed against the benefits of the proposal and the NPPF requires local planning authorities to consider how heritage assets can make a positive contribution to sustainable communities. For this and the above reasons, the proposal is considered compliant with national heritage policy and local Policy LP19 (The Historic Environment).

Sustainability

- 6.8 The proposed installation of PV panels is supported by national and local policies which encourage a move to a low carbon future. The benefits of the proposed development outweigh the minimal impact on both the appearance of the permitted dwellings and the significance of relevant heritage assets. The PV panels would provide a high-quality, long-lasting benefit to the occupiers and contribute to a more sustainable future. The proposed development will therefore comply with SP10 (Climate Change), Policy LP15 (Environmental Protection and Conservation), and Policy LP23 (Sustainable Construction and Design) as well as national and neighbourhood policy (as expressed within Supporting Document 19).

7.0 Conclusion

7.1 Mid Suffolk Council are seeking an amendment to the approved drawings of DC/20/01537 for the Erection of 16 no. affordable dwellings including vehicular accesses, footpaths, car parking, car port, bin and bike store buildings, open space and landscaping (following demolition of existing buildings).

7.2 The changes are proposed to support the proposal in achieving compliance with Building Regulations, and to increase the sustainability of the site. The proposed changes comprise:

- Changes to selected windows are proposed in order to achieve compliance with Building Regulations Part O (Overheating). This includes the reduction in size of some windows, the slight shifting of location of some windows, and the omission or addition of some windows.
- The location of the permitted bin/bike store is proposed to be moved slightly south to account for the proposed new window positions of Plot 7.
- The installation of solar panels to each dwelling's roof is being proposed to increase the sustainability of the site.

7.3 The proposed Condition 2 of Application Ref. DC/21/00755 would read:

*The development hereby permitted shall be carried out in accordance with the drawings/documents listed under **this condition** and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.*

Approved Drawings and Documents:

- *Defined Red Line Plan PADHOU-IWD-XX-XX-DR-A-1000 S2 P1*
- *Proposed Site Plan – Roof Level (PADHOU-IWD-XX-XX-DR-A-2000, P07)*
- *Proposed Site Plan – Ground Floor (PADHOU-IWD-XX-XX-DR-A-2001, P09)*
- *Proposed Site Plan – First Floor (PADHOU-IWD-XX-XX-DR-A-2002, P06)*
- *Plots 1, 2 & 3 – Plans and Elevations (PADHOU-IWD-01-XX-DR-A-2501, P05)*
- *Plots 4, 5 & 6 – Plans and Elevations (PADHOU-IWD-02-XX-DR-A-2502, P07)*
- *Plots 7,8,9 & 10 – Proposed Plans and Elevations (PADHOU-IWD-03-XX-DR-A-2503, P05)*

- *Plots 11, 12, 13 & 14 – Proposed Plans and Elevations (PADHOU-IWD-04-XX-DR-A-2504, P03)*
- *Flats 15 & 16 – Proposed Plans and Elevations (PADHOU-IWD-05-XX-DR-A-2505, P07)*
- *Block 5 Bin and Bike Store – Plans and Elevations (PADHOU-IWD-ST-XX-DR-A-2506, P01)*
- *Surface Water Drainage Strategy 181178 RLC-00-00-DRC-001 P5*

7.4 In addition to the above amendments to Condition 2, should this Section 73 application be approved and a new decision notice issued, the decision should also refer to the requirement for compliance with the approvals obtained to date for the discharge of other planning conditions.

7.5 Due consideration has been given to the design of this proposal to ensure that the overall scheme remains a high-quality design and respects the local context, in particular, the local heritage context. The impact of the small changes proposed to the dwelling's elevations are minimal and do not change the character, form or scale of the dwellings, the materials, or colour of the permitted scheme. The submitted Addendum to the Heritage Statement for New Housing has concluded that the impact of the proposed PV panels upon heritage assets is neutral and therefore acceptable.

7.6 The proposal supports the provision of housing and increases the site's environmental sustainability, both of great benefit to the wider area. Accordingly, the proposed development is considered to be acceptable when assessed against the key policies of the adopted Development Plan. On this basis, it is respectfully requested that the application is approved.