

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, 15 December 2021 at 09:30am.

PRESENT:

Councillor: Stephen Plumb (Chair)

Councillors:	Simon Barrett	Peter Beer
	David Busby	John Hinton
	Leigh Jamieson	Alastair McCraw
	Mary McLaren	Adrian Osborne
	Alison Owen	Lee Parker

Ward Member(s):

Councillors: John Nunn

In attendance:

Officers: Chief Planning Officer (PI)
Planning Lawyer (IDP)
Team Leader – Heritage and Planning Compliance (SB)
Case Officers (VP/EF/SS/RW)
Governance Officer (CP)

91 APOLOGIES AND SUBSTITUTIONS

91.1 Apologies for absence were received from Councillor Sue Ayres.

91.2 Councillor Simon Barrett substituted for Councillor Ayres.

92 DECLARATION OF INTERESTS

92.1 Councillor Parker declared a pecuniary interest in respect of application number DC/21/00745 and advised he would withdraw from the meeting for the duration of this item and not participate in the debate or the vote.

92.2 Councillor Jamieson declared a local non-pecuniary interest in respect of application number DC/21/04477 and advised he would not take part in the debate or the vote for this item. He would however speak as the Ward Member.

92.3 Councillor McCraw declared a local non-pecuniary interest in respect of application number DC/21/02810 as the Ward Member.

93 PL/21/22 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 01 DECEMBER 2021

It was RESOLVED:

That the minutes of the meeting held on 01 December 2021 were confirmed and signed as a true record.

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

94.1 None received.

95 SITE INSPECTIONS

95.1 Councillor McCraw joined the meeting at 09:38am.

95.2 Councillor Parker enquired whether a site visit should be undertaken in respect of application number DC/21/06519 - Belle Vue House & Old Swimming Pool, Newton Road, Sudbury in view of the public interest in the site.

95.3 The Chief Planning Officer advised that this would be revisited following completion of initial consultation.

96 PL/21/23 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/21/23 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/19/05419	Stuart McAdam (Agent) Councillor Mick Fraser (Ward Member)
DC/21/05652	Councillor Graham Round (Acton Parish Council) Brian McSweeney (Objector) Steve Le Grys (Objector) Jack Wilkinson (Agent) Councillor John Nunn (Ward Member)
DC/21/04477	Peter Kievenaar (Supporter) David Bessell (Applicant) Councillor Leigh Jamieson (Ward Member)
DC/21/03718	Dan Davies (Applicant) Councillor Dave Busby (Ward Member)
DC/21/00745	None
DC/21/02810	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/21/23 be made as follows:-

97 DC/19/05419 LAND SOUTH OF TOWER MILL LANE/EAST OF FROG HALL LANE, HADLEIGH, SUFFOLK, IP7 6LA

97.1 Item 6a

Application Proposal	DC/19/05419 Revised Hybrid Application. Phase 2 of Hadleigh East Urban Extension Area [HEUEA] (part of Core Strategy Policy CS6: Hadleigh). On 19.6Ha of land to the South of Tower Mill Lane/East of Frog Hall Lane, Hadleigh comprising the following elements: [Element A]: Full Planning Application. (11.98Ha) Proposed residential development of 273 dwellings, associated infrastructure, including main access and estate roads, drainage attenuation ponds, utilities/services equipment, provision of Public Open Space and structural landscaping, secondary access (loop) road to serve the employment land. (including secondary link to Phase 1). [Element B]: Outline Planning Application (7.64Ha). (Access to be considered) to include 5.5Ha of land for B1, B2 and B8 employment uses, a 928sqm pre-school site (Use Class D1), associated infrastructure and landscaping. All matters reserved apart from the primary means of access (from the main access road) and secondary access road, including a secondary emergency and bus only link to Phase 1b.
Site Location	HADLEIGH – Land South of Tower Mill Lane/East of Frog Hall Lane, Hadleigh, Suffolk, IP7 6LA
Applicant	Persimmon Homes

97.2 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location and layout of the site, the proposed housing mix, access to the site, housing design, landscaping, the agreed S106 arrangements, and the officer recommendation of approval.

97.3 The Case Officer responded to questions from Members on issues including: the S106 arrangements, the enhanced public transport services, the proposed internal layout of the dwellings, any proposals to deter residents from parking on open spaces, potential traffic issues, employment land on the site, and the location of electric vehicle charging points for residents' use.

- 97.4 The Chief Planning Officer provided clarification to Members regarding the current status of the draft Joint Local Plan, and the proposed allocations detailed within it.
- 97.5 The Case Officer responded to further questions from Members on issues including: proposed safety measures for the water meadow and SUDS areas on site, the visibility of units on the employment land, the number of electric vehicle charging points, and whether parking spaces would be allocated to particular households.
- 97.6 Members considered the representation from Stuart McAdam who spoke as the applicant.
- 97.7 The applicant responded to questions from Members on issues including: the issues regarding adoption of the open spaces from phase one of the development, the proposed number of dwellings to have PV panels installed, proposed parking plans, ecology issues, landscaping of the footpaths and whether installation of a defibrillator would be considered.
- 97.8 The Case Officer and the Chief Planning Officer responded to questions from Members regarding the proposed classes of business use permitted on the site.
- 97.9 Members considered the statement from the Ward Member, Councillor Mick Fraser, which was read out by the Governance Officer.
- 97.10 Councillor Beer proposed that the application be approved as detailed in the officer recommendation.
- 97.11 Councillor Barrett seconded the proposal.
- 97.12 The Case Officer responded to further questions from Members regarding the proposed plans for street lighting on the site.
- 97.13 Members debated the application on issues including: the type of heating to be installed in the properties, the number of properties to have PV panels installed, the classes of business use to be permitted on site, and provision of sports facilities.
- 97.14 Councillor Beer and Councillor Barrett agreed to the additional conditions detailed in the tabled papers, and an informative note regarding the provision of a defibrillator.

By a vote of 9 votes for and 2 against

It was RESOLVED:

That authority be delegated to the Chief Planning Officer to GRANT conditional HYBRID planning permission subject to the prior completion of an S106 to secure benefits and mitigation identified in the officer report

And the following additional conditions:

- 1. Addition of generally defined area on the site plan as subsequently specified by the Council where buildings must be low level and of a scale to harmonise with adjacent residential development in order to safeguard amenity [visual and residential] and outlook from those residential properties. The aim being to avoid the construction of high warehouses on this part of the site. Beyond this buffer heights will be judged on their merits.**
- 2. A 20m wide landscape buffer on the site's spine road [Ellen Aldous Avenue] frontage in addition to that on the sites other boundaries in order to soften the visual impact of new commercial development and to protect the residential amenity of residential properties opposite.**
- 3. Clear annotation of relevant drawings to be added to identify the vehicular route to the north into phase 1b as being an emergency route or bus gate only and not a through route for general vehicles in order to prevent the creation of a rat-run through the adjacent residential estate and to reduce the prospect of commercial traffic using the adjacent residential estate road in association with the employment uses hereby permitted which are to have their own point of access from Ellen Aldous Avenue for safety and amenity reasons**

And the following informative:

The Council has noted and welcomes the offer made by Persimmon Homes at the Committee meeting to donate a defibrillator to the community at the end of construction and wishes to encourage prior discussion as to identifying a suitable location close to this site during the build out of this development.

98 DC/21/04477 PARSONAGE BARN, PARSONAGE LANE, CHELSWORTH, SUFFOLK, IP7 7HT

98.1 Item 6B

Application Proposal	DC/21/04477 Full Planning Application – Erection of 1No one-and-a-half storey dwelling, new vehicular access and installation of sewage treatment plant and associated landscaping
Site Location	CHELSWORTH – Parsonage Barn, Parsonage Lane, Chelsworth, Suffolk IP7 7HT
Applicant	Mr & Mrs Bessell

98.2 A break was taken from 11:12am until 11:23am, after application number DC/21/05419 and before the commencement of application number

DC/21/04477.

- 98.3 Councillor Jamieson confirmed to the Chair that he would be speaking as the Ward Member and would not take part in the debate or the vote for the application.
- 98.4 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 details of the extant permission under application number DC/20/0498 and the previously refused application, and the officer recommendation of refusal.
- 98.5 The Case Officer responded to questions from Members on issues including: whether the extant permission was granted to the applicant for this applicant.
- 98.6 Members considered the representation from Peter Kievenaar who spoke as a supporter.
- 98.7 The supporter responded to questions from Members on issues including: the number of residents in Parsonage Lane.
- 98.8 Members considered the representation from David Bessell who spoke as the applicant.
- 98.9 The applicant responded to questions from Members on issues including: whether any pre-application advice was received from the planning department.
- 98.10 The Chief Planning Officer commented on the pre-application advice provided and provided clarity regarding the role of the Heritage team in relation to pre-application advice.
- 98.11 The applicant responded to further questions from Members on issues including: the location and size of the current proposal in comparison to the extant permission, and whether the siting of the balcony would have any effect on adjacent properties.
- 98.12 Members considered the representation from Councillor Jamieson who spoke as the Ward Member.
- 98.13 The Ward Member responded to questions from Members on issues including: whether the Ward Member supported the application.
- 98.14 The Chief Planning Officer and the Case Officer responded to Members' questions regarding the relevance of the recent appeal decision to this application, and the location of the proposed dwelling compared to the location of the dwelling refused at appeal.
- 98.15 Members debated the application on issues including: the potential level of substantial harm of the proposal compared to the public benefit of the

proposal, the support from local residents and the Parish Meeting, heritage issues, the previous appeal decision, and the amendments made to the application in order to resolve the issues raised by the previously refused application.

98.16 Councillor Parker proposed that the application be refused as detailed in the officer recommendation.

98.17 Councillor Plumb seconded the motion.

98.18 Members debated the application further on issues regarding: the reasons for refusal.

98.19 By a vote of 2 votes for and 8 against the motion was lost.

98.20 Councillor McCraw proposed that the application be approved.

98.21 Councillor Hinton seconded the motion.

98.22 Councillor McCraw and Councillor Hinton agreed to following proposed conditions:

- ecological appraisal recommendations
- biodiversity enhancement strategy
- wildlife sensitive lighting
- highways conditions removal of PD rights
- landscaping including measures to enhance boundary planting with Whistlecraft Cottage
- tree protection
- landscaping protection
- Removal of Permitted Development rights
- materials TBA
- levels TBA

By a vote of 8 votes for and 2 against

It was RESOLVED:

That Authority be delegated to the Chief Planning Officer to GRANT planning permission with the following conditions:

- **ecological appraisal recommendations**
- **biodiversity enhancement strategy**
- **wildlife sensitive lighting**

- highways conditions removal of PD rights
- landscaping including measures to enhance boundary planting with Whistlecraft Cottage
- tree protection
- landscaping protection
- Removal of Permitted Development rights
- materials TBA
- levels TBA

99 DC/21/05652 LAND WEST OF SUDBURY ROAD, ACTON, SUFFOLK

99.1 Item 6C

Application Proposal	DC/21/05652 Application for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of up to 30 no. dwellings (including 10 no.affordable units) including new vehicular access and public open space.
Site Location Applicant	ACTON – Land West of Sudbury Road, Acton, Suffolk Acorn Farms Ltd

- 99.2 A break was taken from 12:26pm until 12:35pm after application number DC/21/04477 and before the commencement of application number DC/21/05652.
- 99.3 The Case Officer presented the application to the Committee outlining the proposal before Members including: the location and layout of the site, the location of the adjacent listed buildings, and the officer recommendation of refusal.
- 99.4 The Case Officer responded to questions from Members on issues including: the speed limit and visibility at the access to the site.
- 99.5 Members considered the representation from Graham Round who spoke on behalf of Acton Parish Council.
- 99.6 The Parish Council representative responded to questions from Members on issues including: the frequency of flooding and waste water issues.
- 99.7 Members considered the representation from Brian McSweeney and Steve Le Grys who spoke as objectors.
- 99.8 Members considered the representation from Jack Wilkinson who spoke as the agent.

- 99.9 The agent responded to questions from Members on issues including: the preferred housing mix set out in the officer report, proposed flood mitigation actions, the local housing need, and the access roads.
- 99.10 The agent and the Chief Planning Officer responded to a question from Members regarding the recent appeal decision regarding an application in Sproughton.
- 99.11 Members considered the representation from Councillor John Nunn who spoke as the Ward Member.
- 99.12 Members debated the application on issues including: the sustainability of the proposed development, the local housing need, the potential flood issues, and compliance with Policy CS11 of the Babergh Core Strategy.
- 99.13 Councillor Barrett proposed that the application be refused as detailed in the officer recommendation.
- 99.14 Councillor Jamieson seconded the motion.

By a unanimous vote

It was RESOLVED:

That the application is REFUSED planning permission for the following reasons:-

- 1) The proposed development is Contrary to Policy CS2; as well as CS11 of the Babergh Core Strategy, which states that residential development within Hinterland Villages should be provided for local needs. In the absence of any evidence of local need within Acton for further market dwellings the development does not comply with the policy.**
- 2) The proposed development is Contrary to Policy CS11 of the Babergh Core Strategy which states that the cumulative impact of the development in conjunction with other developments should be considered. The proposed development, in conjunction with the recently approved 200 dwellings, is considered to have a detrimental impact on the infrastructure within the village, notably primary education.**
- 3) The development, due to its siting and scale, would cause a less than substantial harm to the setting of surrounding listed buildings and this harm is not outweighed by the public benefits of the development contrary to Policy CN06 of the Babergh Local Plan and the NPPF.**
- 4) The development, due to its siting, scale and proposed landscaping would have a detrimental impact on the character of the area, contrary to Policies CS15 and CS11 of the Babergh Core Strategy.**

5) In the absence of a signed s.106, the development would fail to provide funding for new primary and pre-school places and school transport. In addition it would fail to ensure affordable housing of the tenure required to reflect the established needs within the district, contrary to Policy CS19 of the Babergh Local Plan.

100 DC/21/03718 LAND TO THE EAST OF, DUKE STREET, HINTLESHAM, SUFFOLK

100.1 Item 6D

Application Proposal	DC/21/03718 Application under Section 73 of the Town and Country Planning Act - Variation of Condition 2 (Approved Plans and Documents), Condition 4 (Visibility Splays), Condition 7 (Refuse Bins) and Condition 8 (Parking) of planning permission DC/18/05613 Dated: 25/09/2020 - Erection of 14No Dwellings, garages and additional parking. To allow amendments to design and layout (and removal of affordable units).
Site Location	HINTLESHAM – Land to the East of, Duke Street, Hintlesham, Suffolk
Applicant	Landex Ltd

100.1 A break was taken from 13:20pm until 13:33pm after application number DC/21/05652 and before the commencement of application number DC/21/03718.

100.2 Councillor Barrett and Councillor Beer left the meeting at 13:20pm.

100.3 Councillor Busby confirmed to the Committee that he would be speaking as the Ward Member and would not take part in the debate or the vote for this application.

100.4 The Case Officer presented the application to the Committee outlining the proposal before Members including: the location and layout of the site, the amendments made to the proposal since the application was previously presented to Committee, the proposed housing mix, the details of the proposed Deed of Variation, and the officer recommendation of approval.

100.5 The Case Officer responded to questions from Members on issues including: the differences between this application and the permission previously granted including the amendments to the housing mix, and the financial viability assessment of the site.

100.6 Members considered the representation from Dan Davies who spoke as the applicant.

100.7 The applicant responded to questions from Members on issues including: the

proposed changes to the housing mix in relation to the financial viability of the site.

100.8 Members considered the representation from Councillor Dave Busby who spoke as the Ward Member.

100.9 The Ward Member and the applicant responded to questions from Members on issues including: the financial viability of the development, and the loss of affordable housing.

100.10 The Planning Lawyer and the Chief Planning Officer responded to questions from Members regarding the existing Section 106 agreement.

100.10 Members debated the application in detail on issues including: the proposed housing mix including the loss of affordable housing, and the financial viability assessment.

100.11 Councillor Parker proposed that the application be approved as detailed in the officer recommendation.

100.12 Councillor McLaren seconded the motion.

By a vote of 5 votes for and 3 against

It was RESOLVED:

That authority be delegated to the Chief Planning Officer:

(1) To secure a Deed of Variation of the Section 106 Planning Obligation:

- **To remove the affordable housing contribution**
- **To ensure that RAMS financial contribution is secured**

And

(2) Upon completion of the legal agreement, that the Chief Planning Officer be authorised to grant Planning Permission subject to conditions as summarised below and those as maybe deemed necessary by the Chief Planning Officer:

- **Time Limit**
- **Approved Plans Documents**
- **Agreement of Levels**
- **Visibility Splays**
- **Estate Roads and Footpaths**
- **Carriageways and Footways**
- **Refuse Bins**
- **Parking**
- **Discharge of Surface Water**
- **Construction Management Plan**
- **Surface Water Details**

- **SUDS**
- **Surface Water Management Plan**
- **Restriction on Construction Times**
- **No Burning**
- **Fire Hydrants**
- **Ecology**
- **Biodiversity Enhancement Strategy**
- **Sustainability Measures**

(3) **And the following informative notes as summarised and those as may be deemed necessary**

- **Proactive working statement**
- **SCC Highways notes**
- **Water and Floods notes**
- **Land Drainage**
- **Pre-commencement condition note**

101 DC/21/00745 THE SLAUGHTERHOUSE AND LAND ADJACENT CUCKOO HILL, BURES ST MARY, SUFFOLK

101.1 Item 6E

Application Proposal	DC/21/00745 Variation of condition 2 attached to the planning permission reference B//14/01103/FUL for: 'The erection of 6 no. two-storey dwellings, demolition of existing commercial buildings and hard-standing and construction of private access driveway [scheme to utilise existing vehicular access to public highway.]..to allow for amended designs for dwellings on plots 5 and 6. The variation specifically sought permission for the substitution of drawings no.1471.04 [plot 5] and1471.05 [plot 6] with new drawings.
Site Location	BURES ST MARY – The Slaughterhouse and Land Adjacent Cuckoo Hill, Bures St Mary, Suffolk
Applicant	Stemar Group Ltd

101.2 Councillor Barrett and Councillor Beer re-joined the meeting at 14:15pm.

101.3 Councillor Parker left the meeting at 14:15pm.

101.4 The Team Leader for Heritage and Planning Compliance presented the proposal to the Committee providing Members with details of the previous applications at the site, the proposed amendment to the wording of the previously agreed condition 2, and the officer recommendation of approval.

101.5 The Team Leader for Heritage and Planning Compliance responded to

questions from Members on issues including: the implications to the Council should the amendment not be made.

101.6 Councillor Barrett proposed that the recommendation be approved as detailed in the officer report.

101.7 Councillor Beer seconded the motion.

101.8 The Team Leader for Heritage and Planning Compliance, and the Planning Lawyer responded to further questions from Members on issues including: the financial implications of the variation to the condition, and the action which would be required should the amendment not be agreed.

By a unanimous vote

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 2021 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:

...

Revision:

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, subject to a charge in favour of MT Finance Limited dated 20 September 2021, 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.....”

102 DC/21/02810 BRANTHAM INDUSTRIAL ESTATE AND LAND TO THE NORTH AND PENINSULA, FACTORY LANE, BRANTHAM

102.1 Item 6F

Application Proposal	DC/21/02810 Application to Modify or Discharge a S106 planning obligation for B/15/00263
Site Location	BRANTHAM – Brantham Industrial Estate and Land to the North and Peninsula, Factory Lane, Brantham

Applicant

St Francis Group (Brantham) Ltd

102.2 Councillor Parker re-joined the meeting at 14:27pm.

102.3 Councillor McCraw confirmed to the Committee that he would remain on the Committee for the duration of the item and not speak as the Ward Member.

102.4 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location and layout of the site, the approved master plan of the site, the current S106 agreement, the proposal before Members, and the recommendation of approval.

102.5 The Case Officer and the Chief Planning Officer responded to questions from Members on issues including: the proposed anticipated surplus amount, and the possibility of the funds received being ring fenced for use in Brantham.

102.6 At the request of Councillor McCraw, the Chief Planning Officer agreed that the issue of funds being ring fenced would be brought to the attention of the Strategic Housing Team.

102.7 Councillor Barrett proposed that the application be approved as detailed in the officer recommendation.

102.8 Councillor McCraw seconded the motion.

By a unanimous vote

It was RESOLVED:

That Members delegate authority to the Chief Planning Officer to agree to the Deed of Variation on terms to his satisfaction as follows:

•Amendment to the current S106 Agreement to remove Schedule 3 and include a fixed Sum Overage Payment of £1,579,163 to be paid within six months of the deed being entered into.

The business of the meeting was concluded at 2.45 pm.

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Chair