

## **BABERGH DISTRICT COUNCIL**

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Frink Room (Elisabeth)  
- Endeavour House on Wednesday, 20 March 2024 at 09:30am

### **PRESENT:**

Councillor: Stephen Plumb (Chair)

Councillors:	Peter K Beer	Jane Carruthers
	Jessie Carter	Kathryn Grandon
	Michael Holt	Margaret Maybury
	Adrian Osborne	Lee Parker
	Tim Regester	John Whyman

### **In attendance:**

Officers: Area Planning Manager (MR)  
Planning Lawyer (IDP)  
Case Officer (EF)  
Governance Officer (CP)

### **68 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

68.1 Apologies were received from Councillor Helen Davies. Councillor Lee Parker substituted for Councillor Davies.

### **69 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGSITERABLE OR NON REGISTERABLE INTERESTS BY MEMBERS**

69.1 Councillor Parker declared an other registerable interest in respect of application numbers DC/23/03653 and DC/23/04452 as the Ward Member for Leavenheath. Councillor Parker confirmed that he would remain on the Committee for these two applications and not speak as the Ward Member.

69.2 Councillor Maybury declared an other registerable interest in respect of application numbers DC/23/03653 and DC/23/04452 as a Trustee of Friends of Lavenham Library.

### **70 DECLARATIONS OF LOBBYING**

70.1 There were no declarations of lobbying.

### **71 DECLARATION OF PERSONAL SITE VISITS**

71.1 There were no declarations of personal site visits.

### **72 BPL/23/15 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10**

## **JANUARY 2024**

By a vote of 10 votes For and 1 Abstention

### **It was RESOLVED:**

**That the minutes of the meeting held on 10 January 2024 be confirmed and signed as a true record.**

#### **73 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

73.1 None received

#### **74 SITE INSPECTIONS**

74.1 None received.

#### **75 BPL/23/16 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

75.1 The Chair advised Members that application number DC/21/02405 had been removed from the agenda prior to the commencement of the meeting.

75.2 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/18/ and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/23/03653	Paul Mortlock (Leavenheath Parish Council) Michael Smith (Agent)
DC/23/04452	Paul Mortlock (Leavenheath Parish Council) Susanna Rendall (Applicant)

### **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/23/16 be made as follows:-**

#### **76 DC/23/03653 LAND EAST OF BLACKTHORN WAY AND CAMPION WAY, LEAVENHEATH, SUFFOLK**

76.1 Item 8A

Application Proposal	DC/23/03653 Full Planning Application – Erection of 23 no. dwellings with associated roads, parking, garages and outbuildings, construction of new vehicular access from the A134 and a footpath connection towards Maple Way, public access to the existing woodland and new public open space on the street frontage
Site Location	Land East of Blackthorn Way and Campion Way, Leavenheath, Suffolk
Applicant	Waterson Homes

- 76.2 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location of the site, site constraints, the Leavenheath Neighbourhood Plan, the proposed site plan including location of the footpaths, the proposed landscaping plan, the proposed housing mix, the proximity to surrounding development, the proposed drainage scheme, the preliminary access design, and the Officer recommendation of refusal as detailed in the report. The Case Officer advised Members of a correction to paragraph 2.2 of the report and confirmed that this paragraph referred to flats and not houses.
- 76.3 A break was taken from 09:51am until 09:58am.
- 76.4 The Area Planning Manager advised Members of an additional reason for refusal relating to the lack of biodiversity net gain.
- 76.5 The Case Officer and the Area Planning Manager responded to questions from Members on issues including: the lack of biodiversity net gain offered by the development, the lack of an S106 agreement and how this affected the deliverability of the scheme, the distance of the development from local schools and pedestrian access to them, and the current position of the holding objection from Highways.
- 76.6 Members considered the representation from Paul Mortlock who spoke on behalf of Leavenheath Parish Council.
- 76.7 The Parish Council representative responded to question from Members on issues including: the level of volunteers for the Parish Council and local organisations.
- 76.8 Members considered the representation from Michael Smith who spoke as the agent.
- 76.9 The Agent responded to questions from Members on issues including: whether the applicant would consider an S106 agreement, whether the applicant would consider the inclusion of a footpath, the proposed access to the site, the speed limit at the entrance to the site, what housing needs surveys have been undertaken, and the proposed plans for water and

drainage issues.

- 76.10 The Case Officer responded to questions from Members regarding the suitability of the proposed drainage plans.
- 76.11 The Agent responded to further questions from Members on issues including: access to the woodland area, and the housing mix.
- 76.12 The Case Officer responded to a question from Members regarding the number of recent applications in Leavenheath which are outside of the built-up area boundary.
- 76.13 Members debated the application on issues including: the concerns from local residents over the potential flooding and drainage issues and the need for a definite flood mitigation plan to be in place, and the housing needs for the area.
- 76.14 The Case Officer responded to a question from Members regarding the housing needs and the allocation within the Leavenheath Neighbourhood Plan and the Joint Local Plan.
- 76.15 Members continued to debate the application on issues including the housing needs in the area, the Leavenheath Neighbourhood Plan, and access to the site.
- 76.16 Councillor Holt proposed that the application be refused as detailed in the Officer recommendation and including the additional reason for refusal as read out by the Area Planning Manager.
- 76.17 Councillor Osborne seconded the proposal.
- 76.18 Members debated the application further on issues including: the potential flooding and water surface drainage issues, and the location of the site.

By a vote of 10 votes For and 1 Against

**It was RESOLVED:**

**That the application is REFUSED planning permission/listed building consent/other based on the following reasons:-**

**1) The proposed development by virtue of its location, layout and access would be contrary to Policy LEAV5 and LEAV6 of the Leavenheath Neighbourhood Plan, which requires new development outside of the settlement boundary to have a close functional relationship to the existing settlement or constitute a logical extension of the built-up area of the settlement and for development to be set back from the A134. The proposed development would be accessed off the A134 and result in a development physically separated from surrounding development and closer to the A134.**

This would not constitute a logical extension of the built-up area but would result in a development detrimental to the character of the High Road area of Leavenheath. Due to the above, the development would also be contrary to Policy SP03 of the Joint Local Plan which states that outside of the settlement boundaries development will normally only be permitted where it is in accordance with a Neighbourhood Plan.

2) The proposed development by virtue of its scale and location, would result in unsustainable development, highly dependent on private vehicles for everyday trips contrary to Policy SP03 of the Joint Neighbourhood Plan and the NPPF.

3) The proposed development has not shown that surface water discharge can be acceptably dealt with without resulting in flooding elsewhere, contrary to Policy LEAV4 of the Leavenheath Neighbourhood Plan and Policy LP27 of the JLP and the NPPF.

4) In the absence of a signed s.106 agreement the development would not provide a contribution to primary and secondary school transport contrary to Policy LP29 of the Joint Local Plan which states that development will be expected to provide home to school transport contributions.

5) In the absence of a signed s.106 agreement the development would not provide a contribution to affordable housing, contrary to Policy SP02 of the Babergh and Mid Suffolk Joint Local Plan.

6) In the absence of a signed s.106 agreement or RAMS payment the proposed development would have of an unacceptable impact on the Stour and Orwell Estuaries Special Protection Area (SPA) contrary to Policy SP09 of the JLP and the Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS).

And the following additional reason for refusal as agreed:

There is no provision for a minimum of 10 per cent Biodiversity Net Gain. This is contrary to policies SP09 and LP16 of the Joint Local Plan and Leavenheath Neighbourhood Plan LEAV3.

## **77 DC/23/04452 LAND SOUTH OF HIGH ROAD, LEAVENHEATH**

### **77.1 Item 8B**

Application Proposal	DC/23/04452 Outline Planning Application (Access to be considered all other matters reserved) – Erection of 40no. dwellings with associated open space and landscaping buffers
Site Location	Land South of High Road, Leavenheath

Applicant                      Boxford (Suffolk) Holdings Ltd

- 77.2 A break was taken from 10:44am until 10:54am, after application number DC/23/03653 and before the commencement of application number DC/23/00452. Councillor Grandon left the meeting at 10:44am.
- 77.3 The Case Officer introduced application to the Committee outlining the proposal before Members including the location of the site, the site constraints, the Leavenheath Neighbourhood Plan, the proposed access to the site, the proposed landscaping plan, the housing mix, the alternative surface water drainage scheme, the view from the site considered to be of community importance, and the Officer recommendation of refusal.
- 77.4 The Area Planning Manager advised Members of an additional reason for refusal relating to the lack of biodiversity net gain.
- 77.5 The Case Officer, responded to questions from Members on issues including: the inclusion of landscaping and access details in an Outline Planning application, any pre application advice provided to the applicant, the response received from Suffolk County Council Highways, and the proposed housing mix.
- 77.6 The Area Planning Manager and the Planning Lawyer responded to questions from Members regarding the condition relating to the biodiversity net gain of the development.
- 77.7 Members considered the representation from Paul Mortlock who spoke on behalf of Leavenheath Parish Council.
- 77.8 The Parish Council representative responded to questions from Members on issues including: the reasons for the Parish Council's objections to the development, the location of the development, and the proposed housing mix.
- 77.9 Members considered the representation from the Susanna Rendall who spoke as the Applicant.
- 77.10 The Area Planning Manager responded to questions from Members relating to the allocation of the site within the Leavenheath Neighbourhood Plan and the Joint Local Plan.
- 77.11 The Applicant responded to questions from Members on issues including: whether consideration could be given to reducing the number of dwellings, the proposed drainage plans, the reasons for a full planning application not being submitted, any pre application advice received regarding the numbers of dwellings, the housing needs assessment, and the allocation of the site within the Leavenheath Neighbourhood Plan and the Joint Local Plan.
- 77.12 Members debated the application on issues including: the effect of recent changes in planning policy, including the adoption of the Joint Local Plan Part 1, on the application, the open space provision, potential surface water

drainage issues, the sustainability of the location, the proposed drainage scheme, and the Leavenheath Neighbourhood Plan including the identified housing needs and the allocation of the site.

77.13 Councillor Register proposed the application be refused as detailed in the Officer recommendation and with the additional reason for refusal, as read out by the Area Planning Manager.

77.14 Councillor Plumb seconded the proposal.

By a vote of 7 votes For and 3 Against

**It was RESOLVED:**

**That the application is REFUSED planning permission based on the following reasons:-**

1) The proposed development by virtue of its scale and location would be contrary to Policy LEAV5 and LEAV6 of the Leavenheath Neighbourhood Plan which requires new development outside of the settlement boundary to be self-contained and have logical, natural boundaries, while development which undermines the physical or visual separation of the three settlements will not be supported. The proposed development is not within a site with natural boundaries and would result in a development which undermines the physical and visual separation of High Road and Honey Tye resulting in development which is detrimental to the character of the High Road area of Leavenheath. Due to the above, the development would also be contrary to Policy SP03 of the Joint Local Plan which states that outside of the settlement boundaries development will normally only be permitted where it is in accordance with a Neighbourhood Plan.

2) The proposed development by virtue of its scale and location, would result in a non-sustainable development, highly dependent on private vehicle for everyday trips contrary to the NPPF.

3) The proposed development by virtue of its scale and siting would be contrary to Policy LEAV12 of the Leavenheath Neighbourhood Plan as it would result in a development with insufficient space for suitable onsite recreational green space and play equipment.

4) The proposed development by virtue of its proposed housing type would be contrary to Policy LEAV7 of the Leavenheath Neighbourhood Plan as it would include a significant amount of 4 and 5 bedroom dwellings.

5) The proposed development has not shown that surface water discharge can be acceptably dealt with without resulting in flooding elsewhere, contrary to Policy LEAV4 of the Leavenheath Neighbourhood Plan and Policy LP27 of the JLP and the NPPF.

6) In the absence of a signed s.106 agreement the development would not

provide a contribution to primary and secondary school transport contrary to Policy LP29 of the Joint Local Plan which states that development will be expected to provide home to school transport contributions.

7) In the absence of a signed s.106 agreement the development would not provide a contribution to affordable housing, contrary to Policy SP02 of the Babergh and Mid Suffolk Joint Local Plan.

8) In the absence of a signed s.106 agreement or RAMS payment the proposed development would have of an unacceptable impact on the Stour and Orwell Estuaries Special Protection Area (SPA) contrary to Policy SP09 of the JLP and the Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS).

And the following additional reason as agreed:

There is no provision for a minimum of 10 per cent Biodiversity Net Gain. This is contrary to policies SP09 and LP16 of the Joint Local Plan and Leavenheath Neighbourhood Plan LEAV3.

**78 DC/21/02405 LAND EAST OF ARTISS CLOSE AND ROTHERAM ROAD, BILDESTON, SUFFOLK**

78.1 Application number DC/21/02405 was removed from the agenda before the commencement of the meeting.

The business of the meeting was concluded at 11.59 am.

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Chair