

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN
ROSE ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY,
30 MAY 2018

PRESENT: Peter Beer - Chairman

Sue Burgoyne
Michael Creffield
Derek Davis
Michael Holt
Jan Osborne
Nick Ridley
Ray Smith

David Busby
Luke Cresswell
John Hinton
Adrian Osborne
Stephen Plumb
David Rose

Jennie Jenkins and Lee Parker were unable to be present.

1 SUBSTITUTES AND APOLOGIES

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

Jan Osborne (substituting for Jennie Jenkins)
Nick Ridley (substituting for Lee Parker)

2 DECLARATION OF INTERESTS

David Busby declared a non-pecuniary interest in Application No DC/17/06318/OUT by reason of being a resident of Capel St Mary and a trustee of the Capel St Mary Community Trust.

Michael Creffield subsequently declared a non-pecuniary interest in Application No DC/17/04052 by reason of his daughter being a resident of St Mary's Close Chilton.

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

None received.

4 SITE INSPECTIONS

The Chairman, Peter Beer, informed Committee that he had asked the Case Officer for a presentation to enable Members to decide whether they wished to hold a site inspection for Application No DC/17/04052 – Land north of Waldingfield Road, Chilton. Steven Stroud, Strategic Projects and Delivery Manager introduced a number of photos showing various views of the site and its surroundings, together with the access, and in response to a question, clarified the position of the access in relation to the 30mph speed restriction. Members concluded that a site visit was not required.

It was RESOLVED

That no site inspection be held in respect of Application No DC/17/04052 – Land north of Waldingfield Road Chilton prior to consideration of the application by the Committee.

5 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

Ian de Prez, Legal Adviser to the Committee, referred to the reason for the proposed exclusion of the public and press, which was to enable the Committee to be given information which was legally privileged and therefore exempt by virtue of paragraph 5 of Part 1 of Schedule 12A, Local Government Act 1972. He referred to the need to protect the Council's position with regard to the forthcoming planning appeal and the reason for excluding the public was accepted by the Committee. The Legal Adviser confirmed that the relevant officers together with the Ward Councillors for Capel St Mary could remain in the meeting for this item.

It was RESOLVED

That the public be excluded from the meeting for the business specified below on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information as indicated against the item.

6 COUNSEL'S ADVICE TO COMMITTEE (Exempt information by virtue of paragraph 5 of Part 1)

The Minute relating to the above-mentioned item is excluded from the public record. A summary of the Minute made by the Proper Officer in accordance with sub-section 2 of Section 100(c) of the Local Government Act 1972 is set out below.

The public left the meeting at 9.50 a.m., following which Linda Sheppard, Senior Governance Support Officer, handed out numbered copies of Counsel's advice to the Councillors present at the meeting.

Members were then given time to read the advice. The Chairman asked Members to confirm that sufficient time had been allowed for this purpose, prior to asking Tom Barker, Assistant Director – Planning to introduce this item.

At the conclusion of the Committee's consideration, Members noted the advice given. The papers were collected, to be destroyed.

The public and press were re-admitted to the meeting at this point, at 10.45 a.m.

7 PL/18/1 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/18/1 (circulated to Members prior to the day 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/18/1 and the speakers responded to questions put to them as provided for under those arrangements. Questions were not put to Mr Stephens in relation to the comments of the Parish Council which were read out by him in the absence of the Parish Council representative because Mr Stephens, although a Parish Councillor, spoke as an Objector in his personal capacity.

| <u>Application No</u> | <u>Representations from</u> |
|-----------------------|---|
| DC/17/06318/OUT | Christine Matthews (Parish Council) |
| | David Wisely (Objector) |
| | Stuart McAdam (Agent for Applicant) |
| | Sue Carpendale (Ward Member) |
| | Fenella Swan (Ward Member) |
| DC/18/00856/FUL | Parish Council (read out by Brian Stephens in the absence of the PC representative) |
| | Brian Stephens (Objector) |
| | Mike Watson (Supporter) |
| | Ben Elvin (Agent for Applicant) |
| DC/17/06250/FUL | Roger Balmer (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/18/1 be made as follows:-

a CAPEL ST MARY

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| Application No. DC/17/06318/OUT Paper PL/18/1 – Item 1 | Outline application (with some matters reserved) including access – erection of residential development for up to 100 dwellings to be built in phases with associated infrastructure, public open space and details of highway access, 7 Little Tufts and land east of Longfield Road. |
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Lynda Bacon, Senior Development Management Planning Officer, in introducing the officer report, referred Members to the information provided in the Addendum. Sam Harvey, Suffolk County Council Highways, was present at the meeting and responded to a question regarding the provisions of the Suffolk Design Guide. She also confirmed that the Highway Authority had not looked at an alternative to the access proposed as none had been put forward.

Members were aware of the previous application on this site, for which the Committee had refused permission, and of the reduction from 150 to 100 in the maximum number of dwellings proposed by the current application, which was referred to by the Planning Officer as a significant reduction. A motion to accept the officer recommendation of approval was proposed and seconded, and after some further discussion, was carried by a small majority on being put to the vote.

It was RESOLVED

(1) That the Corporate Manager – Growth and Sustainable Development be authorised to grant outline planning permission subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to his satisfaction to secure the following heads of terms:

- **Affordable housing**
- **Provision, management and maintenance of public open space**
- **Stour and Orwell Recreational Amenities Contribution (RAMS)**

and that such permission be subject to conditions including:-

- **Standard Time Limit Condition**
- **Reserved matters to be submitted and agreed**
- **Approved Plans**
- **Sustainability efficiency measures**
- **Archaeological work and monitoring**
- **Surface water drainage**
- **Details of fire hydrants to be submitted**
- **As recommended by Highways**
- **As recommended by Environmental Health**
- **Details of screen walls and fences to be submitted**
- **Construction management plan**
- **Detailed hard/soft landscaping to be submitted with reserved matters**
- **Implementation of landscaping scheme**
- **Secure mitigation and ecology enhancement measures including habitat mitigation**
- **Lighting scheme – biodiversity**

(2) That in the event of the Planning Obligations referred to in Resolution (1) above not being secured, the Corporate Manager – Growth and Sustainable Planning be authorised to refuse planning permission on appropriate grounds.

b HOLBROOK

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| Application No DC/17/06037/OUT Paper PL/18/1 – Item 2 | Outline application – erection of up to 30 dwellings, land to the north of Woodlands Road. |
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Members were aware from the Addendum that this application had been withdrawn by the Applicant, and they were asked to note the position.

It was RESOLVED

That it be noted that Application No. DC/17/06037/OUT has been withdrawn by the Applicant.

c GLEMSFORD

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| Application No. DC/18/00856/FUL Paper DC/18/1 – Item 3 | Full Application – conversion of existing agricultural barn, rebuilding of linked yard buildings, removal of redundant buildings and erection of extensions to barn, creation of car park and new access to site to facilitate use for weddings, functions and events, New Street Farm, New Street. |
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Ian de Prez confirmed the Monitoring Officer's view that Members did not have a declarable interest with regard to the Applicant's agent, Ben Elvin, who was previously employed as a Planning Officer for Babergh/Mid Suffolk.

The Case Officer, Samantha Summers, in introducing this item, drew Members' attention to the views of BMSDC Environmental Health dated 29 May 2018 as set out in the Addendum. Members also had before them an amended recommendation of approval which took into account the Environmental Health comments and the Agent's Response to Representations, both of which were included with the Addendum.

Sam Harvey, Suffolk County Council Highways was present for this item and answered Members' questions about the adequacy of the proposed parking places and brown signage, and road user safety aspects of the proposal.

Members were concerned that the proposals would have adverse impacts on the amenity and tranquillity of the area including the effects of noise pollution on health and quality of life, and that these impacts would result in harm which would outweigh the benefits identified, in contravention of paragraph 123 of the NPPF and of CS15 in relation to sustainability and safeguarding amenity. For these reasons, and because it had not been shown that the large number of conditions put forward would mitigate the adverse effects, it was proposed and seconded that planning permission be refused, notwithstanding the officer recommendation for approval.

It was RESOLVED

That planning permission be refused for the following reasons:-

- 1. Paragraph 123 of the NPPF directs planning decisions to avoid noise giving rise to significant adverse impacts upon health and quality of life, to identify and protect areas of tranquillity, and to mitigate, and reduce to a minimum, other adverse impacts on health and quality of life arising from new development, including through the use of conditions. Policy CS15 of the Core Strategy and Policy CS18 of the Local Plan require all new development to demonstrate the principles of sustainable development, and to safeguard amenity.**

2. The application is not supported by evidence considered sufficient to demonstrate that the development would adequately safeguard amenity and it has not been adequately demonstrated that sufficient controls could be imposed in order to mitigate adverse impacts.
3. The benefits posed would not outweigh the harm identified, contrary to the aforementioned policies.

d TATTINGSTONE

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| Application No DC/17/06250/FUL Paper PL/18/1 – Item 4 | Full Application – demolition of existing dwelling and garage, erection of 4 dwellings, creation of new vehicular accesses, associated garages, landscaping and parking, Summercourt, The Heath. |
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The Case Officer, Lynda Bacon, advised Members that there were no new issues arising from the comments of the Ward Member, Alastair McCraw which were set out in full in the Addendum. An amended street scene drawing submitted by the applicant, as referred to in the Addendum, had been included in the power point presentation, showing improved spacing and revised location of the garaging.

It was RESOLVED

- That planning permission be granted subject to conditions including:-
- Standard time limit
- Accord with approved plans
- As recommended by Highways
- Accord with Arboricultural Report
- Accord with Tree Bat Roost Assessment
- Secure mitigation and ecology enhancement measures
- Lighting scheme – biodiversity
- Construction Management Plan
- Construction hours
- Implementation of landscaping scheme
- Withdrawal of PD rights

Notes:-

1. There were short comfort breaks after the conclusion of Items 1 and 3.
2. Councillors Hinton and Rose left the meeting at 12.30 p.m. and 12.45 p.m. respectively and were not present when the vote was taken on Item 3, or for the consideration of, and vote on, Item 4.

The business of the meeting was concluded at 1.55 p.m.

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Chair