

# Public Document Pack



<b>PLANNING COMMITTEE</b>	
<b>DATE:</b>	<b>WEDNESDAY, 15 JULY 2020 9.30 AM</b>
<b>VENUE:</b>	<b>VIRTUAL TEAMS VIDEO MEETING</b>

For consideration at the meeting on Wednesday, 15 JULY 2020, the following additional or updated papers that were unavailable when the Agenda was printed.

## **ADDITIONAL TABLED PAPERS**

Page(s)

- b      **B/15/01196    LAND TO THE REAR OF 1-6, THE STREET, 3 - 20  
KERSEY**

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

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Companies House

**AR01** (ef)

**Annual Return**



X4DPE6MD

Received for filing in Electronic Format on the: 13/08/2015

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*Company Name:* Leigh Properties Limited

*Company Number:* 01492569

*Date of this return:* 22/07/2015

*SIC codes:* 56302  
41100

*Company Type:* Private company limited by shares

*Situation of Registered Office:* LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ

Officers of the company

*Company Secretary 1*

*Type:* **Person**  
*Full forename(s):* **MR JAMES ANDREW**

*Surname:* **HARDING**

*Former names:*

*Service Address:* **LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ**

---

*Company Director* 1

*Type:* **Person**  
*Full forename(s):* **MR ANDREW RICHARD**

*Surname:* **HARDING**

*Former names:*

*Service Address:* **LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ**

*Country/State Usually Resident:* **ENGLAND**

*Date of Birth:* **27/01/1954**                      *Nationality:* **BRITISH**

*Occupation:* **COMPANY DIRECTOR**

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*Company Director* 2

*Type:* **Person**

*Full forename(s):* **MR JAMES ANDREW**

*Surname:* **HARDING**

*Former names:*

*Service Address:* **LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ**

*Country/State Usually Resident:* **ENGLAND**

*Date of Birth:* **30/04/1984**

*Nationality:* **BRITISH**

*Occupation:* **DIR/SEC**

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*Company Director* 3

*Type:* **Person**  
*Full forename(s):* **MR RICHARD CHARLES**

*Surname:* **HARDING**

*Former names:*

*Service Address:* **LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ**

*Country/State Usually Resident:* **ENGLAND**

*Date of Birth:* **08/09/1985**                      *Nationality:* **BRITISH**  
*Occupation:* **DIRECTOR**

## Statement of Capital (Share Capital)

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<b>Class of shares</b>	<b>ORDINARY</b>	<i>Number allotted</i>	<b>100</b>
		<i>Aggregate nominal value</i>	<b>100</b>
<i>Currency</i>	<b>GBP</b>	<i>Amount paid per share</i>	<b>1</b>
		<i>Amount unpaid per share</i>	<b>0</b>
<i>Prescribed particulars</i>			
<b>FULL VOTING RIGHTS</b>			

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## Statement of Capital (Totals)

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<i>Currency</i>	<b>GBP</b>	<i>Total number of shares</i>	<b>100</b>
		<i>Total aggregate nominal value</i>	<b>100</b>

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### *Full Details of Shareholders*

The details below relate to individuals / corporate bodies that were shareholders as at 22/07/2015 or that had ceased to be shareholders since the made up date of the previous Annual Return

*A full list of shareholders for the company are shown below*

*Shareholding 1* : **34 ORDINARY shares held as at the date of this return**  
*Name:* **ANDREW RICHARD HARDING**

*Shareholding 2* : **33 ORDINARY shares held as at the date of this return**  
*Name:* **JAMES ANDREW HARDING**

*Shareholding 3* : **33 ORDINARY shares held as at the date of this return**  
*Name:* **RICHARD CHARLES HARDING**

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### *Authorisation*

*Authenticated*

*This form was authorised by one of the following:*

Director, Secretary, Person Authorised, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.



THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 13 JUL 2020 AT 18:05:14. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, KINGSTON UPON HULL OFFICE.

TITLE NUMBER: SK359444

There is no application or official search pending against this title.

## A: Property Register

This register describes the land and estate comprised in the title.

SUFFOLK : BABERGH

- 1 (05.07.2012) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being 4 The Street, Kersey, Ipswich (IP7 6ED).

NOTE 1: As to the part tinted pink on the title plan the ground floor is excluded.

NOTE 2: As to the part tinted blue on the title plan only the ground floor is included in the title.

- 2 (04.02.2015) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of land on the west side of the land in this title dated 3 February 2015 made between (1) Timothy John Partridge and (2) Rural Community Housing Limited.

NOTE: Copy filed under SK358432.

- 3 (27.03.2015) The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 20 March 2015 referred to in the Charges Register.
- 4 (27.03.2015) The Transfer dated 20 March 2015 referred to above contains a provision excluding the operation of section 62 of the Law of Property Act 1925 as therein mentioned.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (27.03.2015) PROPRIETOR: LEIGH PROPERTIES LIMITED (Co. Regn. No. 01492569) of 4 Woodbrook Crescent, Billericay CM12 0EQ.
- 2 (27.03.2015) The price stated to have been paid on 20 March 2015 was £137,500.
- 3 (27.03.2015) RESTRICTION: No transfer of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by Leigh Properties Limited of Lakeview House 4 Woodbrook Crescent Billericay Essex CM12 0EQ or their conveyancer that the provisions of clause 5 (a) of the Transferees Covenants of the Transfer dated 20 March 2015 referred to in the Charges Register have been complied with.
- 4 (27.03.2015) RESTRICTION: No transfer of the registered estate by the proprietor of the registered estate is to be registered without a

Title number SK359444

## B: Proprietorship Register continued

certificate signed by Timothy John Partridge of Park Farm Bury Road Lavenham Sudbury Suffolk CO10 9LR or their conveyancer that the provisions of clause 4 (a) of the Transferors Covenants of the Transfer dated 20 March 2015 referred to in the Charges Register have been complied with.

## C: Charges Register

This register contains any charges and other matters that affect the land.

1 (27.03.2015) A Transfer of the land in this title dated 20 March 2015 made between (1) Timothy John Partridge and (2) Leigh Properties Limited contains restrictive covenants.

*NOTE: Copy filed.*

End of register



Companies House

**AR01** (ef)

**Annual Return**



Received for filing in Electronic Format on the: **05/05/2016**

**X56CTHWX**

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*Company Name:* **Rural Community Housing Ltd**

*Company Number:* **06859217**

*Date of this return:* **25/03/2016**

*SIC codes:* **41100**

*Company Type:* **Private company limited by shares**

*Situation of Registered Office:* **LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ**

**Officers of the company**

*Company Secretary 1*

*Type:* **Person**  
*Full forename(s):* **MR ANDREW RICHARD**

*Surname:* **HARDING**

*Former names:*

*Service Address:* **LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ**

---

*Company Director* 1

*Type:* **Person**  
*Full forename(s):* MR ANDREW RICHARD

*Surname:* HARDING

*Former names:*

*Service Address:* LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ

*Country/State Usually Resident:* ENGLAND

*Date of Birth:* \*\*/01/1954                      *Nationality:* BRITISH

*Occupation:* COMPANY DIRECTOR

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*Company Director* 2

*Type:* **Person**  
*Full forename(s):* MR JAMES ANDREW

*Surname:* HARDING

*Former names:*

*Service Address:* LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ

*Country/State Usually Resident:* ENGLAND

*Date of Birth:* \*\*/04/1984                      *Nationality:* BRITISH

*Occupation:* PROPERTY MANAGER

---

*Company Director* 3

*Type:* **Person**

*Full forename(s):* **MR RICHARD CHARLES**

*Surname:* **HARDING**

*Former names:*

*Service Address:* **LAKEVIEW HOUSE 4 WOODBROOK CRESCENT  
BILLERICAY  
ESSEX  
UNITED KINGDOM  
CM12 0EQ**

*Country/State Usually Resident:* **ENGLAND**

*Date of Birth:* **\*\*/09/1985**

*Nationality:* **BRITISH**

*Occupation:* **PROPERTY MANAGER**

## Statement of Capital (Share Capital)

---

<b>Class of shares</b>	<b>ORDINARY SHARES</b>	<i>Number allotted</i>	<b>100</b>
		<i>Aggregate nominal value</i>	<b>100</b>
<i>Currency</i>	<b>GBP</b>	<i>Amount paid per share</i>	<b>1</b>
		<i>Amount unpaid per share</i>	<b>0</b>
<i>Prescribed particulars</i>			
<b>FULL VOTING RIGHTS</b>			

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## Statement of Capital (Totals)

---

<i>Currency</i>	<b>GBP</b>	<i>Total number of shares</i>	<b>100</b>
		<i>Total aggregate nominal value</i>	<b>100</b>

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### *Full Details of Shareholders*

The details below relate to individuals / corporate bodies that were shareholders as at 25/03/2016 or that had ceased to be shareholders since the made up date of the previous Annual Return

*A full list of shareholders for the company are shown below*

*Shareholding 1* : **34 ORDINARY SHARES shares held as at the date of this return**  
*Name:* **ANDREW RICHARD HARDING**

*Shareholding 2* : **33 ORDINARY SHARES shares held as at the date of this return**  
*Name:* **JAMES ANDREW HARDING**

*Shareholding 3* : **33 ORDINARY SHARES shares held as at the date of this return**  
*Name:* **RICHARD CHARLES HARDING**

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### *Authorisation*

*Authenticated*

*This form was authorised by one of the following:*

Director, Secretary, Person Authorised, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.



## B/15/01196 Additional Tabled Paper

**From:** Simon Kelly <[skelly@richardbuxton.co.uk](mailto:skelly@richardbuxton.co.uk)>

**Sent:** Tuesday, July 14, 2020 2:44:48 PM

**To:** Sue Ayres (Cllr) <[Sue.Ayres@babergh.gov.uk](mailto:Sue.Ayres@babergh.gov.uk)>; Melanie Barrett (Cllr) <[Melanie.Barrett@babergh.gov.uk](mailto:Melanie.Barrett@babergh.gov.uk)>; Peter Beer (BDC Cllr) <[Peter.Beer@babergh.gov.uk](mailto:Peter.Beer@babergh.gov.uk)>; David Busby (Cllr) <[David.Busby@babergh.gov.uk](mailto:David.Busby@babergh.gov.uk)>; John Hinton (Cllr) <[John.Hinton@babergh.gov.uk](mailto:John.Hinton@babergh.gov.uk)>; Leigh Jamieson (Cllr) <[Leigh.Jamieson@babergh.gov.uk](mailto:Leigh.Jamieson@babergh.gov.uk)>; Mary McLaren (Cllr) <[Mary.McLaren@babergh.gov.uk](mailto:Mary.McLaren@babergh.gov.uk)>; Adrian Osborne (Cllr) <[Adrian.Osborne@babergh.gov.uk](mailto:Adrian.Osborne@babergh.gov.uk)>; Alison Owen (Cllr) <[Alison.Owen@babergh.gov.uk](mailto:Alison.Owen@babergh.gov.uk)>; Lee Parker (Cllr) <[Lee.Parker@babergh.gov.uk](mailto:Lee.Parker@babergh.gov.uk)>; Stephen Plumb (Cllr) <[Stephen.Plumb@babergh.gov.uk](mailto:Stephen.Plumb@babergh.gov.uk)>

**Cc:** Steven Stroud <[Steven.Stroud@baberghmidssuffolk.gov.uk](mailto:Steven.Stroud@baberghmidssuffolk.gov.uk)>

**Subject:** URGENT: Application Reference B/15/01196, Land to the rear of 1-6 The Street, Kersey

Dear Councillors,

My apologies for emailing you once more, but further information has come to light which is relevant to the above application and which, inexplicably, the Applicant has chosen not to disclose.

My client has reminded me that in this case, not only are there already 5 empty rental properties in Kersey, but one of them, the Grade II\* listed, Number 4 The Street is effectively owned by the Applicant. In other words, by keeping this property empty, the Applicant is partly responsible for creating the need on which it relies to justify its planning application.

By way of evidence, I have attached the title register to 4 The Street (dated 13 July 2020), the last filed Annual Return of Leigh Properties Ltd and the last filed Annual Return of Rural Community Housing Ltd (i.e. the Applicant for planning permission). Both Annual Returns are public documents available at Companies House.

You will see from the title register (Section B, Proprietorship Register), that Leigh Properties owns 4 The Street. You will also see from the two annual returns, that both Leigh Properties and Rural Community Housing are 100% owned by Mr Andrew Harding, Mr James Harding and Mr Richard Harding, who are also in both cases the company directors / company secretary (and the Companies House website confirms that that is still the case).

You will be aware, that Policies CS2 and CS11 require a local housing need assessment to justify development both within a hinterland village such as Kersey, and for any development outside of a village's built up area boundaries. The contents of a local need assessment are not prescribed anywhere, but if an applicant for planning permission is relying on a need for rental properties to justify their proposal, the fact that there already are empty rental properties in Kersey, including in particular one effectively owned by the applicant, is a relevant material consideration and should have been disclosed.

All parties agree that the Application is harmful to the setting of the Grade II\* listed 1-6 The Street and to the Kersey Conservation Area. For the reasons I set out in my letter of 10 July, it is also contrary to a raft of other significant policies. If permission is granted, not only will that harm be actually realised, but the people who stand behind the Applicant company will be rewarded for having left the Grade II\* listed Number 4 empty and neglected for a number of years and for not having actively made it available for letting.

Thank you for your time considering this email.

Yours sincerely,

Simon Kelly

Simon Kelly  
Associate  
Richard Buxton Solicitors  
Environmental, Planning and Public Law  
[19B Victoria Street](#)  
Cambridge CB1 1JP  
Direct Tel. (01223) 448667  
email: [skelly@richardbuxton.co.uk](mailto:skelly@richardbuxton.co.uk)  
web: [www.richardbuxton.co.uk](http://www.richardbuxton.co.uk)

B/15/01196 – Officer Update

Hi Robert,

I've been alerted to a discrepancy in the report by the Strategic Housing Manager so I have an errata for the report, details as follows:

*Errata - amendment to officer report para. 90 (amends in italics)*

In the event that Members resolve to grant planning permission contrary to the recommendation of this report a s106 agreement would be required to secure the provision of the 4 no. affordable units in perpetuity. The terms of affordable rent applicable to those units would be set to the requirements of the Strategic Housing team. For the avoidance of doubt, they are principally as follows:-

*All affordable units will be allocated as rented dwellings at an affordable rent of up to 80% open market rent inclusive of any service charges and secured within a S106 agreement.*

*The affordable dwellings will be let in accordance with an Approved allocations policy with Rural Community Homes Limited with priority given to those with a qualifying local connection to Kersey and thereafter adjoining parishes.*

*A nominations agreement secured to the satisfaction of the Strategic Housing team.*

Thanks

**Steven Stroud**

Strategic Projects and Delivery Manager

Babergh and Mid Suffolk District Councils - Working Together

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