

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held as a Virtual Teams Video Meeting on Wednesday, 18 November 2020 at 09:30am

PRESENT:

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

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

In attendance:

Officers: Area Planning Manager (MR)
Planning Lawyer (LDP)
Planning Officer (JW)
Governance Officer (RC)

16 SUBSTITUTES AND APOLOGIES

None received.

17 DECLARATION OF INTERESTS

Councillor Lee Parker declared that he would be taking part as the Ward Member for application DC/20/03362 and would not participate in the debate and vote.

18 PL/20/3 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7 OCTOBER 2020

It was Resolved that the Minutes of the meeting held on 7 October 2020 were confirmed as a true record. The Minutes would be signed at the next practicable opportunity.

19 PL/20/5 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 4 NOVEMBER 2020

It was Resolved that the Minutes of the meeting held on 4 November 2020 were confirmed as a true record. The Minutes would be signed at the next practicable opportunity.

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

None received.

21 SITE INSPECTIONS

None requested.

22 PL/20/6 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/20/6 and the speakers responded to questions put to them as provided for under those arrangements.

Application No.	Representations from
DC/20/03362	Andrew Hill (Parish Council Representative) Matthew Lait (Supporter) Donna Page (Applicant) Councillor James Finch (County Councillor) Councillor Lee Parker (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/20/6 be made as follows:-

23 DC/20/03362 LAND SOUTH OF, ACCESS ROAD, FROM C733 TO THE CHURCH, ASSINGTON, SUFFOLK

23.1 Item 7a

Application Proposal	DC/20/03362 Full Planning Application – Erection of Nursery School (Yorley Barn, Upper Road, Little Cornard) (Class D1) with ancillary parking and construction of vehicular access to The Street.
Site Location	ASSINGTON – Land South Of, Access Road from C733 to the Church, Assington, Suffolk
Applicant	Yorley Barn Nursery School

23.2 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout and location of the site, the content of the tabled papers, and the officer recommendation of refusal.

23.3 The Case Officer responded to Members' questions on issues including: the area of the consultation zone, whether a private nursery facility falls within the

accessibility criteria for primary education, any Tree Protection Orders on site and whether any safety work could be carried out on these trees, and the response from the Councils arboricultural officer.

- 23.4 Members considered the representation from Andrew Hill of Assington Parish Council who spoke against the application.
- 23.5 The Parish Council representative responded to Members' questions on issues including: the number of objectors to the proposed application, the location of alternative sites, whether sites would be made available under the Neighbourhood Plan and any assistance provided to the applicant from the Neighbourhood Planning group, and the distance from the existing site to the proposed site.
- 23.6 Members considered the representation from Matthew Lait who spoke in support of the application.
- 23.7 Members considered the representation from Donna Page who spoke as the applicant.
- 23.8 The applicant responded to Members' questions on issues including: whether any pre application advice was obtained from Babergh Planning department, the geographical area of parents using the nursery, the waiting list of the nursery, whether work experience is offered, the number of children who would attend each day and the use of the car park, if Ofsted have been consulted with the application, and the timescales for occupying the site.
- 23.9 Members considered the representation from County Councillor James Finch.
- 23.10 The County Councillor responded to Members' questions on issues including: the safety of the access road and whether a donation from the applicant would allow Highways to improve the safety of the road, and the speed limit of the road.
- 23.11 Members considered the representation from Councillor Lee Parker who spoke as the Ward Member.
- 23.12 The Ward Member responded to Members' questions on issues including: any potential alternative sites in the area, the pre-application advice provided to the applicant, and the importance of the nursery provision in the area.
- 23.13 The Area Planning Manager provided clarification regarding the pre-application advice and the officers recommendation. The Planning Lawyer confirmed that pre-application advice is understood to be without prejudice of any Committee decision.
- 23.14 Members debated the application on issues including: the pre-application advice provided, and the impact of the loss of view and heritage compared to the loss of the nursery provision.

- 23.15 The Heritage Officer commented on the view and responded to Members' question on the location of the heritage assets and the surrounding landscape.
- 23.16 Members continued to debate the application on issues including: the loss of view, heritage issues, safety aspects of the trees on site, and the public benefit of the nursery provision.
- 23.17 The Area Planning Manager advised Members that the land use was not tied to applicant only. The Heritage Officer commented on the issues including the views of the heritage asset.
- 23.18 Councillor Melanie Barrett proposed that the application be approved.
- 23.19 Councillor David Busby seconded the motion.
- 23.20 The Area Planning Manager asked for an adjournment to clarify the reasons for approval and overturning of the officer recommendation.
- 23.21 An adjournment was taken between 11:32 and 11:56.
- 23.22 The Area Planning Manager read out the proposed reasons for approval as follows:

Whilst the proposal is broadly contrary to the Development Plan read as a whole, specifically Policies CS15, CN06, CR04, CRO7 and CR08; there is considerable public benefit in accordance with paragraphs 83, 84, 92 and 127 (f) of the NPPF, which enable us to engage the public benefit test as per paragraph 196 of the NPPF. In addition, it is recognised that Policy CS15 (i) does not enable the public benefit balancing exercise.

Therefore, and in reference to Policy CS17, an assessment of the Planning balance leads this Council to grant permission.

Conditions as per those requested by consultees.

- 23.22 The Proposer and Seconder accepted the reasons suggested by the Area Planning Manager.
- 23.23 By 7 votes to 3

RESOLVED:-

APPROVE for the following reasons:

Whilst the proposal is broadly contrary to the Development Plan read as a whole, specifically Policies CS15, CN06, CR04, CRO7 and CR08; there is considerable public benefit in accordance with paragraphs 83, 84, 92 and 127 (f) of the NPPF, which enable us to engage the public benefit test as per paragraph 196 of the NPPF. In addition, it is recognised that Policy CS15 (i) does not enable the public benefit

balancing exercise.

Therefore, and in reference to Policy CS17, an assessment of the Planning balance leads this Council to grant permission.

Conditions as per those requested by consultees.

The business of the meeting was concluded at 12.08 pm.

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Chair