

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, 29 November 2023 at 09:30am.

PRESENT:

Councillor: Stephen Plumb (Chair)

Councillors:	Peter Beer	David Busby
	Jane Carruthers	Jessie Carter
	Paul Clover	Kathryn Grandon
	Adrian Osborne	Lee Parker
	Isabelle Reece	Tim Regester

Ward Member(s):

Councillors: Elisabeth Malvisi

In attendance:

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

39 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 39.1 Apologies for absence were received from Councillor Helen Davies, Councillor Holt, Councillor Maybury, and Councillor Whyman.
- 39.2 Councillor Busby substituted for Councillor Davies.
- 39.3 Councillor Clover substituted for Councillor Holt.
- 39.4 Councillor Reece substituted for Councillor Maybury.
- 39.5 Councillor Parker substituted for Councillor Whyman.

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

- 40.1 The Planning Lawyer confirmed that Councillor Plumb had informed the Officers that the applicant for application number DC/23/03652 had had previous dealings with Glemsford Parish Council. The Planning Lawyer

advised that as the Chair of Glemsford Parish Council, Councillor Plumb did not have an interest in the application.

41 DECLARATIONS OF LOBBYING

41.1 There were no declarations of lobbying.

42 DECLARATION OF PERSONAL SITE VISITS

42.1 There were no declarations of personal site visits.

43 BPL/23/09 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18 OCTOBER 2023

It was RESOLVED:

That the minutes of the meeting held on 18 October 2023 were confirmed and signed as a true record.

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

44.1 None received.

45 SITE INSPECTIONS

45.1 None requested.

46 BPL/23/10 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/23/10 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/23/03652	Marianne Munday (Bentley Parish Council) Ben Moore (Agent)
DC/23/04007	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/23/10 be made as follows:-

47 DC/23/03652 LAND EAST OF, CAPEL ROAD, BENTLEY, SUFFOLK

47.1 Item 8A

Application DC/23/03652
Proposal Application for Outline Planning Permission (Access points to be considered, Landscaping, Appearance, Layout and Scale Reserved) Town and Country Planning Act 1990 (as amended) - Erection of 24No. dwellings (including 8 no. affordable units and public open space) (following removal of existing structures).
Site Location Land East of, Capel Road, Bentley, Suffolk
Applicant Mixbrow Construction

- 47.2 Councillor Busby confirmed that he would remain on the Committee for the duration of the application and would not speak as Ward Member.
- 47.3 The Case Officer introduced the case to the Committee outlining the proposal before Members including: the contents of the tabled papers, the site location, the planning history at the site, the proposed connectivity plan including the location of public footpaths, the existing site plan and access points to the site, the indicative proposed site layout plan, the proposed housing tenure and mix, the Bentley Neighbourhood Plan, the location of the existing public open spaces, the proposed tree retention, removal and planting plan, and the officer recommendation of refusal as detailed in the tabled papers.
- 47.4 The Area Planning Manager responded to questions from Members regarding the lack of Community Infrastructure Levy (CIL) contribution referred to in the reasons for refusal and clarified that this should instead refer to a Recreational Avoidance Mitigation Strategy (RAMS) payment.
- 47.5 The Case Officer and Councillor Busby, the Ward Member responded to questions from Members regarding the Bentley Neighbourhood Plan and the sites identified by the Plan for future development.
- 47.6 The Area Planning Manager and the Case Officer responded to further questions from Members on issues including: the CIL contribution, the reason for refusal relating to the sustainability of the site and the relevance of this to applications across the District, the hedgerows to be removed, and the location of the pond.
- 47.7 Members considered the representation from Marianne Munday who spoke on behalf of Bentley Parish Council.
- 47.8 The Parish Council Representative responded to questions from Members regarding the public transport provision in the village, and connecting footpaths.

47.9 Members considered the representation from Ben Moore who spoke as the Agent.

47.10 The Agent responded to questions from Members on issues including: the housing needs survey which was undertaken, and the housing mix.

47.11 The Area Planning Manager provided clarification to Members regarding which conditions could be applied to an application in respect of housing allocations.

47.12 Members debated the application on issues including: the adequacy of proposed open spaces, housing allocations, the sustainability of the development, the public transport provision, the cycling and walking paths in the area, and the Bentley Neighbourhood Plan.

47.13 Councillor Parker proposed that the application be refused as detailed in the Officer recommendation contained in the tabled papers.

47.14 Councillor Register seconded the proposal.

By a vote of 10 votes for and 1 against

It was RESOLVED:

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

- **The proposed development does not relate well to the village's existing pattern of development, and the new built form would result in the closure of an important gap in the streetscape that would be disrespectful to the historic environment, namely the nearby locally listed pub The Case is Altered. Which is not in accordance with the expectations of the Joint Local Plan policies LP17 and LP24.**

- **The number of units sought would over develop the site and in effect elongate the settlement. The existing settlement boundary at the west would then be entirely diluted and indistinguishable. Consequently, the new development will diminish the local distinctiveness of the village by not paying due regard to the scale, form and nature of adjacent development and the environment surrounding the site; and is considered to not demonstrate accordance with the Joint Local Plan Policy LP24."**

48 DC/23/04007 LAND BETWEEN VICARAGE LANE AND TAMAGE ROAD, ACTON, SUFFOLK

48.1 Item 8B

Application DC/23/04007

Proposal Application under Section 73 of The Town and Country Planning Act for DC/22/01674 for variation of Conditions 1 (Approved plans and documents) & 4 (Additional pieces of play equipment)
Site Location Land between Vicarage Lane and Tamage Road, Acton, Suffolk
Applicant Bloor Homes Eastern

48.2 A break was taken from 11:01am until 11:12am, after application number DC/23/03652 and before the commencement of application number DC/23/04007.

48.3 The Case Officer presented the application to Committee outlining the proposal before Members including: the site location, the previously approved plans and the agreed amendments to the SUDS basin, the play equipment approved and in place, the proposed gym equipment detail and location, details of the proposed fitness trail, and the recommendation of approval.

48.4 The Case Officer responded to questions from Members on issues including: the cost of the equipment.

48.5 Members considered the representation from Councillor Malvisi who spoke as the Ward Member.

48.6 Councillor Beer proposed that the application be approved as detailed in the Officer recommendation.

48.7 Councillor Busby seconded the proposal.

By a unanimous vote

It was RESOLVED:

[Subject to securing the proposed Section 111 agreement on terms to the satisfaction of the Chief Planning Officer]: That the application under Section 73 of The Town and Country Planning Act for DC/22/01674 for variation of Conditions 1 (Approved plans and documents) & 4 (Additional pieces of play equipment) is APPROVED for the following reasons:-

The provision of the fitness trail is a material consideration which outweighs paragraph 135 of the NPPF

The business of the meeting was concluded at 11:27am.

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Chair