

## **BABERGH DISTRICT COUNCIL**

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Frink Room (Elisabeth)  
- Endeavour House on Wednesday, 19 October 2022 at 09:30am

### **PRESENT:**

Councillor: Stephen Plumb (Chair)  
Leigh Jamieson (Vice-Chair)

Councillors: Sue Ayres Peter Beer  
David Busby John Hinton  
Michael Holt Alastair McCraw  
Mary McLaren Adrian Osborne

### **Ward Member(s):**

Councillors: Councillor Clive Arthey  
Councillor Elisabeth Malvisi  
Councillor Margaret Maybury

### **In attendance:**

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

### **53 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

53.1 Apologies were received from Councillor Simon Barrett and Councillor Alison Owen.

53.2 Councillor Sue Ayres substituted for Councillor Barrett.

### **54 DECLARATION OF INTERESTS**

54.1 There were no declarations of interest declared.

### **55 PL/22/14 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 05 OCTOBER 2022**

It was **RESOLVED:**

**That the minutes of the meeting held on 05 October 2022 were confirmed and signed as a true record.**

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

56.1 None received.

## 57 SITE INSPECTIONS

57.1 None received.

## 58 PL/22/15 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/22/15 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/21/03185	Irene Mitchell (Lavenham Parish Council) Abby McKay-Hipwell (Agent) Councillor Margaret Maybury (Ward Member) Councillor Clive Arthey (Ward Member)
DC/22/01674	John Purser (Objector) Councillor Elisabeth Malvisi (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/22/15 be made as follows:-**

## 59 DC/21/03185 LAVENHAM PRESS, 47 WATER STREET, LAVENHAM, SUFFOLK, CO10 9RN

59.1	Application Proposal	DC/21/03185 Planning Application. Demolition of existing unlisted buildings and structures and erection of retirement living accommodation to include associated amenity space, landscaping, parking and vehicular access
	Site Location	<b>LAVENHAM</b> - Lavenham Press, 47 Water Street, Lavenham, Suffolk CO10 9RN
	Applicant	McCarthy Stone Retirement Lifestyles Limited

59.2 The case officer introduced the application to the Committee outlining the proposal before Members including: the location of the site, the existing and proposed layouts of the site, access to the site, and the officer recommendation of refusal as detailed in the report.

59.3 The Case Officer and the Area Planning Manager responded to questions

from Members on issues including: the pre-application advice provided to the applicant, the reasons for refusal and the weight given to the lack of affordable housing, the proposed parking provision at the site, the population of Lavenham, the proposed number of dwellings on site, the age of the existing building, whether the existing occupants of the building have identified a relocation site, and the response in the report from NHS England and its relevance to this application.

- 59.4 Members considered the representation from Irene Mitchell who spoke on behalf of Lavenham Parish Council.
- 59.5 The Parish Council representative responded to questions from Members on issues including: whether the Parish Council raised the issue of the design with the applicants, the condition of the footpaths on Water Street, and the housing needs identified in the Lavenham Neighbourhood Plan.
- 59.6 Members considered the representation from Abby McKay-Hipwell who spoke as the Applicant.
- 59.7 The Applicant responded to questions from Members on issues including: the pre-application advice given, the design of the buildings and whether the Suffolk Design Guide was consulted, the loss of employment land, the reasons the site was not marketed as employment land, and what engagement took place between the applicant and the community.
- 59.8 Members considered the representation from Ward Member, Councillor Maybury who spoke against the application.
- 59.9 The Ward Member responded to questions from Members on issues including: the length of time the site had been available, and whether there had been any interest from developers.
- 59.10 Members considered the representation from Ward Member, Councillor Arthey, who spoke against the application.
- 59.11 The Ward Member and the Area Planning Manager responded to questions from Members on issues including: which of the heritage assets on site were included within the development, and whether the current occupiers of the building would remain in the village.
- 59.12 The Case Officer and the Area Planning Manager responded to questions from Members on issues including: the ownership of the heritage asset on site which is not part of the application, and the dates of the pre-application advice provided by Officers.
- 59.13 Members debated the application on issues including: the existing employment use of the land, the marketing of the site, the design and density of the proposed development, and the proposed number of dwellings on site compared to the number identified in the Lavenham Neighbourhood Plan.

59.14 Councillor Beer proposed that the application be refused as detailed in the Officer recommendation.

59.15 Councillor Holt seconded the proposal.

59.16 Members continued to debate the application on issues including: the Lavenham Neighbourhood Plan, heritage issues, the Suffolk Design Guide, loss of existing employment land, the lack of affordable housing proposed at the site, and the reasons for refusal.

59.17 Area Planning Manager provided clarification to Members regarding the reasons for the lack of affordable housing and Company Infrastructure Levy contribution.

59.18 The Proposer and Seconder agreed to the following amendment to the reasons for refusal:

Delegate to the Chief Planning Officer to review for final wording based on original recommendation.

By a unanimous vote

**It was RESOLVED:**

**That the application is REFUSED planning permission and authority be delegated to the Chief Planning Officer to review the final wording based on the original recommendation which reads as follows:**

**Babergh's Local Plan Policy EM24 states: "Planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored.**

**"In this instance, the applicant has neither marketed the site, nor demonstrated that it is unsuitable or not viable for all forms of employment-related use. As such, the proposal is contrary to Policy EM24.**

**Policy CN01 states: "All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location."**

**Core Strategy Policy CS15 repeats this, by stating that development should: " i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views; ii)make a positive contribution to the local character, shape and scale of the area..."**

**Lavenham's Neighbourhood Plan Policy D1 states, inter alia, that: "All development proposals will be expected to preserve and enhance**

Lavenham's distinctive character." These sentiments are also echoed in its Policy H1.

Paragraphs 66 and 72 of the Listed Buildings and Conservation Areas Act state that the local planning authority shall have special regard to terms of preserving a listed building (including its setting) and preserving or enhancing the character or appearance of a conservation area.

Paragraphs 197, 199, 200, 202 and 203 of the NPPF describe the way in which local planning authorities should have due regard to sustaining and enhancing the significance of heritage assets and give guidance as to how any harm can only be outweighed by public benefits.

This approach is echoed in Babergh's Local Plan Policy CN08 which states: That development which have an impact on views into or out of a conservation area should: "preserve or enhance the character of the conservation area or its setting" and is also within DP1 which asks that the scale and character of the proposal: "respects the landscape, landscape features, streetscape/townscape, heritage assets and important spaces and historic views into and out of the village" and that "the proposal will make a positive contribution to the local character, shape and scale of the area."

In this instance, it is proposed to erect a two-storey building, larger than the existing commercial premises, dwarfing the dwellings on Water Street. This represents an overdevelopment of the site, out of character for this part of Lavenham with a scale, and form out-of-keeping with adjacent and nearby buildings. In addition, the existing 47 Water Street has been excluded from the development, isolating it with insufficient space around the property.

The Landscaping scheme shows bitmac and tarmac within the site and the car parking for the scheme appears unattractive and utilitarian in appearance.

As such, the development would cause harm to heritage assets – listed buildings and the conservation area – and is therefore contrary to the aims and objectives of Babergh Local Plan Policy CN08 and Core Strategy Policy CS15 and Lavenham's NP policies D1 and H1.

The proposal is also contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. The benefits of housing supply and improved residential amenity are not sufficient to outweigh this heritage harm and, as such, the proposal offends Paragraphs 197, 199, 200, 202 and 203 of the NPPF.

Policy CS19 of Babergh's Core Strategy states that developments of this size require a contribution to affordable housing by way of a percentage of units within the scheme or alternatively a commuted sum for an off-site provision.

Lavenham's NP Policy H3 echoes this "in order to facilitate a cohesive community affordable housing must be designed to be integral to the development as a whole." Neither units nor a commuted sum has been offered with this development, contrary to CS19, LNP H3 the aims of the NPPF.

Babergh's Core Strategy Policy CS15 states that developments should "minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk" and also "minimise surface water run-off and incorporate sustainable drainage systems(SUDs) where appropriate"

In this instance, insufficient information has been submitted with regards to surface water flooding by way of flood risk assessment. This is contrary to the above policy as well as paragraph 167 of the NPPF.

## 60 DC/22/01674 LAND SOUTH OF, TAMAGE ROAD, ACTON

60.1	Application Proposal	DC/22/01674 Application under S73 of The Town and Country Planning Act 1990 relating to DC/19/03126 for the variation of Condition 2 (List of Approved Drawings) Condition 4 (Soft landscaping) and Condition 16 (Drainage/foul)
	Site Location Applicant	<b>ACTON</b> – Land South of, Tamage Road, Acton Bloor Homes Eastern

60.2 A break was taken from 11:00 until 11:12am, after application number DC/21/03185 and before the commencement of application number DC/22/01674.

60.3 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location and layout of the site, the proposed amendments to the conditions, the previously approved plans, the proposed improvements to the play area, and the officer recommendation of approval as detailed in the report.

60.4 The Case Officer responded to questions from Members on issues including: whether the changes will mean that there will no longer be a permanent pond on site, details of the proposed plans for the SUDS basin, the reasons why the applicant did not comply with the previously agreed condition, and the timescale for the plans to take effect.

60.5 The Planning Lawyer provided clarification that the proposed works were a redesign of the current approved plans and not a retrospective application.

60.6 Members considered the representation from John Purser who spoke as an

Objector.

- 60.7 The Objector responded to questions from Members on issues including: what the community would accept as a compensation for the proposed amendments to the original condition, and whether the area would be large enough to accommodate an alternative suggestion.
- 60.8 The Case Officer provided clarification to Members that the proposals in the report did not propose to remove any soil from the public open space area, and the type of play equipment proposed by the applicant.
- 60.9 Ward Member Councillor Malvisi read out a statement objecting to the proposal from Ward Member Councillor Nunn who was unable to attend the meeting.
- 60.10 The Ward Member responded to questions from Members on issues including: the Ward Members view on the proposal, and other sports and play equipment provision in the area.
- 60.11 The Area Planning Manager provided clarification regarding the long-term maintenance of the site, and the references made in the Ward Members statement to the working hours during the build phase of the development and the comments made during the presentation of the site inspection request at a previous committee meeting.
- 60.12 Members debated the application on issues including: the fact that the applicant had not complied with the previously approved conditions, the inconvenience to local residents of any work having to be re-undertaken, the advice provided by the Suffolk County Council Flood and Water Engineer, and the potential loss of open space.
- 60.13 Councillor Beer and Councillor Ayres left the meeting at 12:16pm.
- 60.14 The Ward Member responded to a question from Members regarding whether Acton had a Neighbourhood Plan in place.
- 60.15 Councillor McCraw proposed that the application be approved as detailed in the recommendation.
- 60.16 Councillor McLaren seconded the proposal.
- 60.17 Members continued to debate the application on issues including: the impact on local residents and whether the proposed improvements to the play area was considered acceptable compensation.
- 60.18 Councillor McCraw and Councillor McLaren agreed to the following additional condition:

Officers to ensure that long-term maintenance of SUDS and fence are captured by conditions

By a vote of 6 votes for and 2 against

**It was RESOLVED:**

**That the application is GRANTED S.73 planning permission and includes the following conditions:-**

- **Timescale for undertaking alterations to the SUDs basin**
- **Details of additional play equipment and installation of play equipment within 3 months of approval.**
- **Following the seed supplier recommendations on good ground preparation, seeding, establishment and long-term management to ensure the wildflower mix establishes successfully.**
- **All relevant conditions from planning application DC/19/03126.**
  
- **Any other conditions the Chief Planning Officer may deem appropriate.**

**Standard Informatives.**

**And the following additional condition:**

**Officers to ensure that long-term maintenance of SUDS and fence are captured by conditions**

The business of the meeting was concluded at 12:30pm.

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Chair