

## **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, 20 November 2019 – 09:30

### **PRESENT:**

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

Councillors:	Melanie Barrett	David Busby
	Leigh Jamieson	Margaret Maybury
	Adrian Osborne	Alison Owen
	Lee Parker	

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

Councillors: Alastair McCraw

### **In attendance:**

Officers: Acting Area Planning Manager (MR)  
Area Planning Manager (SS)  
Development Management Planning Officer (RW)  
Planning Lawyer (IDP)  
Senior Governance Officer (HH)

## **73 SUBSTITUTES AND APOLOGIES**

Apologies of absence were received from Councillors Sue Ayres, Zac Norman and John Hinton.

Councillor Margaret Maybury was substituting for Councillor Sue Ayres.

## **74 DECLARATION OF INTERESTS**

Councillor Adrian Osborne declared a non-pecuniary interest in application DC/19/03614 on account of his wife being the Babergh Cabinet Member for Housing.

The Legal Advisor advised that this did not prevent Councillor Osborne in taking part in the questioning, debate, discussion and voting on the application.

## **75 PL/19/18 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2019**

It was resolved that the Minutes of the meeting held on the 6 November 2019 be confirmed and signed as a true record.

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

None received.

**77 SITE INSPECTIONS**

77.1 None requested.

**78 PL/19/19 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/18/ and the speakers responded to questions put to them as provided for under those arrangements.

<b>Application Number</b>	<b>Representations from</b>
DC/19/04105	Cllr Alastair McCraw (Ward Member)
DC/19/03185	Chris Smith (Agent)
DC/19/03577	None

**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/ be made as follows:-**

**79 DC/19/04105 LAND WEST OF BRANTHAM HILL, BRANTHAM, CO11 1ST**

Item A

Application	DC/19/04105
Proposal	Planning Application Outline Planning Application (some matters reserved – site 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).
Site Location	<b>Brantham</b> – Land West of Brantham Hill, CO11 1ST
Applicant	Gladman Developments Ltd.

- 79.1 The Area Planning Manager updated Members on receipt of a letter from Place Services included in the tabled papers.
- 79.2 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.
- 79.3 Members considered the representation from Councillor Alastair McCraw, the Ward Member of Brantham.
- 79.4 Members debated the application on the issues including the number of objections to the application, the lack of regard for planning policy and conflict with development plan CS3, boundary lines between the site and the AONB, the change of the landscape if the site was Developed, the Five-year Housing Land Supply in relation to the application and the requirement of the application to demonstrate a need for the development of the site.
- 79.5 Members continued to discuss the Five-Year Housing Land Supply and the weight it carried for the application. The Planning Lawyer advised that this had to be approached with caution and that the Committee should follow the NPPF.
- 79.6 Councillor Adrian Osborne proposed that the application be refused as detailed in the officer's recommendation and Councillor Stephen Plumb seconded the motion.

#### **79.7 RESOLVED**

**That the planning application be REFUSED planning permission for the following reasons:**

- 1. The circumstances of the application and the proposed development are not exceptional and are without a proven justifiable need, contrary to policy CS2. The application fails to adequately demonstrate how the proposal responds to a locally identified housing need, contrary to policy CS11 and paragraph 77 of the NPPF, which requires development in rural areas to be responsive to local circumstances and reflect local needs.**
- 2. The proposed development, by virtue of its scale, siting and location, would cause significant harm to the open countryside (considered to be a valued landscape) and the way that it is experienced within the immediate setting of an area of outstanding natural beauty and would fail to respect the local context and character, and the rural setting, of Brantham and its well-defined spatial grain, contrary to policies CS11, CS14 and CS15 of the development plan and paragraphs 98, 127, and 170 of the NPPF.**
- 3. It is considered that insufficient information has been submitted to enable the local planning authority to confirm that the potential impacts**

of the proposed development on the local highway network would not be severe, in the terms set out at paragraph 109 of the NPPF, or the cumulative impacts satisfactory in accordance with policy CS11, and this includes identifying appropriate opportunities to promote sustainable transport modes (contrary to those requirements, policy CS15, and paragraph 108 of the NPPF). In the absence of adequate information to accurately forecast potential impact, it is not considered possible to design and deliver suitable highways/transport mitigation nor, consequently, to confirm that the proposal would be acceptable in terms of highway effects. Furthermore, the application does not demonstrate that safe and suitable access to the site can be achieved for all users, contrary to paragraphs 108 and 109 of the NPPF.

4. The proposed development risks harm to heritage assets in terms of archaeological interest, with particular regard to the risk that significant finds may be identified that would require preservation *in situ*, by reason of insufficient information being submitted to demonstrate that the archaeological impacts of the development have been appropriately assessed, considered and mitigated. As such the proposal is contrary to policies CS11 and CS15 of the development plan and paragraph 189 of the NPPF.
5. The application fails to adequately demonstrate that the development would not pose an adverse impact in relation to surface water run-off and incorporate sustainable drainage measures to accommodate the expected drainage impacts, contrary to policies CS11 and CS15 of the development plan and paragraphs 163 and 165 of the NPPF.
6. The proposal fails to adequately demonstrate that the development would not have an adverse impact on protected and/or priority species, contrary to policies CS11 and CS15 of the development plan and paragraphs 170 and 175 of the NPPF.

The development conflicts with the development plan when taken as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan.

1. In the event that an appeal against the refusal of planning permission is received, delegate authority to the Chief Planning Officer to defend that appeal for the reasons set out under (1) above, being amended and/or varied as may be required.

## LAVENHAM, SUFFOLK, CO10 9SG

### Item B

Application Proposal	DC/19/03185 Planning Application - Submission of Reserved Matters details for outline planning permission DC/17/03100 (Appearance, Scale, Layout and Landscaping) and details for Conditions 5, 6, 9, 10, 13 and 14 for 25 dwellings
Site Location	<b>LAVENHAM</b> – Land South of Howlett of Lavenham, Melford Road, Suffolk, CO10 9SG
Applicant	Hopkins and Moore (Developments) Limited

- 79.1 The Case Officer updated Members on correspondence received from Lavenham Parish Council included in the tabled papers.
- 79.2 The Case officer then presented the application to the Committee outlining the proposal before Members, the layout of the site, and the officer recommendation of approval as detailed in the report.
- 79.3 The Case officer informed Members that advice had been received from Strategic Housing and that clusters of affordable houses could include up to 15 houses before 'pepper pot' distribution was required.
- 79.4 Members considered the representation from Chris Smith who spoke as the Agent.
- 79.5 The Agent responded to Members' questions on issues including consultation with Lavenham Parish Council, the clustering of the affordable houses, the noise levels from the adjacent garage and the implementation of noise reduction measure between the site and the garage.
- 79.6 The Chief officer advised the Committee that the distribution of the affordable houses had been acceptable by officers, compliant with the Strategic Housing Team's advice and with Lavenham's H3 Housing Policy.
- 79.7 The Agent continued to respond to Members' questions including noise issues in relation to Sudbury Road, refuse bin storage allocation, materials used throughout development, management of the green areas for the affordable houses and permeable surface area which would not be managed by Suffolk County Council.
- 79.8 The Acting Area Manager clarified that Environmental Health had assessed the noise issues under the consultees' reports and that the recommendations in the report was included in the conditions.
- 79.9 Members continued to debate the application on the issues including the cluster of the affordable houses, the materials used for this part of the

development and the conditions included in the report.

79.10 The Acting Area Manager advised that a third condition be include with regards to materials.

79.11 The Acting Area Manager informed the Committee that the Applicant had complied with a list of conditions approved for the outlined planning application DC/17/03100.

79.12 Councillor Melanie Barrett proposed that the application be approved as detailed in the officer recommendation. Councillor Lee Parker seconded the motion.

### **79.13 RESOLVED**

**That the application for reserved matters subject to conditions be APPROVED**

**(1) That the Corporate Manager- Planning for Growth be authorised to approve reserved matters of appearance, layout, scale and landscaping subject to conditions:**

- 1. Withdrawal PD rights**
- 2. Noise attenuation**

### **Materials**

## **81 DC/19/03614 THE FIRS, WALDINGFIELD ROAD, SUDBURY, SUFFOLK, CO10 2PY**

### **Item C**

Application	DC/19/03614
Proposal	Planning Application - change of use and conversion of common room facility and warden's living accommodation to a homeless persons' accommodation with eight bedsits (Sui Generis)
Site Location	<b>SUDBURY</b> – The Firs Waldingfield Road, Suffolk CO10 2PY
Applicant	Babergh District Council

Note: The meeting was adjourned between 11:03am and 11:15am.

79.1 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.

79.2 The Chair introduced the Corporate Manager for Housing Solutions, who was present to respond to questions for the application.

79.3 The Acting Area Manager provided clarification of the consultation letters sent

to the neighbours as part of the planning process.

- 79.4 A point of order was called for by Councillor Adrian Osborn for the Corporate Manager for Housing Solution to provide an outline of the proposed change of use of the property to temporary accommodation for homeless people.
- 79.5 Members debated the application and asked for further clarification from the Corporate Manager for Housing Solutions on issues relating to the circumstance of the Council's duty of care for homelessness and the statutory provision required for accommodations for homeless people.
- 79.6 The Acting Area Manager informed the Committee that planning permission was required for change of use and conversion for accommodation for more than six persons.
- 79.7 Members continued to debate the application on issues including maintenance of the garden, parking provision, compliance with housing and fire regulations.
- 79.8 In response to Members questions the Corporate Manager for Housing Solutions stated that conversion of the property was scheduled to be completed in June 2020.
- 79.9 Councillor Melanie Barrett proposed the application be approved as detailed in the officer recommendations, Councillor Adrian Osborne seconded the motion.

#### **79.10 RESOLVED**

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

**1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT**

**The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.**

**Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004**

**2. APPROVED PLANS & DOCUMENTS**

**The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.**

**Reason - For the avoidance of doubt and in the interests of proper planning of the development.**

**3. CYCLE PARKING PROVISION**

**To be provided prior to occupation and to be retained at all times.**

The business of the meeting was concluded at 11.51 am.

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Chair