

MINUTES OF A MEETING OF THE DEVELOPMENT COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 2 NOVEMBER 2011

PRESENT: Mr P K Beer – Chairman

Mr C W Arthey	Mr N MacMaster
Dr M F M Bamford	Mrs M O Munson
Mr M J Deacon	Mr A F D W Osborne
Mrs K S Grandon	Mr D C Rose
Mr P J Holbrook	Mr R C Smith
Mr P Jones	Mr R W Thake
Mr D H Keane	Mr A J Ward

Mr S R Barrett (Ward Member for Sudbury (South)), was present at the meeting and spoke on Item No. 13 of Paper L91 with the consent of the Chairman. This related to an application in the Parish of Chilton.

53 DECLARATION OF INTERESTS

Mr N MacMaster declared a personal interest in Item No. 13 of Paper L91 (Application No B/11/00830) as he is a patient of a Surgery that is proposing to use the health centre, but stated that he was able to speak and vote on the item.

54 MINUTES

RESOLVED

That the Minutes of the meeting held on [5 October 2011](#) be confirmed and signed as a correct record.

55 PETITIONS

The Director of Corporate Services reported, in accordance with Council Procedure Rule No. 13, the receipt of the following petition submitted to the Chief Executive.

Application No. B/10/01237 – land at Benton End Farm, Benton End, Benton Street, Hadleigh – Planning application in respect of Paintball games

Petition with 900 signatories, at least 20 of which were residents of Babergh expressing support for the application.

The petition was referred to in Item 1 of Paper L91 which is to be considered at this meeting.

In accordance with Council Procedure Rules, the Chief Executive will report the receipt of the petition to the Council meeting on 6 December 2011.

56 QUESTIONS FROM MEMBERS

None received.

57 SITE INSPECTIONS

RESOLVED

- (1) That site inspections be held on Wednesday, 9 November 2011 in respect of the undermentioned sites, prior to consideration of the applications by the Committee:-

SUDBURY

Application No. B/11/00563/OUT **Outline Application – Layout of the site for the erection of 6 (no.) detached dwellings (following demolition of existing bungalow). Construction of vehicular access, as amended by agent’s e-mail dated 10 October 2011 - Deepside, Queens Close.**

Mr J M Owen requested a site inspection to assess the impact of the development upon adjoining properties, traffic and highway safety issues.

LONG MELFORD

Application No. B/11/01203/FUL **Full Application – Change of use of existing detached annexe to detached one and a half storey dwelling including insertion of 2 no. windows and provision of car parking as amplified by letter received 28 October 2011 – The Barn, Liston Lane.**

Mr J M Nunn requested a site inspection to assess the impact of the proposal upon the character of the area.

CHELSWORTH

Application No. B/11/01027/FUL **Full Application – Proposed erection of one and a half storey new dwelling – Part side garden, The Old Manor, The Street.**

Mr C W Arthey requested a site inspection to assess the impact on the conservation area and neighbouring dwellings.

(2) That a Panel comprising the following Members be appointed to inspect the sites:-

Mr C W Arthey	Mr N MacMaster
Dr M F M Bamford	Mrs M O Munson
Mr P K Beer	Mr A F D W Osborne
Mrs K S Grandon	Mr D C Rose
Mr P J Holbrook	Mr R C Smith
Mr P Jones	Mr R W Thake
Mr D H Keane	Mr A J Ward

58 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an [Addendum](#) to [Paper L91](#) (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received since the publication of the Agenda, but before 12 noon on the working day before the meeting, together with errata.

Details of further representations received in respect of Item Nos. 13 of Paper L91 were reported to the meeting and considered and taken into account before a decision was made on the item.

In accordance with the Council's procedure for public speaking on planning applications, representations were made as detailed below:-

<u>Planning Application No.</u>	<u>Representations From</u>
B/10/01237/FUL	Ms E Root (Hadleigh Town Council) Mr I Homer (Objector) Mr A Wright (Applicant)
B/11/00706/FUL and B/11/00707/LBC	Mr R Marsh-Feiley (Applicant)
B/11/00975/FUL	Mrs Hollywood (Applicant)
B/11/01022/ROC	Mr J Gagen (Parish Council) Mr P Cobbold (Agent for Applicant)
B/11/01064/FHA	Ms S Lungley (Applicant)
B/11/00830/FUL	Mr P Clifford (Parish Council) Mr M Royal (Applicant)

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 L91 be made as follows:-

(a) CAPEL ST MARY

Application No. B/11/00792/FUL [Paper L91 – Item 6](#) Full Application – erection of 2 two storey dwellings and garage and relocation of office parking to rear of Capel Court, Capel Court, 107 The Street.

Mrs S Carpendale, Ward Member for Mid Samford, requested a site inspection to assess the impact of the development upon the character of the area.

RESOLVED

- (1) That consideration of the Chief Planning Control Officer's recommendations contained in the application referred to in (a) above be deferred.**
- (2) That a site inspection be held on Wednesday, 9 November 2011, that the Panel of Members appointed under Minute No. 57 above be appointed to inspect the site, and that a report thereon be submitted to the next meeting of the Committee, if appropriate.**

(b) COPDOCK AND WASHBROOK

Application No. B/11/01127/FHA [Paper L91 – Item 10](#) Full Application – erection of solar panels on south facing roof slope (retention of) - Manderley, The Street.

RESOLVED

That it be noted that this Item has been withdrawn from the schedule as the proposals are permitted development.

(c) HADLEIGH

Application No. B/10/01237/FUL [Paper L91 – Item 1](#) Full Application – retrospective application for change of use of land and building from a horse riding centre to recreational use for the staging of paintball games and associated activities, associated access and parking - Benton End Farm, Benton End, Benton Street.

Mr P Black, Development Management Engineer, Suffolk County Council was present at the meeting to answer any questions from Members relating to Highways issues.

RESOLVED

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990 to provide:
- for the prevention of the resumption of the riding school use while paint ball activities are taking place,
 - limit number of liveries to 21 whilst paintballing activities taking place
 - coach setting down to be within the site
 - compliance with a considerate Management Code of Practice
 - for such other obligations as the Chief Planning Control Officer and the Solicitor to the Council consider necessary
 - the applicant to maintain a diary of paintball events including details of dates, times and numbers of participants to be available for inspection by the local planning authority at all reasonable times.
- (2) That subject to the completion of the Planning Obligation referred to in Resolution (1) to the satisfaction of the Solicitor to the Council the Chief Planning Control Officer be authorised to grant planning permission subject to conditions including:
- a limitation on the number of participants to a maximum of 50 (or 60 where participants travel by coach/minibus)
 - hours of use of paintball games to be only between hours of 9.30am and 4.30pm
 - maximum number of paintball events to be limited to 60 days in a calendar year
 - formation of landscape buffer zone to railway walk and extended as appropriate to screen views from Hook Lane
 - entrance gates to open inwards/sideways
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for reasons including:
- Increased activity likely to lead to general disturbance to occupiers of neighbouring properties and increased traffic generation and highway safety.

(d) **COPDOCK AND WASHBROOK**

Application No. B/11/00706/FUL
and B/11/00707/LBC
[Paper L91 – Item 3](#)

Full Application and Application for Listed Building Consent – Conversion of buildings to 3 no. dwellings and erection of garage - Farm Buildings at Amor Hall, The Street.

RESOLVED

A. Application B/11/00706/FUL

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:**
- **A financial contribution towards public open space provision (off-site provision)**
 - **A financial contribution towards affordable housing (off-site provision).**
- (2) That, subject to the completion of the Planning Obligation in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions including:**
- **Materials, detailing and colour finishes**
 - **Landscaping (including means of enclosure)**
 - **Ecological mitigation/enhancement**
 - **Improvements to access (surfacing)**
 - **Timing of provision of vehicle manoeuvring and parking areas**
 - **Land contamination investigations and, if required, remediation**
 - **Removal of permitted development rights for extensions, external alterations, means of enclosure and outbuildings (including pools)**
 - **Provision of a fire hydrant**
 - **Demolition of existing (adjacent) modern agricultural buildings**
 - **No external lighting, unless agreed in advance**
 - **Details of foul drainage**
- (3) That, in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission, for reason(s) including:**
- **Inadequate provision of public open space and play equipment contrary to saved Local Plan Policy HS32**
 - **Inadequate provision for affordable housing contrary to saved Local Plan Policy HS09.**

B. Application B/11/00707/LBC

RESOLVED

That listed building consent be granted, subject to conditions, including:

- **Materials, detailing and colour finishes.**

Note: The Chief Planning Control Officer was requested to negotiate with the applicant on the possibility of passing bays being provided before issuing a planning permission.

(e) LONG MELFORD

Application No. B/11/00975/FUL Full Application – Erection of 1 detached dwelling (following demolition of existing building) - Windmill Hill House, Windmill House.
[Paper L91 – Item 8](#)

A proposal to refuse planning permission for the reasons contained in Item 8 of Paper L91 was proposed and seconded and on being put to the vote was lost.

A subsequent motion to approve the application was made but on further discussion was withdrawn.

The Chairman permitted the debate to be reopened (and then the subsequent motion for refusal was proposed and seconded with an additional ground). The Monitoring Officer advised that it was possible for the decision to be revisited as the Item (and meeting) remained open.

RESOLVED

That planning permission be refused for the following reasons:-

- **Unsustainable form of development in the countryside (HS04)**
- **Sporadic form of development in the countryside that has not been satisfactorily justified (HS04 and CR01)**
- **Lack of an open space contribution (HS32)**
- **Location of site outside village built up area (HS04, CR01).**

(f) THROPE MORIEUX

Application No. B/11/01022/ROC Removal of Condition – Removal of restriction limiting occupation of the house to those employed at the adjoining site (currently The Bull Public House) - The Old Orchard.
[Paper L91 – Item 9](#)

RESOLVED

That planning permission be refused for reasons including:-

The proposed development, including the removal of Condition 05 attached to Appeal APP/D3505/A/01/1077399 (P.P. B/01/00828/OUT) to remove the tie requiring the dwelling to be occupied by someone employed or last employed at the Bull Inn Public House, is contrary to policy CR20 of the Babergh Local Plan Alteration No. 2 (2006) which states that, inter alia, planning permission for a change of use that would result in the loss of a village facility would only be given where it is shown that the facility is no longer needed by the local community, or is no longer commercially viable.

The dwelling that is the subject of this proposal was granted permission in 2001 due to the overriding local need that was considered to outweigh the requirements of the Development Plan at that time. The justification for this dwelling was accepted as being necessary for the continued operation of the Bull Inn and to secure the future viability of this rural facility. Therefore, in considering this proposal, comprehensive justification and evidence would be required to explain why the dwelling is no longer needed as part of, and in support of, the unit as a whole. The applicant has not demonstrated that the application property is not required in support of the public house nor that the unit is not reasonably capable of continuing as a public house. Further, no evidence has been submitted that any other commercial or community uses have been fully explored and no robust marketing information or financial viability information has been submitted. Therefore, the proposal would, if approved, result in the formation of a dwelling house in the countryside without satisfying the local planning authority that this is absolutely necessary to secure the future of the rural facility. Such separation would be contrary to long established policies that look to protect the amenity of the countryside and encourage sustainable patterns of development, in particular Planning Policy Statement 7: Sustainable Development in Rural Areas and Babergh District Local Plan (Alt 2) Policies CR01 and HS04.

(g) COPDOCK AND WASHBROOK

Application No. B/11/01064/FHA [Paper L91 – Item 11](#) Full Application – Erection of two-storey side and single-storey rear extensions - 1 Rose Cottages, Back Lane.

Notwithstanding the recommendation of the Chief Planning Control Officer to refuse planning permission a motion was moved to grant planning permission on the grounds that the proposal complied with Policies CN01 and HS33. On being put to the vote the motion was lost.

RESOLVED

That planning permission be refused for reasons including:-

The proposed development is contrary to policies CN01 and HS33 of the Babergh Local Plan Alteration No 2 (2006). Policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and construction materials for the location. Further to this, policy HS33 states that planning permission for extensions to an existing dwelling will normally be granted provided (inter alia) the scale, mass, external materials and architectural details of the proposed extension reflects and respects the relationship of the site and its setting, and those of adjoining dwellings.

No. 1 Rose Cottage is a modest semi-detached property situated in a prominent position close to the roadside. The proposed side and rear extensions represent a development that dominates and envelops the existing dwelling, being detrimental to its character and original scale. The proposal is not considered to be subservient to the host dwelling, principally due to the side extension having a front elevation as wide as the frontage of the original dwelling. In addition to this, the proposal does not reflect the character of the host dwelling in terms of its fenestration design and architectural details.

Therefore, the proposal, by reason of its scale, mass, bulk, form, and detailed design would result in an overbearing and incongruous addition to the dwelling, which neither reflects nor respects the character and scale of the original dwelling or the surrounding area.

(h) **CHILTON**

Application No. B/11/00830/FUL
[Paper L91 – Item 13](#)

Full Application – Erection of a new community health centre comprising part single part two storey building (approximately 3300 sq mtrs Class D1 floorspace), the construction of a new vehicular access (onto Churchfield Road and an access road serving an in/out entrance and exit to the Health Centre), 180 car parking spaces (with provision for disabled, family and electric car users and secure covered motorcycle and cycle parking provision), the provision of a pedestrian and cycle track with details of external lighting provision, foul and surface water drainage provision and associated landscaping (incorporating tree, shrub and hedgerow planting and associated grassed areas) and an ecological mitigation area - land at County Farm fronting Churchfield Road.

Mr P Black, Development Management Engineer, Suffolk County Council was present at the meeting to answer any questions from Members relating to Highways issues.

Mr J Buckingham, Babergh District Council Principal Environmental Protection Officer, was present at the meeting to answer any questions from Members relating to environmental protection issues.

RESOLVED

That subject to no new material issues being raised by the Garden History Society and the Suffolk Gardens Trust the Chief Planning Control Officer be authorised to grant planning permission subject to conditions including:-

- **Standard time limit**
- **As recommended by Local Highway Authority (including Green Travel Plan)**
- **As recommended by Environment Agency**
- **As recommended by Archaeology**
- **As recommended by Environment protection officers in relation to noise (revised condition)**
- **As recommended by Environment protection officers in relation to illumination**
- **Grampian condition relation to the pedestrian crossing over Waldingfield Road**
- **Grampian condition relation to the cycleway improvement on the Churchfield Road**
- **Grampian condition relation to the barrier for the pedestrian crossing over Waldingfield road**
- **Levels (site and finished floor levels of the building)**
- **Landscaping scheme and replacement of dead or dying species within first 5 years of planting**
- **Ecology- to ensure adequate translocation of reptiles/lizards into the designated area onsite**
- **Restriction of use of the building to that specified and for no other purpose in Class D1 without the prior approval of the Local Planning Authority**
- **Details of surface treatment for the car parks and other hard surfaced areas**
- **Construction of the vehicular access to the land to the north before first occupation of the building**
- **Fencing to protect trees protected by TPO No. BT 375 during construction works**
- **Site management construction plan**
- **Colour of through coloured render to be agreed**
- **No alteration to the exterior of the building unless prior written approval of the Local Planning Authority has been first obtained**
- **Hours of operation (as submitted)**

- **Retention of hedge along Waldingfield road (except for that portion which it is necessary to remove in order to facilitate the construction of the pedestrian access from the site to Waldingfield road)**
- **No vehicular access except from Churchfield Road**
- **Control of parking areas for use by staff (coupled with restricted use at certain hours)**
- **Energy efficient measures**
- **Implementation of submitted and amended lighting scheme**

At this point the meeting adjourned for lunch at 1.40 p.m. and resumed at 2.05 p.m. when the following Members were present:-

Mr P K Beer – Chairman

Mr C W Arthey
Dr M F M Bamford
Mr M J Deacon
Mrs K S Grandon
Mr P J Holbrook
Mr P Jones

Mrs M O Munson
Mr A F D W Osborne
Mr D C Rose
Mr R C Smith
Mr R W Thake
Mr A J Ward

(i) HADLEIGH

Application No. B/11/00890/FUL
[Paper L91 – Item 4](#)

Full Application – Erection of 8 dwellings with garages and car parking (4 dwellings comprising an amendment to plots 163 to 166 approved pursuant to application for approval of reserved matters – LPA ref: B/09/01431/RES), and erection of double garage for the existing dwelling - Birchlands, Lady Lane.

RESOLVED

- (1) That the Solicitor to the Council be authorised to secure a Supplemental Planning Obligation under Section 106 of the Town and Country Planning Act, 1990;**
- (2) That, subject to the completion of the Planning Obligation in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions including:-**
 - **Materials**
 - **Landscaping (including surface finish for parking areas)**
 - **Tree protection**
 - **As recommended by LHA**

(j) **SUDBURY**

Application No. B/11/00484/FUL [Paper L91 – Item 2](#) Full Application – Erection of two-storey side extension to accommodate a staircase to the first floor accommodation and the creation of 2 no. residential apartments on part of first-floor (part amendment to P.P. B/98/00796) - The Dental Emporium, Acton Square.

Members noted that this application is reported to Development Committee in order to obtain a resolution, following the receipt of an appeal against non determination of the application.

RESOLVED

- (1) That had the applicant not appealed to the Secretary of State against non determination, the Council would have refused planning permission for the following reasons:

Government guidance in PPS1 states that Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. PPS5 is also relevant insofar as it deals with designated heritage assets such as conservation areas. Policy HE7 states that the significance of heritage assets should be taken into consideration in assessing proposals and used to assess the impact of any proposal which might be in conflict with the conservation of such assets.

Saved Policy CN01 within the Babergh Local Plan Alteration No.2 (2006) requires all new development to be of appropriate scale, form, detailed design and construction materials for the location with particular regard to amongst other matters the scale, form and nature of surrounding development, use of external materials, retention and use of local features and creating interesting and attractive spaces.

Saved Policy CN08 states that proposals for alteration, extension or change of use of an existing building or new building in a conservation area should among other criteria preserve or enhance the character of the conservation area or its setting, retain all parts and spaces which contribute to its special character. Be of appropriate scale, form and detailed design to harmonise with its setting and use materials and components that complement or harmonise with the character and appearance of the area.

The building now known as the Dental Emporium was formerly a silk mill dating from around 1870 and is a significant unlisted industrial building in the conservation area. This is exemplified by its prominent position within the street scene and its industrial character and history. It also has an attached former manager's house to the side, which adds to the historic interest and character of the group.

The proposed external timber boarded staircase would be a prominent and discordant addition to the side of the main building, which by reason of its size, form and use of uncharacteristic facing materials would blur the relationship between and harm the setting of the two buildings to the detriment of their character and appearance. This would, in particular, harm the appearance of this important heritage asset within the conservation area. The structure positioned directly in front of the main front gable to the former manager's house would be unduly intrusive and give rise to a loss of outlook to the occupiers of the dwelling to the detriment of their amenity.

It is also considered that the insertion of a full length mezzanine floor within the first floor space would be visible behind the large and prominent first floor windows and would significantly harm the visual appearance of the building. The insertion of 12 roof lights would also have an adverse impact on an otherwise un-fenestrated roof.

- (2) That the Chief Planning Control Officer defend the Council's position on appeal on the above grounds.
- (3) That the Chief Planning Control Officer indicate to the Planning Inspectorate that in the event that the appeal is allowed the following conditions should be imposed on any permission.
 - Standard 3 year time limit
 - Facing materials to be approved
 - Refuse/recycling storage details to be agreed
 - Parking details to be agreed.

(k) STOKE BY NAYLAND

Application No. B/11/00737/FUL Paper L91 – Item 5	Full Application – Removal of condition 2 attached to B/08/00007/FUL – Agricultural Occupancy Condition - Rouses Farm, Claves Lane.
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RESOLVED

That planning permission be granted.

(l) BURES ST MARY

Application No. B/11/00916/FUL [Paper L91 – Item 7](#) Full Application – Erection of agricultural building - Smallbridge Hall Farm, Smallbridge.

RESOLVED

That planning permission be granted subject to conditions including:-

- **Materials/detailing to be submitted and approved**
- **Landscaping to be undertaken as proposed**
- **External lighting to be submitted and approved**
- **The building to be removed if no longer used for agriculture.**

(m) BENTLEY

Application No. B/11/00756/FUL [Paper L91 – Item 12](#) Full Application – Erection of single-storey front extension; as amended by drawings received 20 September 2011 - Edel, 7 Link Lane.

RESOLVED

That planning permission be granted subject to conditions including:-

- **Standard time limit for commencement**

59 PLANNING PERFORMANCE

The Chief Planning Control Officer submitted a report ([Paper L92](#)) providing an overview of the number of planning applications and appeals currently being considered by the Planning Control section, together with an indication of performance against national indicators for the period 1 July to 30 September 2011.

RESOLVED

That the information contained in Paper L92 be noted.

Note: The meeting adjourned between 10.55 a.m. and 11.15 a.m. for refreshments.

The business of the meeting was concluded at 2.55 p.m.

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Chairman