

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN THE ELISABETH ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 16 MAY 2018

PRESENT: Peter Beer - Chairman

Sue Ayres	David Busby
Michael Creffield	Luke Cresswell
Derek Davis	Alan Ferguson
Michael Holt	Jennie Jenkins
Adrian Osborne	Lee Parker
Stephen Plumb	David Rose
Ray Smith	

John Hinton was unable to be present:

160 SUBSTITUTES AND APOLOGIES

It was noted that in accordance with Committee and Sub-Committee Procedure Rule No 20, a substitute was in attendance as follows:-

Alan Ferguson (substituting for John Hinton)

161 DECLARATION OF INTERESTS

Jennie Jenkins declared a local non-pecuniary interest in Item 3 – Application No DC/18/00978 because her partner, Gordon Jones, is a Cabinet Member at Suffolk County Council.

David Busby declared a non-pecuniary interest in Item 3 – Application No DC/18/00978 in his capacity as a member of the Capel Community Trust.

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

None received.

163 PL/17/41 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/41 (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received since the publication of the Agenda, but before noon on the working day before the meeting, together with errata.

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/17/41 and the speakers responded to questions put to them as provided for under those arrangements.

<u>Application No.</u>	<u>Representations from</u>
DC/18/00535 and DC/18/00536	Simon Quantrill (Parish Council) Matthew March (Objector) Neil Ward (Agent for the Applicant)
DC/18/00544	Neil Ward (Agent for the Applicant)
DC/18/00978	Chris Matthews (Parish Council) Rebecca Richardson (Objector) Maggie Boswell (Supporter) Apos Petrakis (Agent for the Applicant) Revd Andrew Sankey (Applicant – to answer questions) Sue Carpendale (Ward Member)
DC/17/05932	Joanna Robinson (Supporter) Mrs Milsom (Applicant) Peter le Greys (Agent for the Applicant – to answer questions) Bryn Hurren (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/17/41 be made as follows:-

164 DC/18/00535 & DC/18/00536 THE WALLED GARDEN, NURSERY LANE, WOOLVERSTONE

WOOLVERSTONE

Application Nos. DC/18/00535 and DC/18/00536 Paper PL/17/41 – Item 1	Full Application and Application for Listed Building Consent – alterations and extension to form single-storey dwelling and construction of associated works, The Walled Garden, Nursery Lane.
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The Case Officer, Elizabeth Flood in introducing this application, advised Members that the outstanding information regarding land contamination had now been received, as a result of which item (1) of Recommendation A (Page 12 of the officer report) was no longer required.

The Heritage Officer, Jonathan Duck, was present at the meeting, and reiterated the Heritage view that it was essential to retain the Listed Building, with the house being in the garden.

Members were aware of the concerns expressed by the agent about the terms of the Section 106 agreement and concluded that this should remain as recommended by the officers if planning permission was granted.

Recommendation A (planning application) as amended was proposed and seconded and carried on being put to the vote. Recommendation B (Listed Building application) was then moved and carried.

It was RESOLVED

(1) That authority be delegated to the Corporate Manager – Growth and Sustainable Planning to grant planning permission subject to the prior completion of a Section 106 Planning Obligation or Undertaking on appropriate terms to his satisfaction to secure the following heads of terms:

- That only 1 dwelling of the three other dwellings (plots 10,11 and 13/Courtyard House) which are currently being completed may be sold before the new plot 12 within the Walled Garden is sold
- Long Term Conservation Plan
- 1 open day per year of the Walled Garden and associated structures
- No sale, lease etc of the Walled Garden and associated structures away from new plot 12
- No subdivision of the Walled Garden
- To ensure only one plot 12 dwelling is built
- Any other obligation within the original S106 Agreement

and that such permission be subject to conditions including:-

- Standard time limit
- Approved plans
- Details of materials
- As recommended by the Heritage Officer in relation to details of the new building
- As recommended by highways
- Removal of new entrance to the Walled Garden from plot 11 and closure of access gate to plot 11

(2) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured to the satisfaction of the Corporate Manager – Growth and Sustainable Planning he be authorised to refuse planning permission on appropriate grounds.

(3) That Listed Building Consent be granted subject to conditions including:-

- Standard time limit
- Approved plans
- Details of materials

- As recommended by the Heritage Officer in relation to details of the new building
- Removal of new entrance to the Walled Garden from plot 11 and closure of access gate to plot 11

165 DC/18/00544 THE WALLED GARDEN, NURSERY LANE, WOOLVERSTONE

WOOLVERSTONE

**Application Nos. DC/18/00544
Paper PL/17/41 – Item 2**

Full Application – erection of detached double garage and associated works and revised curtilage, The Walled Garden, Nursery Lane.

The Case Officer, Elizabeth Flood, informed Members that there were no updates to the report.

It was RESOLVED

That planning permission be granted subject to conditions including:-

- **Standard time limit**
- **Works to the existing garage in accordance with the approved plans to be undertaken within three months**
- **Approved Plans**
- **Parking spaces**

166 DC/18/00978 THE STREET, CAPEL ST MARY

CAPEL ST MARY

**Application No. DC/18/00978
Paper PL/17/41 – Item 3**

Full Application and Application for replacement church building with multi-functional use spaces for church groups and the community, a commercial kitchen, office, plant, WC and storage. The first floor will include the main worship space, a secondary kitchen, meeting, WC and storage spaces, The Street.

The Case Officer, Samantha Summers, in introducing this item, informed Members that there were no updates to the report.

After listening to the comments of the public speakers, and following an initial discussion, Members concluded that they needed further information regarding light assessment and the relationship of ridge heights to neighbouring property before they could proceed to determine the application. A motion to defer consideration on that basis was carried on being put to the vote.

It was RESOLVED

That consideration of Item 3 of Paper PL/17/41 (Application No DC/18/00978) be deferred to a future meeting of the Committee to enable submission of Daylight / Sunlight Assessment and drawing to show overlay of proposed and existing ridge heights in relation to neighbouring property.

167 DC/17/05932 LAND ADJACENT WELL HOUSE, ROUND MAPLE, EDWARDSTONE

EDWARDSTONE

**Application Nos. DC/17/05932
Paper PL/17/41 – Item 1**

Full Application – erection of 2 two-bed dwellings, land adjacent Well House, Round Maple.

The Case Officer, Jamie Edwards, in introducing this item, referred to the Addendum Note to Paper PL/17/05932 which contained the following:-

- Summary of Heritage Comments received following production of the officer report.
- Consequential revision of pages 38-40 of the report covering PART FOUR – CONCLUSION and including a revised officer recommendation.

He also corrected the information on Page 35 in B: Representations which should read 3 (not 4) objections and 8 (not 7) in support.

During the debate on this item, it appeared that Members might be minded to consider granting planning permission. The Case Officer referred to the Heritage Officer's comment that he would be prepared to re-consider his advice to Committee if the applicant was prepared to amend the design of the proposed cart lodges as reported in the Addendum Note and that this could be conditioned in any approval. Gemma Pannell, Area Planning Manager addressed comments made by the agent regarding a recent appeal in Braintree District and confirmed that the reference to 'isolated' was not relevant to this application in that the site was not considered isolated in relation to other dwellings in the locality. However, the three strands of sustainability should be taken into account.

Notwithstanding the officer recommendation of refusal as revised and set out in the Addendum Note, a recommendation of approval with conditions was moved on the grounds that the benefits of the proposed development outweighed the small degree of harm which it represented, and that those benefits included the need for this type of housing and therefore paragraph 14 of the NPPF was engaged. At this point, Jo Hooley, the Legal Adviser to the Committee, referred Members to recent Judicial Review proceedings against Babergh which focussed on the importance of giving considered reasons and clearly identifying the exceptional circumstances which exist in each case.

Further discussion followed as a result of which no additional reasons or exceptional circumstances were identified and the motion to approve proceeded on the basis of the need for this type of housing and the benefits outweighing the harm, as referred to above. The voting was 7 in favour of approval with 7 against. The Chairman exercised his casting vote against approval and the motion was lost.

The revised recommendation of refusal as set out in the Addendum Note was proposed and seconded, resulting in the same equality of votes as before. The Chairman exercised his casting vote in favour of the motion to refuse the grant of permission.

It was RESOLVED

That planning permission be refused for the following reasons:-

- **Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will be permitted only in the Countryside in exceptional circumstances subject to proven justifiable need. CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. The site is not well related to the existing settlement, and no supporting evidence has been provided that justifies the need for the proposal, and that the site is a sustainable location. As a result, the proposal does not accord with policies CS2, and CS15.**
- **Whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.**
- **Policy CN06 of the Babergh Local Plan (2006) states that new development should be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting. The excessively large cart lodge causes harm to the grade II listed building, contrary to Policy CN06. Furthermore, with regards to the NPPF the proposal would fail to comply with the requirements of paragraphs 14 and 134, in that the harm caused is not outweighed by the public benefit.**
- **The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five-year housing land supply, it is considered that the unsustainable location significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.**

The business of the meeting was concluded at 12.45 p.m.

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Chairman