

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Virtual Teams Video Meeting on Wednesday, 15 July 2020- 09:30

PRESENT:

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

Councillors: Sue Ayres
David Busby
Leigh Jamieson
Adrian Osborne
Melanie Barrett
John Hinton
Mary McLaren
Lee Parker

Ward Member(s):

Councillors: Sue Carpendale

In attendance:

Officers: Planning Lawyer (IDP)
Governance Officer (RC)
Strategic Projects and Delivery Manager (SS)
Area Planning Manager (MR)
Principal Planning Officer (BH)

Apologies:

Alison Owen

144 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillor Alison Owen.

Councillor Trevor Cresswell substituted for Councillor Alison Owen.

Apologies for absence were received from Cllr Hinton who could not take part in the first application (B/15/01196) and as such did not take part in the debate or vote.

145 DECLARATION OF INTERESTS

Councillor Dave Busby declared a non-pecuniary interest in application number B/15/01196 in his capacity as director of Babergh Growth, and also a non-pecuniary interest in application number DC/19/02877 by way of living close to the application site.

146 PL/19/34 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 3 JUNE 2020

It was Resolved that the Minutes of the meeting held on 03 June 2020 were confirmed as a true record and would be signed at the next practicable opportunity.

147 PL/19/35 TO CONFIRM THE MINUTES OF THE MEETING HELD ON THE 17 JUNE 2020

It was Resolved that the Minutes of the meeting held on 17 June 2020 were confirmed as a true record and would be signed at the next practicable opportunity.

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

None received.

149 SITE INSPECTIONS

None requested.

150 PL/19/36 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/19/36 and the speakers responded to questions put to them as provided for under those arrangements.

The Chair of the Committee advised that application number B/15/01196 would be heard first and application number DC/19/02877 second.

| Application Number | Representations From |
|--------------------|--|
| B/15/01196 | John Hume (Kersey Parish Council) Ann Baker (Objector) Andrew Rogers (Supporter) Andrew Harding (Applicant) |
| DC/19/02877 | Brian Rogers (Capel St Mary Parish Council) Robert Child (Objector) Stuart McAdam (Agent) Cllr Sue Carpendale (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/19/36 be made as follows:-

151 B/15/01196 LAND TO THE REAR OF 1-6, THE STREET, KERSEY

151.1 Item B

| | |
|----------------------|---|
| Application Proposal | B/15/01196 Full Planning Application - Erection of 7 no. two storey dwellings. |
| Site Location | KERSEY – Land to the Rear of 1 – 6, The Street, Kersey, Suffolk |
| Applicant | Rural Community Housing Ltd |

151.2 The Case Officer provided Members with details of the previous decision taken by the Committee in November 2017, and advised Members of the reason for the case being presented to Committee today.

151.3 The Case Officer presented the application to the Committee, outlining the proposal before Members, the layout of the site, the content of the tabled papers (including representations from Richard Buxton Solicitors, and the Strategic Housing Manager clarifying the heads of terms upon which a s106 agreement would be settled), and the officer recommendation of refusal.

151.4 The Case Officer responded to Members' questions on issues including: backland development, whether the application site is a countryside development, proposals for landscaping at the rear of the site adjacent to the public footpath, the heritage objection, and the number of affordable properties included in the application.

151.5 Members considered the representation from John Hume of Kersey Parish Council who spoke against the application.

151.6 The Parish Council representative responded to Members' questions on issues including: the proportion of second homes in the village and the number of unoccupied properties in the village.

151.7 Members considered the representation from Ann Baker who spoke as an Objector.

151.8 The Objector responded to Members' questions on issues including: the percentage of people in the village objecting to the development.

151.9 Members considered the representation from Andrew Rogers who spoke as a Supporter.

151.10 The Supporter responded to Members' questions on issues including: the present attendance numbers of the village Primary school, and whether those attending the school lived in the village.

151.11 Members considered the representation from Andrew Harding who spoke as the applicant.

151.12 The Applicant responded to Members' questions on issues including: the ownership of the property at number 4 The Street and the future plans for this property, whether building 3 bedroom houses had been considered, allocation of the properties and demand within the village.

151.13 Members debated the application on the issues including: the number of second homes in the village, heritage issues, the reasons for the existing properties being listed and the impact on the street scene of the proposed application.

151.14 Councillor Stephen Plumb proposed that the application be refused as detailed in the officer recommendation.

151.15 Councillor Lee Parker seconded the motion.

151.16 The Strategic Housing Manager confirmed that 2 bedroom properties had been identified as being the most appropriate for the area.

151.17 In response to a question regarding potential alternative sites in the area the Planning Case Officer confirmed that a recent planning application for development at Vale Lane, Kersey, had been received and refused permission, for reasons including harm to landscape and heritage.

151.18 The Motion was lost.

151.19 The meeting was adjourned at 11:50am and reconvened at 12:01pm.

151.20 Cllr Busby proposed that the Statement of Reasons, as per the report and detailed be below, be adopted and that the Chief Planning Officer grants planning permission.

151.21 STATEMENT OF REASONS

- i. The application proposes development on land that is historically undeveloped, irreversibly fragmenting land that forms the historic curtilage of the Grade II* listed buildings known as 1-6 The Street and is within the Kersey Conservation Area. The proposed development would introduce new building that would separate the historic buildings from their historic curtilage and from the wider landscape beyond. Through the urbanisation of an area that has historically remained substantially undeveloped the link between the buildings and the wider rural landscape beyond would be permanently severed and the ability to understand that historic relationship would be compromised. This amounts to harm to both the listed buildings and the conservation area as there would be a diminution of significance as a result of those impacts. That harm would be less than substantial within the meaning provided by the NPPF. The harm is serious and requires clear and convincing justification; it must attract considerable importance in any balancing exercise.

- ii. In accordance with NPPF paragraph 196 the less than substantial harm to those designated heritage assets has been weighed against the public benefits of the development. The public benefits presented by the development are as follows:
 - Housing – of itself this relates to a basic need and poses inherent social, and economic (through construction and occupation) benefits.
 - Space Standards – all dwellings would exceed NDSS with dedicated garden space, which is considered to be a social benefit ensuring quality of life for occupants.
 - Efficiency – all dwellings would be highly efficient which poses economic benefits and obvious environmental benefit in the context of the Council having declared a “climate emergency”.
 - Affordability/Local Need – provision of 4 no. affordable units and 3 no. rental units where there is a proven need. This is considered to be a benefit of itself separate to the general benefits associated with housing per se.
- iii. The general housing, space standards, and efficiency benefits are of themselves significant.
- iv. The provision of housing in the context of there being a proven local need is a compelling benefit. Where the provision of 4 no. units for local connection affordable housing, with 3 no. further 2- bedroomed units for market rent, would contribute to meeting those needs Members afford that contribution considerable weight.
- v. Benefits relating to Council Tax and the New Homes Bonus have not been afforded any material weight. Any CIL benefit attracts only a limited weight.
- vi. Notwithstanding the findings of harm to the significance of designated heritage assets, including to particularly important buildings of more than special interest, and the strong presumption against the grant of planning permission in such circumstances, it still remains possible for other considerations to be even more weighty.
- vii. In the circumstances of this application it is judged that the heritage harms, while notably serious and clearly appreciable, do not outweigh the particularly strong and compelling benefits identified above. Members fully acknowledge that the presumption should be to refuse planning permission in the face of such harm. However, the outcome of the balancing exercise set out under NPPF paragraph 196 is that the public benefits do outweigh the harms identified, whether taken individually by asset or together. Even in the event that harm had been identified in relation to the Bell Inn, which realistically could only be a low level less than substantial harm, the outcome(s) of the para. 196 balance remains the same. The application therefore accords with the heritage policies of the NPPF and policies CN06, CN08, CS11, and CS15 of the development plan.

- viii. While compliance with policy CS11 weighs in favour of a grant of permission, it cannot override the requirement to satisfy policy CS2. Though it has been demonstrated that there is a proven need for the development, the circumstances of the application and the proposed development remain unexceptional, contrary to that policy. Adopting a cautious stance the application is considered to conflict with the development plan taken as a whole.
- ix. However, it is considered that there are other material considerations which indicate that planning permission should be granted and such considerations outweigh the harm reflected in the breach of the development plan identified above, not least the broader compliance with the development plan in all other respects.
- x. Those other considerations include the NPPF where the proposed development would comply with its policies taken as a whole. As noted, the public benefits to flow from the development, including an identified need for housing locally, are compelling and outweigh the heritage harms identified. Further, where the application conflicts with policy CS2 it does so only in respect of an element of the policy which is considered to be out of date and where that policy is afforded less weight on account of the absence of an allocations document and settlement boundaries review.
- xi. In light of the above, the benefits of allowing the development to proceed outweigh the harms (conflict with the development plan as a whole, the listed buildings, and the conservation area) and planning permission should be granted at variance to the direction of the development plan.
- xii. The Planning Committee therefore resolves the following:
 - 1. That authority be delegated to the Chief Planning Officer to grant planning permission, subject to the prior completion of a legal agreement pursuant to s106 of the Town and Country Planning Act 1990, to secure the provision of affordable housing (4 no. affordable rent units) on the terms recommended by the Strategic Housing Manager.
 - 2. And the grant of planning permission shall be subject to planning conditions drafted to the satisfaction of the Chief Planning Officer but including the following matters:
 - a. Standard time limit
 - b. Development shall accord with the approved plans
 - c. Detailed hard and soft landscaping plans inc. boundary treatments
 - d. Noise mitigation measures
 - e. Proposed site and finished floor levels
 - f. External facing and roofing materials
 - g. Control of lighting/agreement of
 - h. Implementation of ecology measures/adherence to recommendations
 - i. Arboricultural measures (inc. protection of Beech tree at The Old

- Gardens)
- j. Archaeology – investigation and assessment/recording
 - k. As recommended by the Local Highway Authority
 - l. Bin and cycle storage/presentation
 - m. EPC to be rated at least “B”, with evidence adduced at key build stages.
 - n. Fire hydrants
 - o. Construction management plan

Councillor Melanie Barrett seconded the motion.

151.22 RESOLVED

- i. The application proposes development on land that is historically undeveloped, irreversibly fragmenting land that forms the historic curtilage of the Grade II* listed buildings known as 1-6 The Street and is within the Kersey Conservation Area. The proposed development would introduce new building that would separate the historic buildings from their historic curtilage and from the wider landscape beyond. Through the urbanisation of an area that has historically remained substantially undeveloped the link between the buildings and the wider rural landscape beyond would be permanently severed and the ability to understand that historic relationship would be compromised. This amounts to harm to both the listed buildings and the conservation area as there would be a diminution of significance as a result of those impacts. That harm would be less than substantial within the meaning provided by the NPPF. The harm is serious and requires clear and convincing justification; it must attract considerable importance in any balancing exercise.**

- ii. In accordance with NPPF paragraph 196 the less than substantial harm to those designated heritage assets has been weighed against the public benefits of the development. The public benefits presented by the development are as follows:**
 - Housing – of itself this relates to a basic need and poses inherent social, and economic (through construction and occupation) benefits.**
 - Space Standards – all dwellings would exceed NDSS with dedicated garden space, which is considered to be a social benefit ensuring quality of life for occupants.**
 - Efficiency – all dwellings would be highly efficient which poses economic benefits and obvious environmental benefit in the context of the Council having declared a “climate emergency”.**
 - Affordability/Local Need – provision of 4 no. affordable units and 3 no. rental units where there is a proven need. This is considered to be a benefit of itself separate to the general benefits associated with housing per se.**

- iii. The general housing, space standards, and efficiency benefits are of themselves significant.**
- iv. The provision of housing in the context of there being a proven local need is a compelling benefit. Where the provision of 4 no. units for local connection affordable housing, with 3 no. further 2- bedroomed units for market rent, would contribute to meeting those needs Members afford that contribution considerable weight.**
- v. Benefits relating to Council Tax and the New Homes Bonus have not been afforded any material weight. Any CIL benefit attracts only a limited weight.**
- vi. Notwithstanding the findings of harm to the significance of designated heritage assets, including to particularly important buildings of more than special interest, and the strong presumption against the grant of planning permission in such circumstances, it still remains possible for other considerations to be even more weighty.**
- vii. In the circumstances of this application it is judged that the heritage harms, while notably serious and clearly appreciable, do not outweigh the particularly strong and compelling benefits identified above. Members fully acknowledge that the presumption should be to refuse planning permission in the face of such harm. However, the outcome of the balancing exercise set out under NPPF paragraph 196 is that the public benefits do outweigh the harms identified, whether taken individually by asset or together. Even in the event that harm had been identified in relation to the Bell Inn, which realistically could only be a low level less than substantial harm, the outcome(s) of the para. 196 balance remains the same. The application therefore accords with the heritage policies of the NPPF and policies CN06, CN08, CS11, and CS15 of the development plan.**
- viii. While compliance with policy CS11 weighs in favour of a grant of permission, it cannot override the requirement to satisfy policy CS2. Though it has been demonstrated that there is a proven need for the development, the circumstances of the application and the proposed development remain unexceptional, contrary to that policy. Adopting a cautious stance the application is considered to conflict with the development plan taken as a whole.**
- ix. However, it is considered that there are other material considerations which indicate that planning permission should be granted and such considerations outweigh the harm reflected in the breach of the development plan identified above, not least the broader compliance with the development plan in all other respects.**
- x. Those other considerations include the NPPF where the proposed development would comply with its policies taken as a whole. As noted, the public benefits to flow from the development, including an identified need for housing locally, are compelling and outweigh the heritage harms identified. Further, where the application conflicts with**

policy CS2 it does so only in respect of an element of the policy which is considered to be out of date and where that policy is afforded less weight on account of the absence of an allocations document and settlement boundaries review.

- xi. In light of the above, the benefits of allowing the development to proceed outweigh the harms (conflict with the development plan as a whole, the listed buildings, and the conservation area) and planning permission should be granted at variance to the direction of the development plan.**

- xii. The Planning Committee therefore resolves the following:**
 - 1. That authority be delegated to the Chief Planning Officer to grant planning permission, subject to the prior completion of a legal agreement pursuant to s106 of the Town and Country Planning Act 1990, to secure the provision of affordable housing (4 no. affordable rent units) on the terms recommended by the Strategic Housing Manager.**

 - 2. And the grant of planning permission shall be subject to planning conditions drafted to the satisfaction of the Chief Planning Officer but including the following matters:**
 - a. Standard time limit**
 - b. Development shall accord with the approved plans**
 - c. Detailed hard and soft landscaping plans inc. boundary treatments**
 - d. Noise mitigation measures**
 - e. Proposed site and finished floor levels**
 - f. External facing and roofing materials**
 - g. Control of lighting/agreement of**
 - h. Implementation of ecology measures/adherence to recommendations**
 - i. Arboricultural measures (inc. protection of Beech tree at The Old Gardens)**
 - j. Archaeology – investigation and assessment/recording**
 - k. As recommended by the Local Highway Authority**
 - l. Bin and cycle storage/presentation**
 - m. EPC to be rated at least “B”, with evidence adduced at key build stages.**
 - n. Fire hydrants**
 - o. Construction management plan**

152 DC/19/02877 LAND EAST OF LONGFIELD ROAD AND LITTLE TUFTS, CAPEL ST MARY, IP9 2UD

152.1 Item A

| | |
|-------------------------|--|
| Application Proposal | DC/19/08277 Outline Application (means of access to be considered) - 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 on land east of Longfield Road, Capel St Mary. |
| Site Location | CAPEL ST MARY – Land East of Longfield Road and Little Tufts, Capel St Mary, Suffolk |
| Applicant | Persimmon Homes Ltd & Donald Edward Baker & Carol Dorothy... |

152.2 Councillor Hinton joined the meeting and confirmed he had no Declarations of Interest to declare and he had not undertaken any personal site visits.

152.3 Councillor Busby declared a non-pecuniary interest in the item by way of living close to the application site.

152.4 The Case Officer presented the application to the Committee, outlining the proposal before Members, the previous decision taken by the Committee in February 2020, the layout of the site, the amendments made to the proposal since the previous application, and the officer recommendation of approval.

152.5 The Case Officer responded to Member's questions including: the location on the plans of plot 8 in relation to the Objector's property.

152.6 Members considered the representation from Brian Rogers of Capel St Mary Parish Council who spoke against the application.

152.7 Members considered the representation from Robert Child who spoke as an Objector.

152.8 The Planning Lawyer confirmed that Article 8 of the Human Rights Act should be applied when considering planning applications.

152.9 The Objector responded to Members' questions on issues including: acceptable forms of boundaries.

152.10 Members considered the representation from Stuart McAdam who spoke as the Agent.

152.11 The Agent responded to Members' question on issues including: private roads on the proposed site, parking spaces and turning points, the possibility of a single storey property being built on plot number 8, and lifts in the apartment block.

152.12 Members considered the representation from Ward Member, Councillor Sue Carpendale.

152.13 The Case Officer confirmed that an agreement between the applicant and the residents of 8 Penn Close regarding the boundary and landscaping could be conditioned.

152.14 Councillor Peter Beer proposed that the application be approved as detailed in the officer recommendation with the inclusion of the following condition:

- In particular details of the proposed boundary treatment to be provided at the boundary of the site with number 8 Penn Close are included within the submission.

152.15 Councillor Adrian Osborne seconded the motion and requested that the swift boxes were included as a separate condition.

152.16 RESOLVED

That the reserved matters are APPROVED subject to the following conditions:-

- **Reserved matters permission is given in accordance with the terms of the outline planning permission relating to this site and the conditions attached thereto remain in force.**
- **Approved Plans (Plans submitted that form this application)**
- **SuDs conditions**
- **Construction Plan to be agreed.**
- **Level access to enable wheelchair access for all dwellings/buildings.**
- **Final details of the location and equipment for the proposed LEAP to be agreed Conditions as requested by the Highway Authority Development in accordance with the proposed affordable housing mix Final details of landscaping (including provision of swift nesting boxes) to be agreed**

And the following informative notes as summarised and those as may be deemed necessary:

- **Pro active working statement**
- **SCC Highways notes**
- **Support for sustainable development principles**

Additional Conditions:

- **In particular details of the proposed boundary treatment to be provided at the boundary of the site with number 8 Penn Close are included within the submission**
- **Provision of swift nesting boxes**

The business of the meeting was concluded at 1.34 pm.

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Chair