

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, 25 August 2021 at 09:30am

PRESENT:

Councillor: Stephen Plumb (Chair)

Councillors:	Simon Barrett	Peter Beer
	David Busby	John Hinton
	Michael Holt	Leigh Jamieson
	Mary McLaren	Alison Owen
	Lee Parker	

Ward Member(s):

Councillors: Clive Arthey

In attendance:

Officers: Strategic Projects and Delivery Manager (SS)
Planning Lawyer (IDP)
Environmental Management Officer (PC)
Heritage and Planning Compliance Team Leader (SB)
Case Officer (JW/LB/OF)
Governance Officer (CP)

36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

36.1 Apologies were received from Councillor Sue Ayres and Councillor Adrian Osborne.

36.2 Councillor Michael Holt substituted for Councillor Ayres.

37 DECLARATION OF INTERESTS

37.1 Councillor Lee Parker declared a pecuniary interest in respect of application number DC/21/00745 as he had a business arrangement with the applicants agent.

37.2 Councillor Parker advised that he would leave the chamber for the duration of this application and would therefore not be taking part in the debate or vote.

38 PL/21/9 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 11 AUGUST 2021

38.1 The minutes of the meeting held on 11 August 2021 were deferred to the next meeting of the Babergh Planning Committee to seek sign off from the Chief Planning Officer.

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

39.1 None received.

40 SITE INSPECTIONS

40.1 None requested.

41 PL/21/10 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/21/10 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/21/01073	Andrew Filmore (Applicant)
DC/21/00357	Tony Foster (Chilton Parish Council) Robert Lindsay (Objector) Robert Gandy (Agent) Councillor Margaret Maybury (Ward Member) Councillor Clive Arthey (Ward Member)
DC/21/03599	Lee Carvell (Applicant)
DC/21/00745	Councillor Melanie Barrett (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/21/10 be made as follows:-

42 DC/21/01073 LAND TO THE NORTH AND EAST OF BOBBITS LANE, WHERSTEAD, SUFFOLK

Item 6a

Application Proposal	DC/21/01073 Submission of details under Reserved Matters following approval of DC/19/05093 – Appearance, Layout, Landscaping, and Scale for commercial development for flexible employment use to enable changes in accordance with Part 3 Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)] within use classes B1c
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(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

- 42.1 The Case Officer presented the application to the committee outlining the proposal before Members including: the layout and location of the site, and the officer recommendation of approval.
- 42.2 The Case Officer responded to questions from Members on issues including: the free port status of the application site, the landscaping on site, and who be responsible for determining the number of cycle parking spaces and electric vehicle charging points on site.
- 42.3 Members considered the representation from Andrew Filmore who spoke on behalf of the applicant.
- 42.4 The applicant responded to questions from Members on issues including: whether there were any prospective tenants to occupy the buildings, the provision of electric vehicle charging points on site, the potential for installation of PV panels, and the BREEAM (Building Research Establishment Environmental Assessment Method) rating of the buildings.
- 42.5 Councillor Barrett proposed that the application be approved as per the officer recommendation.
- 42.6 The motion was seconded by Councillor Beer.
- 42.7 Members debated the application on issues including: the provision of employment opportunities on the site, and potential traffic impact.

By a unanimous vote.

It was RESOLVED:-

That authority be delegated to the Chief Planning Officer to GRANT reserved matters, including the following conditions:-

- **Approved plans**
- **Submission of details of cycle storage and spaces**
- **Submission of details of electric vehicle charging points**
- **Security measures implemented prior to first use of the site as shown on plan. Details of security management company to be submitted to LPA.**

Informatives

- East Suffolk Drainage Board comments
- SCC Floods and Water informatives
- Reserved matters should be read in conjunction with the Outline, including all conditions.

43 DC/21/00357 LAND NORTH EAST OF CHURCH FIELD ROAD, CHILTON INDUSTRIAL ESTATE, CHILTON, SUDBURY, SUFFOLK

Item 6b

Application	DC/21/00357
Proposal	Planning Application - Erection of plant and machinery for development and operation of a standby energy generation facility (resubmission of withdrawn application DC/20/02035)
Site Location	CHILTON – Land North East of, Church Field Road, Chilton Industrial Estate, Chilton, Sudbury, Suffolk
Applicant	Balance Power Projects Ltd

- 43.1 A break was taken from 10:07 am until 10:12am, after application number DC/21/01073 and before the commencement of application DC/21/00357.
- 43.2 The Case Officer presented the application to the committee outlining the proposal before Members including: the contents of the tabled papers, the location and layout of the site, the purpose and use of the buildings on site, and the officer recommendation of approval.
- 43.3 The Case Officer responded to questions from members on issues including: how the hours of usage would be recorded, whether gas fuel is considered as a low carbon technology, and the weight given to the Governments white paper referred to in the committee report.
- 43.4 The Environmental Management Officer responded to questions from members on issues including: the initial objection to the proposal and reasons behind the change in that consideration.
- 43.5 The Case Officer responded to further questions from Members on issues including: what will happen to the site after 20-25 years of use, the number of houses benefitting from the energy generated by the site, and the reason for referral to the committee detailed in the report.
- 43.6 The Environmental Management Officer responded to questions from Members on issues including: whether any data was available relating to electrical outages in the area, and how many of these facilities would be built across the country as a whole.
- 43.7 Members considered the representation from Tony Foster who spoke on behalf of Chilton Parish Council.

- 43.8 The Parish Council representative responded to questions from Members on issues including: the planning policies used to base the Parish Councils objections on, whether the Parish Council had met with the applicants, and whether the Parish Council accepted the comments from the Statutory Consultees.
- 43.9 The Case Officer responded to questions from members regarding how the objections were submitted.
- 43.10 Members considered the representation from Robert Lindsay who spoke as an objector.
- 43.11 The objector responded to questions from Members on issues including: low carbon energy.
- 43.12 Members considered the representation from Robert Gandy who spoke as the agent.
- 43.13 The agent, and the applicant Jack Hulme, responded to questions from Members on issues including: whether there is any opportunity for the plant to be converted to an alternative fuel in the future, why this location was chosen, the amount of noise anticipated from the development, the hours of operation of the facility, how the hours of use would be monitored and limited, and whether the facility would operate every day or only when required.
- 43.14 Members considered the statement from Ward Member Councillor Margaret Maybury, which was read out by the Governance Officer.
- 43.15 Members considered the representation from Councillor Clive Arthey who spoke as a Ward Member.
- 43.16 The Ward Member responded to questions from Members on issues including: the suitability of any alternative uses for the site.
- 43.17 Members debated the application on issues including: whether the site is suitable for the proposed use, the location of residential housing in relation to the site, and the environmental impact.
- 43.18 The Strategic Projects and Delivery Manager provided clarification to Members regarding the role that the proposal plays in relation to the Councils policies.
- 43.19 Members continued to debate the application on issues including: the lack of employment generated by the facility, heritage issues, who would benefit from the installation at the site, and the amount of homes serviced by the facility.
- 43.20 Councillor Beer proposed that application be approved as set out in the officer recommendation
- 43.21 The motion was seconded by Councillor McLaren.

43.22 Members continued to debate the application on issues including: the use of fossil fuels and the sustainability of the facility, and the potential increase in noise levels.

43.23 The Environmental Management Officer and the Strategic Projects and Delivery Manger responded to questions from Members on issues including: the increase in noise levels.

43.24 Members continued to debate the application on issues including: the local need for the facility, and the amount of electricity being generated by the facility.

43.25 By 5 votes to 5. The Chair used their casting vote against the proposal. The motion was lost.

43.26 Councillor Jamieson proposed that the application be refused for the reasons as detailed below:

The proposal comprising a fossil fuel powered standby energy generation facility, would not represent sustainable development by reason of the Environmental harm caused by the burning of a fossil fuel that would increase carbon emissions in the locality contrary to Policies CS13 and CS15 of the Babergh Local Plan 2011-2031 Core Strategy (2014).

The application fails to comply with the development plan as a whole and there are no material considerations that indicate otherwise.

43.27 The motion was seconded by Councillor Hinton.

43.28 By 5 votes to 5. The Chair used their casting vote in favour the motion.

It was RESOLVED:

Refuse planning permission for the following reason:

The proposal comprising a fossil fuel powered standby energy generation facility, would not represent sustainable development by reason of the Environmental harm caused by the burning of a fossil fuel that would increase carbon emissions in the locality contrary to Policies CS13 and CS15 of the Babergh Local Plan 2011-2031 Core Strategy (2014).

The application fails to comply with the development plan as a whole and there are no material considerations that indicate otherwise.

44 DC/21/03599 STATION ROAD CAR PARK, STATION ROAD, SUDBURY, SUFFOLK

Item 6C

Application DC/21/03599

Proposal	Planning Application – Erection of 3no. solar PV carports with associated infrastructure including cabling to Leisure Centre, battery storage system and 5no. electric vehicle charging points
Site Location	SUDBURY – Station Road Car Park, Station Road, Sudbury, Suffolk
Applicant	Babergh and Mid Suffolk District Councils

44.1 A break was taken from 11:51am until 12:01pm, after application DC/21/00357 and before the commencement application DC/21/03599.

44.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the layout and location of the site, the proposed use, and the officer recommendation of approval.

44.3 The Case Officer and the applicants representative responded to questions from Members on issues including: the position of the carports within the car park and in relation to the lorry park and proposed health centre, whether the solar power generation capacity of the leisure centre is linked to the application, whether there would be any effect on the accessibility of the existing car parking spaces, and any potential removal of landscaping.

44.4 Councillor Beer proposed that the application be approved as set out in the officer recommendation.

44.5 Councillor Barrett seconded the motion.

44.6 The applicants representative responded to questions from Members on issues including: the capability of the structures to withstand extreme weather, the proposed type of charging points to be installed, car parking time constraints and charging levels, and how the location was selected.

By a unanimous vote

It was RESOLVED:

That the application be GRANTED planning permission and include 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. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

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

3. **REQUIREMENT FOR NOISE ASSESSMENT** The development hereby approved shall not commence until full details of all plant to be installed including precise acoustic specification, as well as a noise assessment, to include details of the prevailing existing background level, to be based on methodology as given in British Standard BS4142:2014 have been submitted to an approved by the LPA, in order to allow the likelihood of loss of amenity to be determined.

Reason - To minimise detriment to nearby residential amenity.

4. **ONGOING REQUIREMENT: BS4142 LIMIT ON EXTERNAL NOISE LEVELS** The rating level of sound emitted from any fixed plant and/or machinery associated with the development for the use hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15-minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15-minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. This shall be the initial noise condition. Where the levels predicted, exceed the background levels by more than those established in the initial noise condition then a scheme of mitigation to ensure compliance shall be submitted for approval by the LPA.

Reason - To minimise detriment to nearby residential amenity.

5. **ONGOING REQUIREMENT: MAINTENANCE** The plant and any noise mitigation scheme as required, hereby approved by the LPA, shall be maintained throughout the lifetime of the development to ensure the level of noise emitted from the site shall not exceed the initial noise condition.

Reason - To minimise detriment to nearby residential amenity.

- 6. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION MANAGEMENT TO BE AGREED** A construction management strategy shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site; this strategy is to include access arrangements for contractors' vehicles (locations and times) and a methodology for avoiding mud from the site tracking onto the highway with a strategy for remedy of this should it occur. The approved strategy is to be adhered to until completion of the development.

Reason - To ensure safe working, minimal disturbance to the existing communities and adverse impact on the public highway during the construction phase.

- 7. ACTION REQUIRED PRIOR TO USE: SIGNAGE AND BAY MARKING** Prior to the development hereby permitted coming into use, details of proposed on-site signage and updated bay marking shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be in place prior to use and shall remain as such at all times.

Reason - To clearly direct visitors and staff to the EV charging points.

- 8. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF EQUIPMENT** The hereby approved carports, electric vehicle charging points and associated infrastructure shall be removed from the site when no longer required and the land re-instated to its former condition within six months of their last use.

Reason - To ensure that the site is kept in a tidy condition in the interests of visual amenity and the character and appearance of the area.

POSITIVITY STATEMENT

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high-quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's preapplication service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

INFORMATIVES

This permission / consent includes a condition precedent. Your development is potentially at risk of enforcement if you do not comply with the terms of

any condition which requires you to do something before you commence development / start work. Development which is commenced in breach of a condition is normally unlawful and may not constitute a valid implementation of the permission. We strongly advise you to allow reasonable time for the preparation, and consideration of, any conditional matters before the time limit on this application expires.

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

45 DC/21/00745 URGENT ITEM ADDED TO AGENDA WITH AGREEMENT OF CHAIR

45.1 The Heritage and Planning Compliance Team Leader presented the urgent item to committee outlining the recommendation before Members including: the resolution made by the Planning Committee at the meeting on 14 July 2021, the reason for referral to Committee, and the officer recommendation detailed in the tabled papers.

45.2 The Heritage and Planning Compliance Team Leader responded to questions from Members on issues including: whether consultation had taken place with Ward Members and the Parish Council.

45.3 The Heritage and Planning Compliance Team Leader and the Planning Lawyer provided clarification of the implications of the recommendations.

45.4 Councillor Barrett proposed that the officer recommendation as detailed in the tabled papers be approved.

45.5 The Heritage and Planning Compliance Team Leader and the Planning Lawyer responded to questions from Members on issues including: the future actions and timescales should the recommend option be unsuccessful, and whether any of the other plots on site were occupied.

45.6 Members considered the representation from Ward Member, Councillor Melanie Barrett which was read out by the Governance Officer.

45.7 The motion was seconded by Councillor Hinton.

By a vote of 8 votes for 1 against

It was RESOLVED:

That the authority delegated to the Chief Planning Officer be amended as

follows:

That delegated authority be given to the Chief Planning Officer to GRANT conditional planning permission as previously set out in the Minutes to the meeting held 14 July 20221 subject to the following amendment to clause [7] of that Minute and to the prior receipt of a suitable binding Section 106 planning obligation on those amended terms that in his opinion satisfactorily secures: ...

Option [a]

7. the deposit into a bank account operated by the Council, or similar, of funds in the sum of £130,000 that the Council can draw down to undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, and the transfer, without charge or encumbrance, to the Council of the freehold title to the two dwellings subject to the application/permission such that the Council can undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, and to, upon completion, take the properties to market for sale.

The business of the meeting was concluded at 12.35 pm.

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Chair