

BABERGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 5 JULY 2017

PRESENT: Nick Ridley (Chairman)

Sue Ayres	Peter Beer
Sue Burgoyne	David Busby
Derek Davis	Alan Ferguson
Kathryn Grandon	John Hinton
Michael Holt	Adrian Osborne
Stephen Plumb	David Rose
Ray Smith	

12 SUBSTITUTES AND APOLOGIES

It was noted that in accordance with Committee and Sub-Committee Procedure Rule No 20, a substitute was in attendance as follows:-

Kathryn Grandon (substituting for Fenella Swan)

13 DECLARATION OF INTERESTS

Councillor David Busby declared a Non-Pecuniary interest in applications B/16/01365 and B/16/01458 as he is a resident of Capel St Mary.

Councillor Peter Beer declared a Non- Pecuniary interest for the site inspection of Chilton Woods as he is a member of Suffolk County Councils Development Control Committee.

14 PETITIONS

None received

15 QUESTIONS BY THE PUBLIC

In accordance with Babergh District Councils Constitution the following question was received from Mr David Watts as follows:

“I see that from the officer’s reports for the agenda items to be considered today that Babergh says that it no longer has a 5-year land supply of building land. What has changed that means that the supply has dropped from over 5 years to just 3 or 4 years – ie by up to 40% or more? What is being done to restore a 5 year land supply? And if a 5-year land supply is soon to be restored should consideration of the applications before you here today not be postponed until that 5-year supply is in place?”

Committee Chairman Nick Ridley responded to the question as follows:

“The main factors for the difference in the 5 year land supply are:

1. The relevant housing target- The Babergh Core Strategy (2014) adopted a “stepped” housing target approach whereby the annual target was 220 for the first 5 years of the plan (1,100 in total) and rising to 325 per annum in 2016/17 onwards (1,625 in total). When taken with undersupply over the last few years, this gives a new 5 year housing land supply position of 4.1 years, when judged against the Core Strategy. However, if the new Strategic Housing Market Assessment based target is considered, then the annual target for Babergh becomes 355 dwellings per annum, a figure of 3.1 years housing land supply.
2. The review of site delivery- Not all outstanding planning permissions can or should be assumed to be deliverable within the 5 year period. Recent experience has shown that it is necessary to undertake a site by site judgement of expected future delivery rates. The review has shown, amongst other things that delivery of new dwellings built in the district has not met the adopted annual target for the last 3 years consecutively.

The Council is already undertaking positive measures to improve the 5 year land supply position, which includes significant progress on the emerging Joint Local Plan and evidence base, working positively with communities producing Neighbourhood Plans, undertaking Council-led housing schemes, seeking to resolve issues that may be “blocking” sites from being implemented, and reviewing relevant planning applications where circumstances have changed.

The Corporate Manager – Growth and Sustainable Planning added the following:-

It is not possible to say when the 5 year land supply will be restored so each application will be considered on its own merits with reference to the guidance in the NPPF including paragraph 14, and also PP 9. Prematurity is not a ground for refusal and postponement is not good when trying to deal with applications in a timely manner.

Supplementary Question

Why is the number of 2320 dwellings not in the figures?

The Corporate Manager replied that a number of permissions are extant and/or not deliverable. The calculation of housing land supply considers permissions which add to supply and dwellings being built out which reduce it and involves a detailed calculation which has been undertaken.

SITE INSPECTIONS

The Corporate Manager – Growth and Sustainable Development reported that the following application required a site inspection prior to its consideration by the Committee. The Case Officer, Steven Stroud, gave a brief presentation indicating the proposed extent of the visit.

B/15/01718/OUT

Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network); village centre (comprising up to 1,000m² Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works. Chilton Woods Mixed Use Development, Land North of Woodhall Business Park, Sudbury.

RESOLVED

- (1) That a site inspection be held on Wednesday 12 July 2017 in respect of Application No. B/15/01718/OUT, prior to its consideration by the Committee.
- (2) That a Panel comprising the following Members be appointed to inspect the site:-

**Peter Beer
Sue Burgoyne
David Busby
Derek Davis
Kathryn Grandon**

**Adrian Osborne
Stephen Plumb
Nick Ridley
Ray Smith**

Members noted that a site inspection would also be required for the following application:-

B/16/01092/OUT

Outline application – (all matters reserved) mixed use development including up to 75 dwellings, a pre-school and a neighbourhood hub, comprising a swimming pool, office space and a local shop, public open space, and associated infrastructure and landscaping as amended by drawings received on 11 November 2016 (omission of school land) land east of Constable Country Medical Centre, Heath Road, East Bergholt.

The visit was scheduled to take place on 26 July. The composition of the site

inspection Panel would be confirmed at the meeting of the Committee on 19 July.

RESOLVED

- (3) That a site inspection be held on Wednesday 26 July 2017 in respect of Application No. B/16/01092/OUT, prior to its consideration by the Committee.**

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PL/17/5 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/5 (circulated to Members prior to the commencement of the meeting) which included additional correspondence received from Sue Carpendale, Ward Member 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 Items in Paper PL/17/5 and the speakers responded to questions put to them as provided for under those Arrangements:-

<u>Application No.</u>	<u>Representations from</u>
B/16/01365	Andrew Cann (on behalf of the Parish Council) Geoff Armstrong (Agent) Fenella Swan (Ward Member)
B/16/01458	Andrew Cann (on behalf of the Parish Council) David Wisely (Objector) Jessica Pratt (Agent) Fenella Swan (Ward Member)

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 Papers PL/17/5 and PL/17/6 be made as follows:-

- (a) CAPEL ST MARY**

**Application No. B/16/01365/FUL
Paper PL/17/5 – Item 1**

Full application – Erection of residential development comprising 100 dwellings (including 35 affordable units) with associated vehicular access from Days Road, landscaping, open space, car parking and pedestrian links, land north and west of Capel Community Church, Days Green.

Philip Isbell, Corporate Manager – Growth and Sustainable Planning, referred to the context with regard to the 5 year land supply position as set out in the report and the advice in paragraphs 47, 49 and 14 of the NPPF regarding the presumption in favour of development. He also referred to the Government's position on sustainable development as contained in paragraphs 18-219 of the NPPF which was consistent with deciding the weight to be given to material considerations and to boosting the supply of housing.

In response to a Member query, the Chairman confirmed that the two Capel St Mary applications before the Committee today would be considered separately on their individual merits. The Corporate Manger then responded to queries about the cumulative effect of proposals by advising Members that this was not the sole determinant, and reiterating that the reports stand alone.

The Case Officer, Gemma Pannell, then introduced Application No B/16/01365/FUL. Steve Merry, from Suffolk County Council (Highways) was present at the meeting to answer Members' questions.

Following questions and discussion around the issues raised by the public speakers and Members, including highway/parking matters, housing need, the applicant's odour assessment in relation to potentially adverse environmental effects, sustainability and use of Grade 2 agricultural land, the officer recommendation for approval subject to conditions was moved, with the inclusion of an additional condition to prevent inappropriate parking on grassed areas, but was lost on being put to the vote.

A proposal to refuse permission was moved for reasons relating to the unacceptable harm to residential amenity from the adverse environmental impact of the odours generated by the Mushroom Farm, increased traffic generation and insufficient health care provision together with the loss of Grade 2 agricultural land and impact on the existing village facilities on the basis that the adverse effects of the proposed development were not outweighed by the benefits explained in the report and there were no exceptional circumstances or proven justifiable need for granting approval.

RESOLVED

That planning permission be refused for the following reasons:-

- **No exceptional circumstances or proven justifiable need to build in this location, contrary to policy CS2**
- **Unacceptable harm to local health infrastructure, detrimental effect on residential amenity by reason of increasing traffic movements along Days Road and impact on physical and social infrastructure contrary to policy CS11**
- **The proposed development does not respect the local context and character contrary to policy CS15 and would lead to parking on green areas outside the proposed dwellings contrary to policies CR01 and CN01 regarding landscaping and the provision of open spaces**
- **Adverse effect on residential amenity from the proximity of the site to Capel Mushroom Farm and the unacceptable risk of potential odours contrary to paragraph 17 of the NPPF**
- **Significant development of Grade 2 agricultural land contrary to paragraph 112 of the NPPF**

(b) CAPEL ST MARY

**Application No. B/16/01458/OUT
Paper PL/17/5 – Item 2**

Outline application – (means of access to be considered) – Residential development for up to 150 dwellings with highways access off Little Tufts (following demolition of existing garage) 7 Little Tufts and land east of Longfield Road.

The Case Officer, Gemma Pannell, introduced the application for outline planning consent. Members were aware of the context in relation to the 5 year land supply position as set out in the report and as referred to by the Corporate Manager – Growth and Sustainable Planning.

During the course of their discussion, Members' focus included the proposed means of access as well as their concerns about other matters including increased traffic generation, insufficient health care provision, sustainability and use of agricultural land.

Notwithstanding the officer recommendation for approval subject to conditions, including an additional condition regarding ecological mitigation, a proposal to refuse permission was moved for reasons relating to the unacceptable harm to residential amenity from increased traffic generation and effect on the current village infrastructure, insufficient health care provision and the inadequacy of the proposed access together with the loss of Grade 2 agricultural land, on the basis that the adverse effects of the proposed development were not outweighed by the benefits explained in the report and there were no exceptional circumstances or proven justifiable need for granting approval.

RESOLVED

That planning permission be refused for the following reasons:-

- **No exceptional circumstances or proven justifiable need to build in this location, contrary to policy CS2**
- **Unacceptable harm to local health infrastructure, detrimental effect on residential amenity by reason of increasing traffic movements along Little Tufts, which is a small cul-de-sac, and impact on physical and social infrastructure contrary to policy CS11**
- **Significant development of Grade 2 agricultural land contrary to paragraph 112 of the NPPF**

At this point, the meeting adjourned at 1.05 p.m. for refreshments. The meeting resumed at 2 p.m. when the following Members were present:-

Nick Ridley – Chairman

Sue Ayres

Peter Beer

Sue Burgoyne

David Busby

Alan Ferguson

Kathryn Grandon

John Hinton

Michael Holt

Adrian Osborne

Stephen Plumb

David Rose

Ray Smith

19 **PL/17/6 - PLANNING APPLICATION FOR DETERMINATION BY THE COMMITTEE**

Members had before them an Addendum to Paper PL/17/6 (circulated to Members prior to the commencement of the meeting) which contained comments on the Case Officer's report from Richard Kemp and John Nunn, Ward Members, and on behalf of the Parish Council, which had been received since the publication of the Agenda, but before noon on the working day before the meeting.

In accordance with the Council's Arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the Item in Paper PL/17/6 and the speakers responded to questions put to them as provided for under those Arrangements:-

B/16/00777

Ian McDonald (on behalf of the Parish Council)

Graham Eade (Objector)

Steve Gartland (Supporter)

James Alflatt (Agent)

John Nunn (Ward Member)

Richard Kemp (Ward Member)

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) a decision on the item referred to in Paper PL/17/6 be made as follows:-

LONG MELFORD

Application No. B/16/0077/FUL Paper PL/17/6 – Item 1 **Full application – Erection of 71 residential dwellings (including market and affordable homes) garages, parking, vehicular access (with Bull Lane), estate roads, public open space, play areas, landscaping, drainage and other infrastructure works, land on the south side of Bull Lane.**

In response to a question from a Member, Steve Merry confirmed that the Local Highway Authority would not require a roundabout on the access road.

Philip Isbell, Corporate Manager – Growth and Sustainable Planning referred to the previous refusal of this application and to the context with regard to the 5 year land supply position as set out in the report, and the provisions of the NPPF. The Case Officer, Gemma Pannell, referred to the mitigation measures which included additional signage and the reasons as set in the report for the recommendation of approval. Members during their consideration of this application were aware of the extensive comments made on the Officer report by the Ward Members and on behalf of the Parish Council, which were also referred to during the course of the public speaking.

A majority of Members accepted the Officer view as set out in paragraph 181 of the report that the adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development as explained in the report and agreed with the conclusion in paragraph 182 that the proposal is sustainable development in accordance with the three dimensions of sustainable development set out in the NPPF.

RESOLVED

That the Corporate Manager - Growth and Sustainable Planning be authorised 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**
- **Open Space**

and that such permission be subject to the conditions as set out below:

- 1) Standard Time Limit Condition.
- 2) Approved Plans
- 3) Development shall be implemented in accordance with the approved sustainability statement
- 4) Strategy for disposal of surface water and FRA shall be implemented as approved.
- 5) Details of the Sustainable Urban Drainage System shall be submitted and approved (prior to 36th dwelling being occupied)
- 6) Construction surface water management plan shall be submitted and agreed.
- 7) Surface water drainage strategy to be submitted and agreed
- 8) Provision of fire hydrant
- 9) Recommendations of the ecological survey reports to be implemented in full
- 10) Soft Landscaping
- 11) Hard Landscaping
- 12) Details of External Lighting
- 13) Tree Protection
- 14) Archaeological Conditions
- 15) Protection measures outlined in the arboricultural report shall be implemented
- 16) Construction and Environmental Management Plan to be submitted and agreed
- 17) No burning shall take place on site
- 18) Materials
- 19) Screen walls and fences to be submitted
- 20) Travel Plan
- 21) Details of the estate roads and footpaths,
- 22) Carriageways and footways serving that dwelling have been constructed to at least Binder course level or better
- 23) Visibility Splays
- 24) Areas for turning and parking
- 25) Off-site highway improvements to Bull Lane have been installed and completed in full. This includes the following measures:

1. Upgrade the road markings at the Bull Lane / Hall Street junction and pinch point past the Bull Hotel
2. A yellow box road marking to the Bull Lane / Cordell Road junction
3. Installation of new signs promoting the pedestrian route to Hall Street via Cordell Road and Woollards Gardens.
4. Installation of a westbound bus stop on the site frontage to include hardstanding, bus shelter and Real Time Passenger Information screen.
5. Installation of an eastbound bus stop opposite the site to include a hardstanding and flag pole / timetable case.
6. Installation of traffic calming measures to Bull Lane and adjustment of the existing traffic calming.
7. Widening and resurfacing of Bull Lane on the site frontage to 5.5 metres minimum.

These improvements are to be in general accordance with the submitted drawings numbered 617765/SK06, SK07, SK08, SK09, and SK10.

Note: The meeting adjourned for refreshments between 11.40 a.m. and 11.55 a.m.

The business of the meeting was concluded at 3.20 p.m.

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Chairman