

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN HADLEIGH TOWN HALL, MARKET PLACE, HADLEIGH ON WEDNESDAY, 6 DECEMBER 2017

PRESENT: Nick Ridley - Chairman

Sue Ayres	Simon Barrett
Peter Beer	David Busby
Luke Cresswell	Derek Davis
Alan Ferguson	Kathryn Grandon
John Hinton	Michael Holt
Adrian Osborne	Stephen Plumb
Ray Smith	

108 DECLARATION OF INTERESTS

Simon Barrett stated, for the avoidance of doubt, that when he was the Planning Portfolio Holder he had attended a meeting with the agent for the Stafford Park site and relevant officers (Minute No 113 refers) in his Portfolio capacity.

Peter Beer referred to a communication he had received from a local resident regarding the recent site visit to Stafford Park (Minute No 113 refers). He had taken legal advice which was that he had no declarable interest in respect of this item.

John Hinton referred to the letter of 4 December 2018 from Strutt & Parker, Agent for Application No DC/17/04326/RES – Land at Bulmer Road Sudbury which had been sent to all members of the Planning Committee (Minute No 112 refers).

109 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

110 QUESTIONS BY THE PUBLIC

None received.

111 QUESTIONS BY COUNCILLORS

None received.

112 PL/17/24 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/24 (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received since the publication of the Agenda but before noon on the working day before the meeting, together with errata.

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to Paper PL/17/24 and the speakers responded to questions put to them as provided for under those arrangements.

Application No.

DC/17/04326

James Firth (Agent for the Applicant)

DC/17/03982

Frances Self (Parish Council)

Leslie Cole (Objector)

Phil Branton (Agent for the Applicant)

RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/17/24 be made as follows:-

a SADBURY

**Application No. DC/17/04326/RES
Paper PL/17/24 – Item 1**

Submission of details under Outline Planning Permission B/13/00917- Reserved Matters - Appearance, Landscaping, Layout and Scale for up to 43no dwellings. As amended by revised plans received 10/11/17 numbered 664-200/03, 201/04, 202/02, 204/02, 210/01, 211/00 together with a Construction Method Statement and External Lighting Plan, land east of Bulmer Road.

The Case Officer, John Davies, in presenting the application referred Members to the Addendum which contained the responses received as a result of re-consultation on the amended plans, as referred to in paragraph 2.15 of the report.

In response to queries raised by Members regarding the details of the water feature, it was noted that this would be the subject of further discussion with the applicant in relation to the landscaping conditions.

RESOLVED

(1) That the submission of Reserved Matters be approved subject to conditions including

- **Approved plans/documents standard condition**

(2) That a note be added to the Decision Notice to advise the applicant that they are required to complete a Deed of Variation amending the affordable housing provision to the following:

- **4 no. 2 bedroom (3 person) social rented dwellings**
- **2 no. 3 bedroom (4 person) social rented dwellings**

b HINTLESHAM

**Application No. DC/17/03982/OUT
Paper PL/17/24 – Item 2**

Outline Application (Access to be considered) - Erection of up to 11 Dwellings including 3 Affordable Houses, land to the east of Duke Street, and north of Red House Cottages.

The Case Officer, Gemma Pannell, in presenting the application, referred Members to a letter from Barry Gasper, one of the two Ward Members for Brook, which was attached in full to the Addendum. Members were offered reading time but indicated that this was not required. Nick Ridley, the other Ward Member, informed the Committee that he would not be voting on this application.

Following a thorough consideration of the planning considerations as set out in the report, and the matters covered in the public speaking session, Members voted by a majority of 7 to 6 in favour of the officer recommendation.

RESOLVED

That authority be delegated to the Corporate Manager - Growth and Sustainable Planning to grant planning permission, subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms:

- **Affordable Housing**
- **Recreational Amenities Contribution (Stour and Orwell SPA)**

and that such permission be subject to conditions including:

- **Time Limit Condition**
- **Approved plans**
- **Submission of reserved matters**
- **Details of materials**
- **Site levels**
- **As required by highways**
- **As required by SCC Floods**
- **Details of fire hydrants**
- **Ecological mitigation and enhancement measures**

- **Detailed landscaping plan including all boundary treatment**
- **Archaeological work and monitoring**
- **Sustainability/Energy Reduction**

113 PL/17/23 - RESPONSE OF BABERGH DISTRICT COUNCIL TO THE CROSS BOUNDARY PLANNING APPLICATION IN RESPECT OF LAND AT STAFFORD PARK, CLARE ROAD, LONG MELFORD FOLLOWING DEVOLUTION OF DECISION-TAKING POWERS TO BRAINTREE DISTRICT COUNCIL

The Case Officer, Ben Elvin in presenting his item gave a resumé of the key points as set out in Paper PL/17/23 (originally circulated with the agenda for the Planning Committee meeting on 22 November and re-circulated with the 6 December agenda) and following the recent Member site visit. His presentation included an additional slide to show the site in the context of the wider rural location and in relation to the County boundary.

With reference to the Legal Opinion attached to Lambert Smith Hampton's letter of 20 November 2017 (Appendices 2 and 1 respectively to Paper PL/17/23), the Case Officer advised that, bearing in mind that Babergh officers had not seen the brief given to LSH and had therefore been unable to test the legal advice given, his recommendation was that Braintree District Council be asked to take fully into account the 'Polluter Pays' principle and the weight to be given to it. He confirmed that the Section 106 Agreement would provide for the remediation measures to be brought forward in a phased programme.

The Case Officer also clarified the position regarding Essex County Council's highway requirements, which had still to be finalised, and confirmed that a developer contribution of £150k to ECC had been agreed.

Members were aware of their role as a consultee but considered that their input should be increased by having the Ward Members included in consultations on the conditions to be imposed on any consent to be granted.

RESOLVED

That Braintree District Council be advised as follows:-

- **That had Babergh District Council been able to determine this application, the Council would, on balance, have been minded to approve the application subject to appropriate conditions and a Section 106 agreement.**
- **That should Braintree District Council approve the application, Babergh District Council wish to be party to the wording of conditions and the terms of the Section 106 agreement. Further, that conditions to be attached to any approval be agreed in consultation with the Ward Members for Glemsford and Long Melford.**

- **That all mitigation identified as necessary in this report to mitigate the impacts of development on the Babergh district, including those relative to education, highways, affordable housing and rights of way improvements, be secured through the Section 106 agreement.**
- **That the Section 106 Agreement include obligations that ensure the delivery of the decontamination of the landfill site within the Babergh District area, having regard to the polluter pays principle.**
- **That Babergh District Council requests Braintree District Council to ensure that a construction management plan is submitted which includes safety measures for the construction access and that conditions should be agreed in consultation with the Local Ward Members of Glemsford and Long Melford.**

The meeting adjourned for a short comfort break between 11 a.m. and 11.10 a.m.

The business of the meeting was concluded at 11:55 am.

Peter Beer referred to this being Ben Elvin's last day with the Council, and that he would be greatly missed. Members endorsed his remarks and wished Ben well in his future business venture. Ben expressed his thanks and commended the future arrangements for Steven Stroud and Gemma Pannell to support the Committee.

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Chairman