

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN ELISABETH ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 18 APRIL 2018

PRESENT: Peter Beer - Chairman

Sue Ayres	David Busby
Michael Creffield	Luke Cresswell
Derek Davis	Siân Dawson
Kathryn Grandon	John Hinton
Adrian Osborne	Lee Parker
Stephen Plumb	David Rose
Ray Smith	

143 DECLARATION OF INTERESTS

Councillor Derek Davis declared a local non-pecuniary interest in Item 3 of Paper PL/17/38 in his capacity as the Council's representative on the Suffolk Coast and Heaths AONB JAC. Councillor Davis also stated that he knew the husband of the applicant, having designed a website for him some 18 months / 2 years ago.

Councillor David Rose declared a local non-pecuniary interest in Item 3 of Paper PL/17/38 in his capacity as the Council's representative on the Suffolk Coast and Heaths AONB Joint Advisory Committee (JAC) and Partnership.

144 PL/17/37 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 21 MARCH 2018

**It was RESOLVED**

**That the minutes of the meeting held on 21 March 2018 be confirmed and signed as a correct record.**

145 PL/17/33 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2018

Members were aware that at the meeting of the Committee on 21 March 2018, consideration of the Minutes of the meeting held on 7 February 2018 was deferred, pending the receipt of further legal advice in respect of Minute No 127a.

Members were asked to consider confirming the Minutes, which were unchanged from those originally circulated as Paper PL/17/33, and which had been re-circulated to Members prior to the day of the meeting.

**It was RESOLVED**

**That the Minutes of the meeting held on 7 February 2018 be confirmed and signed as a correct record.**

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

None received.

147 SITE INSPECTIONS

Peter Beer requested a site inspection in respect of Application No DC/18/00929 – Cuckoo Hill Bures, to be held at an appropriate time.

Philip Isbell, Corporate Manager – Planning for Growth, recommended a site inspection in respect of Applications No DC/18/00535, DC/18/00536 and DC/18/00544 – Full applications and application for Listed Building Consent at The Walled Garden, Nursery Lane, Woolverstone, due to their controversial nature.

**It was RESOLVED**

**(1) That a site inspection be held on Wednesday 25 April 2018 in respect of Applications No DC/18/00535, DC/18/00536 and DC/18/00544 – The Walled Garden Woolverstone.**

**(2) That a Panel comprising the following Members be appointed to inspect the sites:-**

**Sue Ayres  
Peter Beer  
David Busby  
Michael Creffield  
Luke Cresswell  
Derek Davis  
Siân Dawson**

**Kathryn Grandon  
John Hinton  
Adrian Osborne  
Lee Parker  
Stephen Plumb  
David Rose  
Ray Smith**

**(3) That a site inspection be held in respect of Application No DC/18/00929 – Cuckoo Hill Bures on a date to be advised in due course.**

148 PL/17/38 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/38 (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 the items in Paper PL/17/38 and the speakers responded to questions put to them as provided for under those arrangements.

<u>Application No.</u>	<u>Representations from</u>
DC/18/00200/OUT	Barry Abson (Parish Council) Leslie Short (Agent for Applicant) Margaret Maybury (Ward Member)
DC/17/05196 and DC/17/05197	William Davies (Parish Council) Mark Dorber (Applicant) Sue Carpendale (Ward Member) Fenella Swan (Ward Member)
DC/17/05196 DC/17/05197	Madeline Kaye (Objector) Ian Coward (Objector)
DC/18/00236	Nicholas Crook (Supporter) Leslie Short (Agent for Applicant)

**It was 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/17/38 be made as follows:-**

**a GREAT WALDINGFIELD**

**Application No. DC/18/00200/OUT  
Paper PL/17/38 – Item 1**

**Outline Application – erection of 32 dwellings (including 11 affordable units) and garages, land off Bantocks Road.**

Gemma Walker, Area Planning Manager, in introducing this application, advised Members that there were no updates to the report.

During the consideration of the application, the view was expressed that the question of local priority in relation to the affordable housing provisions should be reviewed, and this was subsequently incorporated in the motion which was put to the vote.

**It was RESOLVED**

**(1) That subject to the outcome of a review by the Corporate Manager of evidence of housing need which would warrant including local priority in the affordable housing provisions, the Corporate Manager – Planning for Growth be authorised to grant planning permission subject to the prior completion of a Section 106 Planning Obligation on terms to his satisfaction to secure:**

- **35% Affordable units including mix, tenure and local priority if evidenced following the review referred to above**

and that such permission be subject to conditions including:-

- Standard time limit
- Reserved matters outline
- Accord with approved plans
- Access visibility splays
- Access- estate roads detail
- Agree and implement construction of carriageways and footways
- Agree and implement parking, cycling, and manoeuvring areas
- Deliveries management plan
- Details of surface water drainage scheme
- Details of implementation, maintenance, and management of surface water drainage scheme
- Details of construction surface water management
- Programme of archaeological work
- Unexpected contamination
- Fire hydrant provision details
- Sustainable efficiency measures
- Ecological report recommendations
- Withdrawal PD rights

Notes: (to be attached to the Decision Notice)

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

Watercourse works consent – Section 23 of the Land Drainage Act 1991

Watercourse/groundwater discharge – Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

Internal Drainage Board catchment – surface water developer contribution

(2) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured to the satisfaction of the Corporate Manager – Planning for Growth, he be authorised to refuse planning permission for reasons including:-

- Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.

**b**

**STRATFORD ST MARY**

**Application No. DC/17/05196 and  
DC/17/05187 OUT  
Paper PL/17/38 – Item 2**

**Full application and application for  
Listed Building Consent – erection of  
two single story extensions (to  
provide new kitchen, WC, dining area,  
bar, brewhouse and ancillary  
accommodation) following  
demolition of outbuilding and  
existing extension; extension of car  
park and terrace area; insertion of  
roof lights; creation of 2 additional  
rooms to let, Swan Inn, Lower Street.**

The Heritage Officer, Jonathan Duck, was present for this item to answer questions.

Lynda Bacon, Development Management Planning Officer, in introducing the officer report, referred Members to the additional correspondence and responses reported in the Addendum paper, which had been circulated to Members prior to the day of the meeting. She also reported a further comment from SCC Highways confirming that although the number of parking spaces was below the maximum, there was no minimum requirement associated with the applications for commercial developments.

During the course of Members' consideration of the Planning application, it was suggested that if the Committee was minded to grant permission, additional conditions should be included to cover flood risk and noise mitigation, and these were incorporated into the motion for approval which was subsequently put to the vote.

In response to Members' questions about traffic management along Lower Street, the Corporate Manager was asked to contact SCC Highways about possible options. The Chairman reminded Members that an approach on this aspect could also be made by the Parish Council and through the local County Councillor.

**It was RESOLVED**

**(1) That planning permission be granted subject to conditions including:-**

- **Standard time limit**
- **Approved Plans and Documents**
- **Agreement of Materials**
- **Construction Management Plan**
- **Standard Archaeological Conditions**
- **Ecology Mitigation**
- **Landscaping**
- **Tree Protection Measures**
- **Flood Risk**
- **Noise Mitigation**

**(2) That Listed Building Consent be granted subject to conditions including:-**

- **Standard Time Limit**
- **Approved Plans and Documents**
- **Agreement of Materials**
- **Sample of brick panel**
- **Detailed sections through doors to be ‘nailed shut’ in the public house at 1:10**
- **Details of proposed creation of en suite in suite 5**
- **Details of proposed creation of en suite in suite 6**
- **Vertical section through glazed link from finished ground level to roof, at 1:20**
- **Horizontal section through glazing and different sections of frame, at 1:2**
- **Detailed sections of all new windows, rooflights and doors at 1:2 or 1:10 as appropriate**
- **Manufacturer’s literature on cladding**
- **Detailed section of junction between glazed roof and wall of public house at 1:10**

**c CHELMONDISTON**

**Application No. DC/18/00236  
Paper PL17/38 – Item 3**

**Outline Application – erection of 24 dwellings (including 8 affordable dwellings) including access, land adjacent to Woodlands, Main Road.**

Lynda Bacon, Development Management Planning Officer, in introducing the officer report, referred Members to the comments from Place Services – Heritage as set out in the Addendum, which included reference to the comments in the report from the Landscape Consultant for Place Services.

Members were made aware, from the presentation, that the main issues relate to the sustainability of the proposal and the impact on the landscape. As the site is in the AONB the presumption in favour of sustainable development does not apply and development should be restricted where adverse impacts significantly and demonstrably outweigh the benefit.

After Members had debated the application, expressing differing views and taking account of all the information presented to the Committee including the planning balance issues, the officer recommendation for refusal was proposed and seconded. A majority of Members did not accept that the officer reasons for refusal outweighed the benefits of the proposed development, and the motion to refuse was lost on being put to the vote.

Prior to an appropriate recommendation for approval being proposed and seconded, the relevant Members considered the wording of their reasons for being minded to grant outline planning permission, together with the imposition of appropriate conditions and obligations.

The public benefits of delivering additional housing including affordable housing were identified as a material consideration that attracts sufficient weight given the contribution to the 5 Year housing land supply and to meeting the affordable housing needs of the District in this locality. Notwithstanding the significance of safeguarding the AONB in both policy CR02 and the NPPF, it was considered that there are material benefits in granting planning permission which mean that the proposal would constitute sustainable development in accordance with policies CS1, CS3, CS15 and CS19 of the Core Strategy and which would justify departing from the AONB protection policies.

In addition to standard conditions, the following were identified for inclusion in the motion to Committee:-

- Delegation to the Corporate Manager – Planning for Growth to grant permission subject to the prior resolution of the holding objection by SCC Floods and Water, and the securing of a S106 Planning Obligation
- The inclusion of landscape and ecology conditions as advised in the officer report
- Delegation to the Corporate Manager to refuse permission if the outstanding matters are not concluded to his satisfaction

A motion incorporating the above elements was carried on being put to the vote.

**It was RESOLVED**

- (1) That subject to the satisfactory resolution of the holding objection by SCC Floods and Water to the satisfaction of the Corporate Manager – Planning for Growth, he be authorised to grant outline planning permission subject to the prior completion of a Section 106 Planning Obligation on terms to his satisfaction to secure:**

- **Affordable housing**
- **Financial contribution to visitor management measures for the Stour and Orwell Estuaries SPA/RAMSAR**

**and that such permission be subject to conditions including**

- **Standard conditions**
- **Landscape as recommended by Place Services**
- **Ecological mitigation and enhancements as recommended by Place Services**

- (2) That in the event that the Section 106 referred to in Resolution (1) above is not secured to the satisfaction of the Corporate Manager – Planning for Growth, he be authorised to refuse planning permission for reasons including**

- **Failure to resolve the holding objection from SCC Floods and Water**

- **The scheme fails to provide adequate infrastructure contributions or secure affordable housing which accordingly fails to provide the appropriate public benefits to justify a departure from policy in the AONB.**

Notes:

1. The meeting adjourned for a comfort break from 10.20 a.m. to 10.25 a.m., after consideration of Item 1 of Paper PL/17/38.
2. Following a request for clarification from Councillor Cresswell regarding the position of Councillor Grandon, who was not present for the start of Item 3, the meeting adjourned for legal advice from 12.35 p.m. to 12.45 p.m. as a result of which Councillor Grandon did not participate in either of the votes on the item and Members were asked to discount her comments made during the discussion leading up to the vote to refuse permission.

Members were referred to paragraph 11.2.4 of the Planning Charter which states that Members should

‘only vote or take part in the meeting’s discussion on a proposal if they have been present to hear the entire debate, including the officers’ introduction and any public speaking.’

3. Councillor Hinton returned to the meeting after the start of the officer introduction to Item 3 and took no part in the discussion or the voting.

The business of the meeting was concluded at 1.25 p.m.

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Chairman