

# Public Document Pack



<b>PLANNING COMMITTEE</b>	
<b>DATE:</b>	<b>WEDNESDAY, 22 FEBRUARY 2023 9.30 AM</b>
<b>VENUE:</b>	<b>FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE</b>

For consideration at the meeting on Wednesday, 22 FEBRUARY 2023, the following additional or updated papers that were unavailable when the Agenda was printed.

## **TABLED PAPERS**

		<u>Page(s)</u>
3	<b>PL/22/26 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 08 FEBRUARY 2023</b>	3 - 8
b	<b>DC/22/05131 ERWARTON HALL FARMYARD, SHOTLEY ROAD, ERWARTON, SUFFOLK</b>	9 - 16

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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, 8 February 2023 at 09:30am.

### **PRESENT:**

Councillor: Stephen Plumb (Chair)  
Leigh Jamieson (Vice-Chair)

Councillors: Simon Barrett  
David Busby  
Michael Holt  
Mary McLaren  
Alison Owen

Peter Beer  
John Hinton  
Alastair McCraw  
Adrian Osborne

### **In attendance:**

Officers: Chief Planning Officer (PI)  
Area Planning Manager (MR)  
Planning Lawyer (IDP)  
Case Officer (BC)  
Governance Officer (CP)

### **93 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

93.1 There were no apologies for absence.

### **94 DECLARATION OF INTERESTS**

94.1 There were no declarations of interests.

### **95 PL/22/24 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 25 JANUARY 2023**

It was **RESOLVED:**

**That the minutes of the meeting held on 25 January 2023 were confirmed and signed as a true record.**

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

96.1 None received.

### **97 SITE INSPECTIONS**

97.1 None received.

**98 PL/22/25 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/22/25 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/21/00060	Stephen Fordham (Burstall Parish Council) Sarah Main (Objector) John Cousins (Supporter) Simon Chamberlayne (Applicant) Councillor Christopher Hudson (Suffolk County Council)

**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/22/25 be made as follows:-**

**99 DC/21/00060 LAND TO THE EAST OF THE CHANNEL, BURSTALL, IP8 4JL**

99.1 Item 6A

Application Proposal	DC/21/00060 Full Planning Application – Installation of renewable energy generating station, comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements including nature areas.
Site Location	BURSTALL – Land to the East of The Channel, Burstall, IP8 4JL
Applicant	Bramford Green Limited

99.2 Councillor Busby confirmed that he would remain on the Committee for the duration of the application and not speak as the Ward Member.

99.3 The Case Officer presented the application to the Committee outlining the proposal before Members including: the cross boundary location of the site, the site constraints, the existing public rights of way and permissive routes, the agricultural land classification of the site, the landscape setting of the site,

the cumulative impact and location of the surrounding schemes, the proposed layout of the site including internal roadways, the proposed battery storage containers and control room buildings and the proposed elevations of the photo voltaic arrays including mitigations for noise and glare.

- 99.4 Following questions from Members the Case Officer provided clarification of the location of the application site and the length of the photo voltaic panels.
- 99.5 The Case Officer presented further details of the proposal to Members including: the proposed access to the site, the equivalent energy usage generated by the site, the current use of the site, the potential impact on ecology, traffic and residential and public amenity, and the officer recommendation of approval.
- 99.6 The Case Officer responded to questions from Members on issues including: the size of the battery storage containers, the energy output generated by the site, the size and volume levels of the batteries, the impact of accumulative noise from adjacent sites, the previous use of the land, the concerns from objectors regarding hazardous substances, the agricultural classification of the land, how the impact on highways was assessed and classified, alternative appropriate sites in the area, and whether a target amount of energy generation has been set for the site.
- 99.7 Members considered the representation from Stephen Fordham who spoke on behalf of Burstall Parish Council.
- 99.8 The Parish Council representative responded to questions from Members regarding the issues which arose during the development of adjacent sites.
- 99.9 Members considered the representation from Samantha Main who spoke as an Objector.
- 99.10 Members considered the representation from John Cousins who spoke as a Supporter.
- 99.11 The Supporter responded to questions from Members on issues including: the current agricultural use of the land, and provisions for reinstatement of the land included in the legal agreement with the applicant.
- 99.12 Members considered the representation from Simon Chamberlayne who spoke as the Applicant.
- 99.13 The Applicant, the Chief Planning Officer and the Case Officer responded to questions from Members on issues including: the provisions for reinstatement of the land included in the legal agreement with the landowner, and whether a new lease could be agreed in the future.
- 99.14 The Applicant responded to further questions from Members on issues including: the size and noise level of the batteries to be used, the expected Heavy Goods Vehicle movements during the build phase, the length of the

construction period, the orientation of the panels, the increased power output in comparison to the original application, the suitability of the location, the proposed number of panels to be installed, the expected lifespan of the batteries, the plans for control of lighting on site, the skylark mitigation strategy, and the field margin schemes.

99.15 Members considered the representation from Suffolk County Councillor Christopher Hudson who spoke against the application.

99.16 A break was taken from 11:16am until 11:25am.

99.17 Members debated the application on issues including: the loss of agricultural land, the use of land for energy, the future removal of the equipment from the site, the reliance on fossil fuels and the need to move to renewable energy, and highways issues.

99.18 The Chief Planning Officer provided clarification to Members regarding the proposed condition for reinstatement of the site, and the response from Suffolk County Council Highways.

99.19 Members continued to debate the application on issues including: the wider benefits of the application, the landscape impact, and the suitability of the current infrastructure and location of existing sub-stations.

99.20 The Chief Planning Officer responded to questions from Members on issues including the planning balance and condition 15.2 of the National Planning Policy Framework concerning conservation of the natural environment.

99.21 Members debated the application further on issues including: the battery storage arrangements, the potential upheaval caused by the installation of cables, and the highways impact.

99.22 Councillor Jamieson proposed that the application be approved as detailed in the report.

99.23 Councillor McLaren seconded the proposal.

By a vote of 6 votes for and 5 against

**It was RESOLVED:**

**A. That authority be delegated to the Chief Planning Officer to GRANT planning permission subject to the following conditions:**

- **Time limit**
- **Approved plans**
- **Temporary PP, removal, reinstatement, and retention of biodiversity enhancements**
- **Access details to be agreed**
- **Arb method statement**

- **Archaeology – WSI, PEX and recording**
- **CEMP**
- **Control of lighting**
- **CTMP**
- **Final details of permissive bridleway**
- **Infor board details**
- **Landscaping – details**
- **Landscaping – implementation**
- **Method for glare complaints mitigation**
- **No burning**
- **Operational noise assessment**
- **Skylark Mitigation Strategy**
- **Surface water drainage strategy**
- **Vis splays**
- **Working hours**

**B. In the event that an appeal is received Members agree the above position and authority be delegated to the Chief Planning Officer to respond to the submitted appeal on this basis.**

The business of the meeting was concluded at 11.55 am.

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Chair

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# Agenda Item 6b

**From:** Christine Kyle <[christinekyle@btinternet.com](mailto:christinekyle@btinternet.com)>

**Sent:** 14 February 2023 17:42

**To:** BMSDC Planning Area Team Green <[planninggreen@babberghmidsuffolk.gov.uk](mailto:planninggreen@babberghmidsuffolk.gov.uk)>

**Cc:** Mark Russell <[Mark.Russell@babberghmidsuffolk.gov.uk](mailto:Mark.Russell@babberghmidsuffolk.gov.uk)>

**Subject:** Att. Elizabeth Flood. Erwarnton Hall Farmyard proposed housing estate DC/22/05131

**i** **EXTERNAL EMAIL: Don't click any links or open attachments unless you trust the sender and know the content is safe. Click [here](#) for more information or help from Suffolk IT**

Dear Ms Flood,

Ref:DC/22/05131

We have read your recommendation for refusal of the above application and are greatly impressed by your most thorough and conscientious approach, which we fully endorse in every respect. We are sending you now:

1. Recent photographs we have taken showing the condition of The Street leading from Erwarnton Hall Farmyard into Shotley after relatively light rainfall as well as two others taken a few months back showing typical agricultural vehicles negotiating this stretch of The Street, a regular sight here.
2. An aerial view of Erwarnton Hall Farmyard from 1964. This shows what was originally there, rather than as in the application what has been conveniently imagined. For instance, there was only one tower. Note also the intact roofs.
3. A visualisation we have commissioned of a proportion of one of the proposed dwellings, the south elevation of Unit 3, precisely following dimensions and layout provided by the applicant, showing at night time the light pollution coming from these windows, a fraction of the far larger total of windows and doors on the proposed site. The windows shown are those which it is proposed should be punched through the walls of an intact, window-free barn dating no later than 1770, to which the applicant has added an entire new build with floor to ceiling glass doors.

May I just add now also some comments regarding the response of 12 January from Suffolk Highways?

As objectors to Planning Application DC22/05131, we are responding to the report of 12 January from Ben Chester of Suffolk Highways which in our view makes several incorrect assumptions in order to justify retrospectively qualifying his Department's earlier report which concluded that a proposed exit from the above site for all five new dwellings was unsafe, and as such was an important element in Babergh's first refusal in 2019 of the application.

The assumptions, not only inaccurate but also significantly out of date, were made after the applicant asked the Department to revise and '*relax*' the earlier judgement. It needs to be noted that the sole and obvious reason for this request by the applicant was because, after Babergh's second 2022 refusal of the application, an alternative exit across an intact AONB meadow, an essential element in the setting of the historic buildings was refused. So one sound ground for refusal now is miraculously and conveniently overruled, probably because it is the only alternative, unacceptable though it is. The mis-judged assumptions are as follows:

1. The exit is not onto a lane which is *'lightly trafficked'*. It is also manifestly a location where, with five households needing to make frequent use of this, their only exit, *'children and other vulnerable road users'* **are certain to be present**. The lane is regularly used by heavy farm vehicles as well as cars/delivery vans, though so narrow that even small vehicles cannot pass each other without pulling over. Traffic has increased since the original surveys (not updated) with no allowance made then or now for a further considerable increase as new housing development, notably the Barrelman Development in Shotley Gate as well as a cluster of new houses in Erwarton village come on stream.
2. The exit is on to blind corners in each direction, with a speed limit set at 60mph.
3. The road surface is highly unsatisfactory the length of this lane, being subject to flooding whenever there is moderate rainfall, often spanning the full width of the lane, turning to ice in freezing conditions.
4. The entire lane is sunken with no footpath for pedestrians or even grass verges suitable for their use.
5. The nearest route to the estuary is along the Public Right of Way (The Stour and Orwell Path) running alongside the east perimeter of the farmyard. The walk this provides is a major reason for this site's attraction for ramblers as it would be for potential future residents, from young to elderly, many likely accompanied by dogs to join this footpath residents would have no choice but to negotiate this awkward busy corner.
6. In continuing down the Public Footpath towards the Estuary (supposing they survive this far) walkers would be obliged, first, to share the way with farm vehicles, machinery, frisky racehorses, and heavy horse transport entering or leaving the busy working farmyard directly adjoining the proposed residential dwellings.

In conclusion, we maintain that the report by Kyle Porter to Case Officer Samantha Summers submitted on 28 May 2019 is still fully valid: *'Safe and suitable access cannot be evidenced, the existing access cannot adequately facilitate the intensification of use that would be created by the proposal.'* This same point is reinforced by the following statement included in Babergh District Council's 2022 second refusal (DC/20/03083): *'The proposal site is in an unsustainable location, isolated from services, with poor pedestrian access, causing heavy reliance on the use of private motor vehicles.'*

Yours sincerely,

Francis Kyle

Erwarton Hall  
Erwarton  
IP9 1LQ

-----Original Message-----

From: Christine Kyle <[christinekyle@btinternet.com](mailto:christinekyle@btinternet.com)>

Sent: Monday, February 20, 2023 12:51 PM

To: Elizabeth Flood <[Elizabeth.Flood@baberghmidsuffolk.gov.uk](mailto:Elizabeth.Flood@baberghmidsuffolk.gov.uk)>

Cc: Mark Russell <[Mark.Russell@baberghmidsuffolk.gov.uk](mailto:Mark.Russell@baberghmidsuffolk.gov.uk)>

Subject: DC/22/05131

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Dear Ms Flood,

My apologies if there has been a glitch! I am re-sending the photographs to you now and hope you may find them helpful. Please feel free to make use of them in any way you wish.

In support of the objections we have been making we have been looking into the issue of curtilage. It would seem that, in general terms, the curtilage of a listed building is usually referred to when deciding whether unlisted buildings such as barns and other outbuildings should be covered by the listing of the heritage asset. The curtilage itself is not always clearly defined spatially and whether or not the buildings are 'curtilage listed' may depend on factors such as their ownership at the time of the original listing as well as their functional connection.

We understand that development of land within the setting of a listed building is controlled in as far as the impact on the significance of the listed building will be taken into consideration. Parks and gardens can also be designated in their own right and it seems that some local authorities have their own register of non-designated parks and gardens. Though the barns are not listed, they are 'considered to be of historic merit, being undesignated heritage assets of historic significance' (as you specify in your recommendation for refusal under the Principle of Development section 3:4).

With kind regards,

Francis Kyle

PS

On another matter, it was distressing for us to witness personally just in this past week from 11-18 February two serious road accidents on the short stretch of the B1456 between Wherstead and Shotley involving vehicles forced off the road with Police and recovery vehicles in attendance. This road is clearly carrying too much traffic and will become even more hazardous to negotiate as more and more housing developments come on stream at the tip of the Peninsula.

PPS

It may be, of course, that you consider that you already have sufficient grounds for a firm refusal without needing to raise the issue of curtilage.







*Summer 1964*



