

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, 28 June 2023 at 09:30am.

PRESENT:

Councillor: Stephen Plumb (Chair)
Helen Davies (Vice-Chair)

Councillors: Peter Beer
Jessie Carter
Michael Holt
Mary McLaren
John Whyman

Jane Carruthers
Kathryn Grandon
Margaret Maybury
Tim Regester

Ward Member(s):

Councillors: Derek Davis

In attendance:

Officers: Area Planning Manager (MR)
Planning Lawyer (IDP)
Economic Development Officer (CF)
Case Officer (HG)
Governance Officer (CP)

1 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

1.1 Apologies were received from Councillor Adrian Osborne. Councillor Mary McLaren substituted for Councillor Osborne.

2 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTERABLE OR NON REGISTERABLE INTERESTS BY MEMBERS

3 DECLARATIONS OF LOBBYING

3.1 Councillor Beer queried the addition of items 3 and 4 to the agenda. The Governance Officer advised that these items had been added to the agenda for reasons of openness and transparency. The additions had been recommended by the Corporate Manager for Governance and agreed with the Chair.

3.2 There were no declarations of lobbying.

4 DECLARATIONS OF PERSONAL SITE VISITS

4.1 There were no declarations of personal site visits.

5 BPL/23/01 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 05 APRIL 2023

It was RESOLVED:

That the minutes of the meeting held on 5th April 2023 were confirmed and signed as a true record.

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

6.1 None received.

7 SITE INSPECTIONS

7.1 There were no requests for site inspections.

8 BPL/23/02 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 BPL/23/02 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/23/01002	Christine Kyle (Erwarton Parish Meeting) Steve Smith (Objector) Councillor Derek Davis (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 BPL/23/02 be made as follows:-

9 DC/23/01002 THE QUEENS HEAD, QUEENS ROAD, ERWARTON, IP9 1LN

9.1 Item 8A

Application	DC/23/01002
Proposal	Planning Application. Change of Use from Public House (Sui Generis) to Residential (C3)
Site Location	ERWARTON – The Queens Head, Queens Road, Erwarton, IP9 1LN

Applicant

Mrs Claire Niewiarowski

- 9.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the proposed change of use of the building, the previous planning history of the site, the site location, the Grade II listed status of the building, the layout of the site, access to the site, and the officer recommendation of approval as detailed in the Committee report.
- 9.3 The Planning Lawyer advised Members of a correction to the comments from SCC Highways which referred to C3 Residential Use, however the property currently has ancillary residential use on upper floors only.
- 9.4 The Case Officer and the Economic Development responded to questions from Members on issues including: inconsistencies between the community statement regarding marketing and the agreed marketing campaign, whether the marketing agreed with the Economic Development Team had been undertaken correctly, the appropriateness of the timing of the marketing campaign, the use of the ancillary accommodation, whether the property was considered to be an Asset of Community Value (ACV), when the property was last operated as a Public House, and whether there was any guidance regarding the timescales for marketing campaigns and submitting planning applications.
- 9.5 Councillor Maybury commented that a Member of the Committee appeared to have additional information in the form of a document. The Planning Lawyer advised that the document contained generic information only and did not relate to this application.
- 9.6 The Case Officer responded to further questions from Members on issues including: whether the accommodation had been used previously as tourist accommodation, and the length of time the property has not been occupied as a Public House.
- 9.7 Members considered the representation from Christine Kyle who spoke on behalf of Erwarton Parish Meeting.
- 9.8 The Parish Meeting Representative responded to questions from Members on issues including: the number of inhabitants in the village of Erwarton, the location of any other Public Houses in the area and whether there was a pedestrian footpath from Erwarton to these locations, where the community currently meet, and whether there was any other tourist accommodation in the area.
- 9.9 Members considered the representation from Steve Smith who spoke as an Objector on behalf of Friends of Erwarton Queens Head.
- 9.10 The Objector responded to questions from Members on issues including: the overage clause applying to the sale of the property.

- 9.11 The Economic Development Officer advised Members on the use, purpose, and application of overage clauses.
- 9.12 The Objector responded to further questions from Members on issues including: the timescales for the property to be in a position to operate as a Public House should the purchase by the Friends of Erwarton Queens Head go ahead, and the funding for the purchase and repairs.
- 9.13 The Area Planning Manager and the Planning Lawyer responded to a question regarding whether there was any provision in planning law to allow decision makers to take into account the deterioration in condition of a building due to lack of maintenance, advising that there was no national policy which enabled this to be a reason to refuse permission.
- 9.14 The Objector and the Parish Council Representative responded to questions from Members on issues including: whether any local community groups previously used the Public House to meet, the viability of the business, and when the property was last occupied on a permanent basis.
- 9.15 Members considered the representation from the Ward Member, Councillor Davis, who spoke against the application.
- 9.16 Members debated the application on issues including: the viability of the property as a Public House, and the marketing exercise which was undertaken.
- 9.17 Councillor Beer proposed that the application be approved as detailed in the Officer recommendation.
- 9.18 Councillor Maybury seconded the motion.
- 9.19 Members continued to debate the application on issues including: the importance of retaining Public Houses, the benefits to the local community and tourism, the appropriateness of when the marketing campaign was undertaken, and the current condition of the property.
- 9.20 The Economic Development Officer confirmed the Members that there was no further action that could be undertaken by Babergh District Council with regard to the marketing of the property.
- 9.21 Members debated the application further on issues including: the viability of the business within the current economic climate.
- 9.22 By a vote of 3 votes for, and 8 against, the motion was lost.
- 9.23 A break was taken from 10:49am until 10:56am.
- 9.24 Councillor Beer left the meeting at 10:49am.
- 9.25 Councillor Holt proposed that the application be refused on the basis of

Paragraph 84 and 93 of the National Planning Policy Framework, and policies CS17, CS15, and CS21 of Babergh District Councils' Core Strategy.

9.26 Members debated the application further on issues including: the state of the economy during the marketing of the property due to the Covid-19 pandemic and the impact of this on the marketing campaign.

9.27 The Area Planning Manager advised Members that an independent view could be sought regarding whether the marketing which had taken place was considered to be satisfactory, and confirmed the potential options should the marketing campaign be found to be unsatisfactory.

9.28 Members continued to debate the application on issues including: the evaluation of the property and how this was arrived at.

9.29 Councillor Grandon seconded the proposal.

By a vote of 8 votes for and 2 against

It was RESOLVED:

That the application be refused being contrary to paragraphs 84 and 93 of the National Planning Policy Framework, and policies CS17, CS15 and CS21 of Babergh District Councils' Core Strategy.

The business of the meeting was concluded at 11.10 am.

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Chair