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PLANNING COMMITTEE	
DATE:	WEDNESDAY, 20 NOVEMBER 2019 9.30 AM
VENUE:	KING EDMUND CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

For consideration at the meeting on Wednesday, 20 NOVEMBER 2019, the following additional or updated papers that were unavailable when the Agenda was printed.

## TABLED PAPER

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3	<b>PL/19/18 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2019</b>	3 - 12
	To follow.	
a	<b>DC/19/04105 LAND WEST OF BRANTHAM HILL, BRANTHAM, CO11 1ST</b>	13 - 14
b	<b>DC/19/03185 LAND SOUTH OF HOWLETT OF LAVENHAM, MELFORD ROAD, LAVENHAM, SUFFOLK, CO10 9SG</b>	15 - 16

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01449 724930 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

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# Agenda Item 3

## BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Wednesday, 6 November 2019 09:30

### **PRESENT:**

Councillor: Peter Beer (Chair)  
Stephen Plumb (Vice-Chair)

Councillors:	Sue Ayres	Melanie Barrett
	David Busby	Derek Davis
	John Hinton	Leigh Jamieson
	Adrian Osborne	Alison Owen

### **Ward Member(s):**

Councillors: Mick Fraser

### **In attendance:**

Officers: Acting Area Planning Manager (MR)  
Area Planning Manager (SS)  
Planning Lawyer (IDP)  
Senior Environmental Protection Officer (CC)  
Development Management Planning Officer (KH/LB)  
Governance Officer (RC)

## **64 SUBSTITUTES AND APOLOGIES**

Apologies of Absence were received from Councillors Lee Parker and Zac Norman.

Councillor Derek Davis substituted for Councillor Lee Parker.

## **65 DECLARATION OF INTERESTS**

Councillor David Busby declared an interest in application DC/19/01721 and advised the Committee that he would be leaving the room for the entirety of the application.

## **66 PL/19/16 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 9 OCTOBER 2019**

It was Resolved that the Minutes of the meeting held on the 9 October 2019 were confirmed and signed as a true record.

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

None received.

**68 SITE INSPECTIONS**

68.1 The Case Officer presented Members with a request for a site visit from Councillor Lee Parker and gave a short presentation regarding DC/19/04391.

**68.2 RESOLVED**

**That Members undertake a site visit for planning application:**

- DC/19/04391

**And that members are informed of the site visit details once a date had been set for the item to go before the Committee.**

**69 PL/19/17 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

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/19/17 and the speakers responded to questions put to them as provided for under those arrangements.

<b>Application Number</b>	<b>Representations From</b>
DC/19/03371	Aarti O'Leary (Applicants Representative)
DC/19/01721	David Dadds (Applicants Representative)
DC/19/03577	Gavin Talbot (Hadleigh Town Council) Sheila Larwill (Objector) Ben Elvin (Agent) Cllr Mick Fraser (Ward Member)

**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/19/17 be made as follows:-**

The Chair outlined at the beginning of the meeting that the applications would be taken in the following order:

1. DC/19/03577
2. DC819/01721
3. DC/19/03371

**70 DC/19/03577 40 GEORGE STREET, HADLEIGH, IPSWICH, SUFFOLK, IP7 5BE**

70.1 Item C

Application	DC/19/03577
Proposal	Planning Application- Erection of 1 no. dwelling and creation of new vehicular access.
Site Location	<b>HADLEIGH</b> – 40 George Street, Hadleigh, Ipswich, Suffolk, IP7 5BE
Applicant	Mrs M Quinland

70.2 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, and the officer recommendation of refusal as detailed in the report.

70.3 Councillor Derek Davis declared a Local Non-Pecuniary interest in the application regarding the application as his Cabinet Portfolio included leisure. The Planning Lawyer advised Councillor Davis that this did not prevent the Councillor taking part in the debate, discussion, and voting on the application.

70.4 Members considered the representation from Gavin Talbot of Hadleigh Town Council who spoke in support of the application.

70.5 The Town Council Representative responded to Members' questions on issues including: what the public benefits of the proposal were, and the level of heritage harm.

70.6 Members considered the representation from Sheila Larwill who spoke as an Objector.

70.7 Members considered the representation from Ben Elvin who spoke as the Agent.

70.8 The Agent responded to Members' questions on issues including: that the land in question was not in the curtilage of the listed building until the 1960s, that a modern garage had been built nearby, and the status of a bungalow that had been built nearby.

70.9 The Chair invited Dr Jonathan Duck, part of the Council's Heritage Team, to explain their response to the application. Dr Duck explained that the curtilage of the area of the listed building was significant to the setting of the building and how the law had changed since the listing of the building and how this effected the consideration of weight when deciding applications.

70.10 Members debated the application on the issues including: the definition of the "contrived" design of the proposal within the parcel of land, the level of harm caused by the development , whether there was any public benefit associated with the application, and the impact upon the wider setting of George Street.

70.11 Councillor Derek Davis proposed that the application be refused as detailed in the officer recommendation. Councillor Stephen Plumb seconded the motion.

**70.12 RESOLVED**

**That the application is REFUSED planning permission for the following reasons:-**

- 1. The proposed development would result in a cramped and contrived form of development which would be out of character with the existing pattern, character and form of development in this area. The proposed dwelling would be backland development and is considered to be contrary to policies CN01 and HS28 of the Babergh Local Plan (2006). The proposal would also conflict with Section 12 of the NPPF which refers to design and provides that development should respond to local character and history and reflect the identity of local surroundings as well as that it is proper to seek to promote or reinforce local distinctiveness.**
- 2. The application proposal affects the character, setting, and significance of Heritage Asset, the Grade II 40 George Street. The proposed development would amount to tandem development eroding the setting and thus significance of the listed building. Furthermore it would neither preserve nor enhance the Hadleigh Conservation Area. The application proposal would, therefore result in a medium level of less than substantial harm to the character, setting and significance of these heritage assets and the public benefit of providing 1 additional dwelling in support of the districts housing supply is not considered to outweigh the harm identified. The application is therefore considered contrary to the provisions of paragraphs 185, 193, 194, 195 and 196 of the NPPF and development plan policies CN06 and CN08, which seek to conserve, and where possible enhance the historic environment and protect the character, setting and significance of heritage assets.**
- 3. The proposed development due to its proximity to the leisure centre would be unacceptably affected by reason of the noise impact. This negative impact on the amenity of any future residents of the dwelling combined with the duration of the impact, will have a negative impact on the amenity of future residents of the proposed dwelling. Whilst it is acknowledged that there are dwellings nearby these are separated by hedges and garden space, the proposal would be located on existing garden land, closer to the source of noise and without the separation distances the existing properties benefit from. As a result, the proposal is contrary to policies CN01 of the Babergh Local Plan (2006) and the NPPF paragraph 127.**

**71 DC/19/01721 14 BOREHAMGATE SHOPPING PRECINCT, KING STREET, SUDBURY, SUFFOLK, CO10 2ED**

71.1 A short comfort break was taken between 10:52-11:19 after the completion of application DC/19/03577 but before the commencement of DC/19/01721.

Councillor David Busby left the meeting room before the commencement of application DC/19/01721

**71.2 Item B**

Application	DC/19/01721
Proposal	Planning Application – Change of Use from Shop (A1) to Bar (A4)
Site Location	<b>SUDBURY</b> – 14 Borehamgate Shopping Precinct, King Street, Sudbury, Suffolk, CO10 2ED
Applicant	Café Lounge Ltd

71.3 The Case Officer presented the application to the Committee, outlining the proposal before Members' the layout of the site, and the officer recommendation of approval with conditions.

71.4 Members considered the representation from the Applicant's representative David Dadds.

71.5 The Applicants Representative responded to Members' questions on issues including: the proposed opening hours, entrances to and from the application site, that a sound limiting device was being proposed with the application and that the licensing conditions had been agreed at a separate Licensing Committee.

71.6 The Chair invited the Councils Senior Environmental Health Officer to respond to the points raised regarding noise and sound that would be created by the proposal. The Senior Environmental Health Officer advised that there was concern regarding the noise that could be created from the proposal and the impact that it would have on the residents above. As such the Officer outlined that the recommendation included conditions to ensure the noise level did not adversely affect the residential amenity of occupants of Borehamgate

71.7 The Chair allowed the Applicant's Representative to respond to The Senior Environmental Health Officers comments and spoke on issues including: the details contained within the report and the ambient sound, that the conditions within the report were excessive in terms of the soundproofing and that there were other options available regarding the sound impact.

71.8 The Applicant's representative responded to further questions from Members' on issues including: the management of customers entering and exiting the venue to smoke and whether the lounge would run on a Membership basis.

71.9 Members debated the application on the issues including: the noise that would be created by the proposal later at night and the impact on residential amenity, the closing time of the proposal and the support for the application in the local area.

71.10 Councillor Melanie Barrett proposed that the application be approved as detailed in the officer recommendation with the following amendments:

- Condition 1 to be re-worded to refer to “e-games”.
- Condition 4 to be deleted as duplicate.
- Additional Condition 11 to tie hours of use to those currently enjoyed by License

71.11 Councillor Stephen Plumb seconded the motion.

#### **71.12 RESOLVED**

**That the application is GRANTED planning permission and includes the following conditions:-**

- **Use limited to Sui Generis E-Games Lounge Bar**
- **Commencement of development**
- **Approved plans and documents**
- **Implementation of Noise Management Policy and Dispersal Policy.**
- **As recommended by Environmental Health:**

**1. Prior to the commencement of development written details of all proposed works to improve the sound insulation performance of the windows and main doors (including second internal doors or lobby) of the building, as guided by section 6 (paragraphs 6.1 to 6.11) of the Noise Impact Assessment produced by Big Sky Acoustics Technical Report Number 1909091 dated 30th August 2019 shall be submitted to the Local Planning Authority for approval. The Approved scheme installed prior to first operation, maintained and retained in that form thereafter unless otherwise agreed in writing by the Local Planning Authority**

**2. Prior to first use of the site as a licensed premise, all sound insulation works to walls, ceilings and support pillars shall be completed as described section 6 (paragraphs 6.15 to 6.38) of the Noise Impact Assessment produced by Big Sky Acoustics Technical Report Number 1909091 dated 30th August 2019. The Approved scheme works shall be retained and maintained in that form thereafter unless otherwise agreed in writing by the Local Planning Authority**

**3. Prior to first use of the site as a licensed premise, The details of the sound system, speakers and speakers' locations shall be submitted to the local Planning Authority for Approval Approved scheme works shall be retained and maintained in that form thereafter unless otherwise agreed in writing by the Local Planning Authority**

**4. Prior to first use of the site as a licensed premise a Sound Limiter will be**



installed that restricts all amplified sound to a maximum noise level of 86dB LAeq. The noise limiter will be retained and maintained in that form thereafter unless otherwise agreed in writing by the Local Planning Authority

5.The Main Entrance Doors that are accessed via the Borehamgate precinct shall not be used for access or egress (except in an emergency) between 23:00 hours and 08:00 hours the following day. In addition smokers will be directed away from the main precinct between 23:00 hours and 08:00 hours the following day.

6.Prior to first use of the site as a licensed premise an Acoustic Validation Report shall be submitted in writing to the Local planning Authority for approval. The report shall include the results of tests that confirm that sound insulation is sufficient for the proposed use under normal operating conditions (maximum recorded music volume of 86dBLAeq) following the completion works required by conditions 1 and 2 above. The validation should confirm all works carried out as well as acoustic testing. With regards to validation of the works to the main doors and windows as required by Condition 1 the test should show that noise levels at 1m from the façade of any residential windows

LAeq (EN) should not exceed LA90 (WEN) And L10 (EN) should not exceed L90 (WEN) in any 1/3 octave band between 40 and 160Hz. EN = Entertainment noise level, WEN = Representative background noise level without the entertainment noise, both measured 1m from the façade of the noisesensitive premises.

With regards to validation of works to walls, ceilings and support pillars the validation report shall confirm that the works have provided at least 64dB (55) Rw (+Ctr) and that recorded sound is not audible in the bedrooms of any adjoined residential flat as the result of sound transmission via the structure. Amplified sound shall not be permitted until the validation report is agreed

#### **Additional Condition**

- Additional Condition to tie hours of use to those currently enjoyed by the License.

**72 DC/19/03371 PLOT 5 (DEVELOPMENT AREA 16) SPROUGHTON ENTERPRISE PARK, SPROUGHTON ROAD, IPSWICH**

72.1 Councillor David Busby re-joined the meeting after the completion of DC/19/01721 but before the commencement of DC/19/03371.

**72.2 Item A**

Application	DC/19/03371
Proposal	Submission of details under Outline Planning Permission DC/17/05687 – Access, Appearance, Landscaping, Layout and Scale for a warehouse (Class B8) with ancillary office accommodation (Class B1), associated car parking, van storage, cycle parking, pedestrian access arrangements, landscaping and infrastructure.
Site Location	<b>SPROUGHTON</b> – Plot 5 (Development Area 16) Sroughton Enterprise Park, Sroughton Road
Applicant	Gleave Partnership Ltd

72.3 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, and the officer recommendation of approval with conditions.

72.4 Members considered the representation from Aarti O’Leary who spoke as the Applicants Representative.

72.5 The Applicant’s Representative responded to Members’ questions on issues including: the employment that would be created by the site, the traffic movements that would be created from the development, and that the proposal would be working 24 hours a day.

72.6 Councillor John Hinton proposed that the application be approved as detailed in the officer recommendation. Councillor Derek Davis seconded the proposal.

**72.7 RESOLVED**

That Members resolved to:

**(1) Grant approval of the reserved matters (under application reference DC/19/03371) subject to planning conditions, drafted to the satisfaction of the Chief Planning Officer, including:**

- **Approved plans and details**
- **Noise management and mitigation**
- **Implementation of ecological mitigation**
- **Contamination remediation**
- **Site-specific Travel Plan/sustainable transport measures**
- **As further required by SCC (LHA)**
- **Local employment and training opportunities plan.**

The business of the meeting was concluded at 1.01 pm.

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Chair

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13 November 2019

Steven Stroud  
Babergh District Council  
Endeavour House  
8 Russell Road  
Ipswich IP1 2BX

By email only

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*Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Babergh District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.*

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**Application:** DC/19/04105  
**Location:** Land West Of Brantham Hill Brantham Manningtree Suffolk CO11 1ST  
**Proposal:** Outline Planning Application (some matters reserved - access to be considered)-  
Erection of up to 150 dwellings, use of land for community facilities, public open space, landscaping, a sustainable drainage system (SuDS), and vehicular access point from Brantham Hill (following demolition of existing bungalow and outbuildings). |  
Land West Of Brantham Hill Brantham Manningtree Suffolk CO11 1ST

Dear Steve,

Thank you re-consulting Place Services on the above application.

**Holding objection due to insufficient information on Priority species (farmland birds e.g Skylark)**

We have now reviewed the submitted Great Crested Newt Report (FPCR, July 2019) and note that there are no ponds on the site though all offsite ponds within a 500m radius were surveyed following the methods recommended by Natural England as detailed in the *Great Crested Newt Mitigation Guidelines* (English Nature, 2001). We also note that waterfowl and large numbers of medium-large sized fish were observed within many of the ponds although Pond P7 remained dry throughout the survey season and therefore could not be surveyed. As Ponds 1,2 and 5 have Habitat Suitability Index (HSI) scores of "good" and Ponds 3 & 6 have HSI scores of "average" suitability for Great Crested Newt (GCN), this triggered further, aquatic survey and assessment for this European Protected Species as it was likely to be present and affected by the development. As GCN were not recorded during these surveys in any of these waterbodies and we agree with the conclusion that the LPA now has certainty of likely impacts and no specific mitigation or compensation is necessary for this protected species. However good practice measures during construction will conserve other amphibians and reptiles straying into the construction zone is likely to be a condition of any consent to avoid any killing & in jury of these species and allow the LPA to demonstrate its compliance with s17 Crime & Disorder Act 1998.



We still do not consider that the proposed compensation for loss of nesting habitat for ground nesting farmland birds such as Skylark is likely to be effective. At least one breeding pair of Skylark is noted in the Bird Survey report (although 5 birds were recorded on the site during each of the three surveys in April, May and June) and the proposed wildflower meadow in the greenspace is, due to its functional role for recreation, unlikely to remain undisturbed to support nesting despite providing foraging opportunities particularly for wintering flocks. Appropriate mitigation measures for Skylarks are therefore required. As there is an outstanding concern which is unresolved, we wish to maintain a holding objection to the development

Unless the meadow can remain “out of bounds” during the breeding season under the long-term management plan, we recommend that off-site provision of nest plots within arable crops under a condition for a farmland bird mitigation strategy.

We are therefore still not satisfied that there is sufficient ecological information available for determination. This is necessary to provides certainty for the LPA of the likely impacts on Priority species (farmland birds including Skylark) with appropriate mitigation measures secured. This is necessary to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We draw your attention to a recent Appeal (APP/P1560/W/18/3201067 Land off Grange Road, Lawford, CO11 2JB) which was dismissed partly due to insufficient evidence to demonstrate that on-site biodiversity interests including species protected by s41 of NERC – Priority species - and the Wildlife & Countryside Act could be satisfactorily conserved or adequately mitigated or compensated by imposition of conditions.

Please contact me with any queries.

Yours sincerely,

**Sue Hooton CEnv MCIEEM BSc (Hons)**

Principal Ecological Consultant

[Ecology.placeservices@essex.gov.uk](mailto:Ecology.placeservices@essex.gov.uk)

**Place Services provide ecological advice on behalf of Babergh District Council**

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

# Agenda Item 6b

DC/19/03185

Lavenham Parish Council has commented after reconsulation as follows:

*Recommendation: Refusal*

*The Parish Council at the 1st August meeting did not approve the detail application in respect of the outline planning approval DC/17/03100 on the grounds of the Social and Affordable Housing being concentrated in one corner of the development rather than the Good Practice of the “Pepper Pot Approach” spreading these dwellings around the site as used elsewhere in the District and supported by the Parish Council and the Lavenham Neighbourhood Plan. Also it was felt that the impact of the adjacent Howletts of Lavenham garage had not been fully evaluated. There was no Environmental Report included in the application. The current application has not addressed these issues. Recommendation :- The Parish Council cannot approve the application until the above matters have been further considered .*

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