

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Virtual Teams Video Meeting on Wednesday, 29 July 2020 -09:30

PRESENT:

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

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

Ward Member(s):

Councillors: Cllr Jane Gould

In attendance:

Officers: Planning Lawyer (CR)
Governance Officer (RC)
Senior Development Management Engineer (SH)
Principal Planning Officer (VP)
Area Planning Manager (MR)
Planning Officer (JW)

Apologies:

Melanie Barrett

153 DECLARATION OF INTERESTS

None declared.

154 PL/19/37 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 15 JULY 2020

The Governance Officer reported that a draft of the minutes of the meeting held on the 15 July had been drafted but had yet to be signed off by the planning officer. The minutes would be presented at the next available meeting.

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

None received.

156 SITE INSPECTIONS

None requested.

In response to a question the Governance Officer advised Members that the Council's Tactical Management Team had Assessed the risk to Members conducting site visits in line with the Government Guidelines and confirmed the view that it was currently still unsafe to undertake formal site visits.

157 PL/19/38 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Prior to the decision on the applications the Chair outlined that the applications would be taken in the following order:

1. DC/19/02798
2. DC/19/05093
3. DC/19/05624

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/19/38 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/19/02798	Robin Coates (Wherstead Parish Council) Thomas Hill (Objector) Matt Wyatt (Agent) Cllr Christopher Hudson (County Council Division Member) Cllr Jane Gould (Ward Member)
DC/19/05093	Robin Coates (Wherstead Parish Council) Thomas Hill (Objector) Dan Harness (Supporter) Andrew Fillmore (Applicant) Cllr Jane Gould (Ward Member)
DC/19/05624	Robin Coates (Wherstead Parish Council) Thomas Hill (Objector) Roger Welshman and Geoff Armstrong (Agents) Cllr Jane Gould (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/19/38 be made as follows:-

158 DC/19/02798 LAND TO THE NORTH OF BOBBITS LANE, WHERSTEAD, SUFFOLK

158.1 Item 6B

Application: DC/19/02798
Proposal: Planning Application. Development of roadside services, including 1no. petrol filling station (sui generis) 1no. drive through restaurant (Class A3/A5) associated infrastructure and landscaping works.
Site Location: **WHERSTEAD** – Land to The North and East of, Bobbits Lane, Wherstead, Suffolk
Applicant: Euro Garages and Pigeon (Wherstead) Ltd c/o Pigeon Investment Management Ltd

158.2 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, the contents of the tabled papers, and the officer recommendation of approval.

158.3 The Case Officer and Senior Development Management Engineer responded to Members' questions on issues including: the traffic queuing data as presented to Members, the proposed improvements to the highways infrastructure, and the response from the AONB officer and proposed lighting conditions.

158.3 Members considered the representation from Robin Coates of Wherstead Parish Council.

158.4 The Parish Council representative responded to Members questions on issues including: the response from the Parish Council.

158.5 Members considered the representation from Thomas Hill who spoke as an Objector. It was noted that Thomas Hill spoke on all three applications before members as an Objector, however was unable to stay for the entirety of the meeting.

158.6 The Objector responded to Members questions on issues including: existing provision of petrol stations on the A14, changes in the designation of B1 classification.

158.7 Members considered the representation from Matt Wyatt who spoke as the Agent.

158.8 The Agent responded to Members questions on issues including: the construction and ownership of the drive-thru restaurant.

158.9 Members considered the representation from Councillor Christopher Hudson of Suffolk County Council who spoke as the division Ward Member.

158.10 The County Councillor responded to Members questions on issues including: visibility and access to the site and anti-social behaviour in the area.

158.11 Members considered the representation from Councillor Jane Gould who spoke as the Ward Member.

158.12 A short comfort break was taken between 11:02 – 11:10.

158.13 The Senior Development Management Engineer, Area Planning Manager and Case Officer clarified that the Public right of Way through the site would be secured and that the Council had been working with the Police to improve surveillance of activity on the site from motorcyclists.

158.14 The Governance Officer clarified that Councillor Adrian Osborne had dropped out of the meeting earlier and had missed the entirety of the representation from Cllr Gould and was advised that he could not take part in the debate or vote for the application.

158.15 Members debated the application on the issues including: the proposed highways improvements at the junction, traffic movements in the area, that demand was not a consideration for this use, the relationship of the site with the Draft Joint Local Plan, the adopted local plan and its previous allocation, highways movements from the site, the economic benefits created from the site.

158.16 Councillor Lee Parker proposed that the application be approved as detailed in the officer recommendation. Councillor Stephen Plumb seconded the proposal.

158.17 Members continued to debate the application on the issues including: how the traffic proposals would improve the traffic flow.

158.18 **RESOLVED**

That the application is GRANTED full planning permission for development of roadside services, including 1no. petrol filling station (Sui Generis) 1no. drive through restaurant (Class A3 / A5) associated infrastructure and landscaping works and include the following conditions

Standard Conditions

- **Commencement time limit of 3 years**
- **Development in accordance with approved plans**

Sustainability

- **Sustainability strategy for construction phase and the finished development**

Highways

- **No development shall commence until the TRO is ratified**
- **Access road constructed prior to development of roadside services**
- **Highways works completed prior to first occupation**
- **Amended plan to omit the east access off of the access road**
- **Improvements to bridleways**
- **Bus stop improvements**

- Cycle storage
- Electric vehicle charging points
- Headlight dazzling prevention
- External lighting
- Construction management plan
- Travel information pack

Landscaping

- Landscape management plan for minimum of five years
- Revised landscaping scheme
- Timescale for landscaping planting and retention
- Tree protection measures

Ecology

- Construction environmental management plan
- Biodiversity enhancement strategy

Fire and Rescue

- Provision of fire hydrants

Crime

- Crime prevention measures

Environmental Health

- Validation report for new tank installation
- Measures for unexpected land contamination
- No burning of waste on site
- Details of filtration and ventilation equipment on drive-thru restaurant
- Litter management strategy
- External lighting

Flooding and Drainage

- Surface water management scheme
- SUDs details
- Construction surface water management plan
- Flood flow exceedance routing

The following informatives are also recommended to be attached to any permission granted-

- Environmental Health- Land Contamination recommended informatives.
- Environmental Health- Noise, Odour, Light and Smoke recommended informatives.
- Anglian Water recommended informatives
- SCC Highways recommended informatives
- Highways England recommended informatives
- Notwithstanding the submitted site layout plan, the paraphernalia indicated in the shaded areas on the drive-thru are not approved and are subject to separate applications.

159 DC/19/05093 LAND TO THE NORTH AND EAST OF, BOBBITS LANE, WHERSTEAD, SUFFOLK

159.1 Item 6C

Application: DC/19/05093
Proposal: Outline planning application (some matters reserved-access to be considered) – commercial development for flexible employment use [to enable changes in accordance with Part3 Class V of the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended)] within classes B1c (Business-Light industry appropriate in a residential area), B2 (General Industry) and B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 as amended
Site Location: **WHERSTEAD-** Land to the North and East of, Bobbits Lane, Wherstead, Suffolk
Applicant: Pigeon (Wherstead) Ltd c/o Pigeon Investment Management Ltd

159.2 A short adjournment was taken between 11:50- 12:05 prior to the commencement of the application to review the comments of the objector with regards to the commercial property use classes in light of changes from Central Government.

159.3 The Principal Planning Officer advised Members that they had discussed the issue of permitted development rights (including B use classes) as brought up by the objector and asked the Chair for a further adjournment until 12:30 so that officers could update their presentation to clarify the issue for all members and those watching on the live stream.

159.4 An adjournment was taken from 12:07-12:35 to allow officers to update their presentations as detailed in 159.5.

159.5 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, the updates regarding the Class use, the contents of the tabled papers, and the officer recommendation of approval.

159.6 The Case Officer responded to Members' questions on issues including: the speed limit along the A137, policy SP05 of the emerging Joint Local Plan, and the weight associated with the plan.

159.7 Members considered the representation from Robin Coates of Wherstead Parish Council.

158.8 The Chair asked Members to consider the representation from Thomas Hill that was made earlier in the meeting regarding the application before Members.

159.9 Members considered the representation from Dan Harness who spoke as a Supporter.

159.10 The Supporter responded to Members' questions on issues including: whether they had considered other sites.

159.11 Members considered the representation from the Andrew Fillmore who spoke as the Applicant.

159.12 The Applicant responded to Members' questions on issues including: the deliverability of the site, the sustainability of the site, travel plan and the connectivity of the site.

159.13 A Lunch break was taken between 13:17-13:45.

159.14 Members considered the representation from the Ward Member Councillor Jane Gould.

159.15 The Senior Development Management Engineer responded to questions from the Ward Member on proposed parapet changes, that the crossing points at the roundabout would be to DDA standards.

159.16 Members debated the application on the issues including: that there was no section 106 agreement, and that CIL did not apply to this proposal, that the Highways improvements would be funded through a Section 278 Agreement, the objections received from Ipswich Borough Council, the response from the Planning Policy Team, the response from Anglian Water, the economic impact from the site, the response from the Heritage Team.

159.17 Councillor Peter Beer proposed that the application be approved as detailed in the officer recommendation with the additional conditions as follows:

- Condition to remove PD change of use

159.18 Councillor Stephen Plumb seconded the motion.

159.19 It was noted that Councillor Hinton was excluded from the vote due to not being present for the entirety of the item.

159.20 **RESOLVED**

That the application is GRANTED outline planning permission (access to be considered) for commercial development for flexible employment use within use classes B1c (Business- light Industry appropriate in a residential area), B2 (General Industry) and B8 (Storage and Distribution) as amended and includes the following conditions:

Standard

- **Time limit for submission of reserved matters**
- **Commencement time limit following reserved matters**
- **Development in accordance with approved plans**

Highways

- Reserved matters details • No development shall commence until the TRO is ratified
- Access road constructed prior to commencement of development
- Construction management plan
- Highways works completed prior to first use
- Bridleway improvements
- Bus stop improvements
- No obstruction of access
- External lighting
- Travel plan

Design

- Development shall be in general conformity with indicative layout

Sustainability

- Sustainability strategy for construction phase and the finished development

Archaeological

- Written scheme of investigation • Site and post investigation assessment

Landscaping

- Hard and soft landscape scheme with reserved matters • Timescale for landscaping planting and retention • Landscape management plan for five years • Arboricultural mitigation measures

Ecology

- Skylark mitigation strategy implemented as submitted and retained for ten years
- Construction environmental management plan
- Biodiversity Enhancement Strategy submitted with reserved matters
- Landscape and ecological management plan submitted with reserved matters
- Wildlife sensitive lighting scheme

Environmental

- External lighting scheme submitted with reserved matters
- Written scheme of investigation prior to commencement
- Site and post site investigation prior to first building occupation
- Unexpected land contamination
- No burning on site
- Measures to control noise, smells, odour and fumes
- Noise levels from development

Fire and Rescue

- Fire hydrants

Floods and Drainage

- Surface water drainage scheme with reserved matters
- SUDs
- No surface water drainage into ground

The following informatives are also recommended to be attached to any permission granted:-

- SCC Floods and Water recommended informatives
- Highways England recommended informatives
- SCC Highways recommended informatives

- **SCC Archaeology recommended informative**
- **East Suffolk Drainage Board recommended informative**
- **Environment Agency recommended informatives**
- **Environmental Health Noise, Odour, Light and Smoke recommended informative**
- **Environmental Health Land Contamination recommended informative**
- **Anglian Water recommended informative.**

Additional Condition:

- **Condition to remove PD change of use.**

160 DC/19/05624 LAND WEST OF VICARAGE LANE, VICARAGE LANE, WHERSTEAD, IP9 2AE

160.1 Item 6A

Application:	DC/19/05624
Proposal:	Outline Planning Application. (Access to be considered) Erection of new commercial buildings providing up to 10,625sqm B1/B2 floorspace and up to 625sqm of A1/A3 floorspace, with associated access connecting the site with the A137, parking, landscaping, SUDS and amenity area. [note: following negotiation there is now a large area of Public Open Space included in the proposal in the form of land to be transferred to the Council for £1 with a maintenance dowry]
Site Location:	WHERSTEAD- Land West of Vicarage, Vicarage Lane, Wherstead, IP9 2AE
Applicant:	Burnt Wood Ltd

160.2 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, the contents of the tabled papers, the updates regarding class use, the contents of the tabled papers, and the officer recommendation of approval.

160.3 The Case Officer responded to Members' questions on issues including: the lack of sustainability assessment, the lack of travel plan associated with the site, and the sites relationship with the Draft Joint local plan.

160.4 Members considered the representation from Robin Coates of Wherstead Parish Council.

160.5 The Chair asked Members to consider the representation from Thomas Hill that was made earlier in the meeting regarding the application before Members.

160.6 Members considered the representation from Geoff Armstrong who spoke as the Agent.

160.7 The Agent responded to Members questions on issues including: how much

interest there was in the uptake of the units.

160.8 The Case Officer clarified the reasoning behind the estimated employment numbers created on the site based upon employment density for B class uses.

160.9 The Governance Officer read out a statement from Councillor Christopher Hudson (Suffolk County Council Division Ward Member) who was unable to attend the remainder of the meeting.

160.10 Members considered the representation from Councillor Jane Gould who spoke as the Ward Member.

160.11 Members debated the application on the issues including: the impact of approving the development on the Draft Local Plan and current status, infrastructure in the area, the risk of light pollution and the proximity to the AONB, the employment and economic benefits of the proposal, the sustainability of the site, the cumulative impact on the village of Wherstead, and the conditions contained within the officer recommendation, and that Wherstead did not have a Neighbourhood plan.

160.12 Members continued to debate the application on the issues including: employment within Babergh, the guidance contained within the NPPF, conditions on the proposal and whether a Grampian condition could be included, access to the site, and whether a habitat could be secured through the development.

160.13 The Case officer advised Members that he could amend the recommendation to secure wildlife habitat.

160.14 Councillor Peter Beer proposed that the application be approved as detailed in the officer recommendation with the additional conditions as follows:

- Condition to remove PD change of use
- Prior to commencement a plan for the planting of the south side of the private road with new woodland and a farmland bird mitigation strategy be agreed with the council.

160.15 Councillor Sue Ayres seconded the motion.

160.16 The vote was tied with 5 votes for and 5 votes against.

160.17 The Chair used his casting vote in favour of the proposal approving the application.

160.18 **RESOLVED**

[1] That subject to the prior completion of a S106 Agreement to the satisfaction of the Chief Planning Officer to secure the following:

A. Provision of a pedestrian crossing on the A137 to the specification of SCC Highways

B. Modification of the north-bound approach to the southern teardrop roundabout on the south side of the A14 to the specification of SCC Highways

C. Road signage package

D. £37,1000 contribution to footway cycleway improvements in the vicinity of the A14 bridge

E. Financial Contribution towards traffic management measures in The Street and Vicarage Lane to the specification of SCC Highways in consultation with Wherstead Parish Council and local businesses all of the above to be subject to a n agreed phasing and delivery plan

F. The transfer of proposed open space land to the Council for £1

G The commitment of the applicant to work with the Council and Job Centre to develop training opportunities with local education providers to develop a skills training opportunity that would assist school leavers and long term unemployed to be better placed to take advantage of new job opportunities within the development

H A travel Plan with effective monitoring

I S106 Monitoring sum

Then [2]

The Chief Planning Officer be authorised to GRANT outline planning permission subject to the following conditions To include:

- **Time limit for submission of reserved matters**
- **Commencement time limit following reserved matters**
- **Development in accordance with approved plans**
- **Highways**
- **Development shall be in general conformity with indicative layout**
- **Sustainability measures prior to commencement**
- **Junction improvements made prior to beneficial use of the site**
- **Landscape scheme**
- **Hard and soft landscaping**
- **Landscape management plan**
- **Arboricultural mitigation measures**
- **Skylark mitigation strategy fully implemented as submitted**
- **Construction Environmental Management Plan to be submitted prior to commencement**
- **Biodiversity Enhancement Strategy submitted with reserved matters**
- **Landscape and Ecological Management Plan submitted with reserved matters**
- **External lighting scheme submitted with reserved matters**
- **Written scheme of investigation prior to commencement**
- **Site and post site investigation prior to first building occupation**
- **Fire hydrants**
- **Unexpected land contamination**
- **Surface water drainage scheme with reserved matters**
- **SUDs details following completion**
- **Surface water management**
- **No burning on site**
- **Hours of operation and deliveries**
- **Measures to control noise, smells, odour and fumes**
- **Noise levels from development**
- **Archaeology**
- **Remove permitted development rights**
- **No additional mezzanine space within voids**
- **Storey height restriction [max 2 storeys]**
- **Use of materials from the traditional palette**
- **Floorspace limit**

- **Control on uses**

The following informatives are also recommended to be attached to any permission granted:-

- **SCC Floods and Water recommended informatives:**
- **SCC Archaeology informative:** archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
- **East Suffolk Drainage Board informative:** land drainage consent required. Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.
- **Environment Agency informatives for SUDs and**
- **Environmental Health Noise etc informative:** assessment of the environmental impact from the development must be considered alongside other nearby developments
- **Environmental Health Land Contamination informative:** contacted if unexpected ground conditions are found
- **Anglian Water Informative:** site layout should take Anglian Water

Additional Conditions:

- **Condition to remove PD change of use**
- **Prior to commencement a plan for the planting of the south side of the private road with new woodland and a farmland bird mitigation strategy be agreed with the council.**

The business of the meeting was concluded at 3.50 pm.

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Chair