

MINUTES OF A MEETING OF THE DEVELOPMENT COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 16 MAY 2012

PRESENT: Mr P K Beer – Chairman

Mr C W Arthey	Mrs M O Munson
Mr M J Deacon	Mr A F D W Osborne
Mrs K S Grandon	Mr J M Owen
Mr P J Holbrook	Mr R C Smith
Mr B D Hurren	Mr R W Thake
Mr P Jones	Mr A J Ward
Mr D H Keane	Mr L H Young

Dr M F M Bamford, Mr N MacMaster and Mr D C Rose were unable to be present.

Councillors J Antill and F R Lawrenson (Ward Members for Waldingfield) and Councillor S R Barrett (Ward Member for Sudbury (South)) were present at the meeting, and spoke on Application No B/09/00932/FUL with the consent of the Chairman.

Councillor J Antill spoke on Application Nos. B/12/00036/FUL and B/12/00169/FUL with the consent of the Chairman.

1 SUBSTITUTES

It was noted that in accordance with Council Procedure Rule No. 5, substitutes were in attendance as follows:

Mr B D Hurren (substituting for Dr M F M Bamford)
Mr J M Owen (substituting for Mr N MacMaster)
Mr L H Young (substituting for Mr D C Rose)

2 ELECTION OF VICE-CHAIRMAN

RESOLVED

That Mr R W Thake be elected Vice-Chairman of the Committee for the ensuing year.

3 DECLARATION OF INTERESTS

Mr L H Young declared a personal interest in Application Nos. B/11/00610/FUL and B/12/00301/ROC by virtue of chairing the meeting of Glemsford Parish Council when it considered its comments on the applications, but stated that he would consider each matter afresh today and was able to speak and vote on the items.

4 MINUTES

RESOLVED

That the Minutes of the meeting held on [18 April 2012](#) be confirmed and signed as a correct record.

5 PETITIONS

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

Application No B/12/00266 – Erection of decking to front of Public House, The Butt and Oyster Inn, Pin Mill Road, Chelmondiston

Petition signed by approximately 28 residents of Babergh in support of the application to improve the outside seating area. The petition will be taken into account when the application is considered.

In accordance with Council Procedure Rules, the Chief Executive will report the receipt of the petition to the Council meeting on 19 June 2012.

6 QUESTIONS FROM MEMBERS

None received.

7 SITE INSPECTIONS

RESOLVED

- (1) **That site inspections be held on Wednesday, 23 May 2012 in respect of the undermentioned sites, prior to consideration of the applications by the Committee:-**

CAPEL ST MARY

Application No. B/12/00353/FHA Full application – erection of a two-storey side and front extension Old Coach House, Bluegate Lane.

Mrs S Carpendale, Ward Member for Mid Samford, requested a site inspection to enable Members to assess the impact of the proposal in the context of the other buildings within the vicinity of the site.

BURES ST MARY

Application No. B/12/00374/FUL Full application – erection of horse field shelter, Great Ropers Hall, Assington Road.

Mr P J Holbrook, Ward Member for Bures St Mary, requested a site inspection to enable Members to assess the impact of the proposal on neighbouring properties, access arrangements and highway safety.

LONG MELFORD

Application No. B/12/00521/FHA Full application and application for Listed Building Consent – erection of a rear conservatory, 8 Westgate Street.

Mr J M Nunn, Ward Member for Long Melford, requested a site inspection to enable Members to assess the impact of the proposal on neighbouring properties and the Listed Building.

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

**Mr C W Arthey
Dr M F M Bamford
Mr P K Beer
Mr M J Deacon
Mrs K S Grandon
Mr P J Holbrook
Mr P Jones
Mr D H Keane**

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

8 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper M19 (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.

In accordance with the Council's procedure for public speaking on planning applications, as amended by the decision of the Committee on 22 February 2012 for consideration of this application, representations were made as detailed below:-

Planning Application No.

Representations From

B/09/00932/FUL

Peter Clifford (Parish Council)
Simon Cairns (on behalf of an Objector)
Lady Hart (Objector)
Nathan Matta (Agent for Applicants)
Robert Audley (Representing the Applicants)

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), a decision on the item referred to in Paper M19 be made as follows:-

CHILTON

Application No. B/09/00932/FUL
[Paper M19 – Item 1](#)

Full Application – Erection of two detached industrial buildings (Use Classes B1, B2 and B8) with service yard, car parking, landscaping and associated works, land east of County Farm, Church Field Road.

Following the presentation of Paper M19 and Addendum by the Chief Planning Control Officer, Members heard from the public speakers and were then addressed by Councillors Lawrenson, Barrett and Antill, who spoke with the consent of the Chairman.

Prior to the commencement of the debate, the Monitoring Officer explained that if the planning application were to be approved then a Section 106 Planning Obligation would be required to restrict the use of the development. It was proposed that such Obligation would restrict the use of the development to the business operations of the applicant as described within the application. This would be enforceable by an injunction. There would be a further condition/obligation requiring commencement and completion of the development within a prescribed period of time. The applicant/landowner will be required to covenant within the obligation that if the development is not completed by the specified date then it will not object to the Local Planning Authority making an order to revoke the planning permission and will re-pay any compensation for which the Local Planning Authority is liable.

During the course of the discussion on the application, Members were mindful of the considerations set out in detail in Paper M19, and reiterated at the meeting in relation to the requirements within chapter 12 of the National Planning Policy Framework (NPPF) concerning conserving and enhancing the historic environment. In particular, the Chief Planning Control Officer emphasised paragraphs 132 and 133 of the NPPF and the need to refuse planning consent where there is substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Members were accordingly advised by the Monitoring Officer that careful consideration was needed as to whether Members were satisfied on balance that the proposed development fulfilled this test.

Reference was also made to draft proposed condition F1 (time limit) and Members were advised by the Monitoring Officer and the Chief Planning Control Officer that in the event that planning permission were to be granted, the draft condition would be re-worded to secure the commencement of the development prior to the expiration of 24 months and the completion of the development prior to the expiration of 36 months.

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:
- adoption of the structural planting belt,
 - payment of a commuted sum for future maintenance,
 - completion of remedial works and additional planting in the structural planting belt,
 - completion of a footpath/cycle path through the structural planting belt including the formation of access points on the Church Field Road/Waldingfield Road frontages,
 - construction of a pedestrian/cycle path along the Church Field Road frontage,
 - future occupation of the development,
 - provision of a Travel Plan,
 - implementation of a training programme,
 - provision of a replacement habitat for Skylarks, and/or
 - any other obligations that the Solicitor to the Council and Chief Planning Control Officer consider necessary.
- (2) That, subject to the completion of the Planning Obligation referred to 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 conditions as set out in Appendix F to Paper M19, with appropriate revisions to condition F1, and including any other conditions that the Chief Planning Control Officer in consultation with the Chairman and Vice-Chairman of the Development Committee considers necessary.
- (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 the following:
- harm, including substantial harm, to designated heritage assets contrary to Policy ENV6 in the East of England Plan and Policies CN06 and CN14 in the Babergh Local Plan,
 - inadequate social and physical infrastructure provision in line with the requirements of Policies ENV3 and ENV7 in the East of England Plan and Policies EN04, CN01, TP01, TP03 and TP04 in the Babergh Local Plan, and/or,
 - failure to provide replacement habitat of Skylarks in line with the provisions of Policy ENV3 in the East of England Plan and Policies EN04 and EN06 in the Babergh Local Plan.

9 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper M20 (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. 4, 6, 7, 9, 10, 12, 13 and 14 of Paper M20 were reported to the meeting and considered and taken into account before a decision was made on each 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/11/01553/FUL and B/11/01555/CAC	Mr M Seymour (Parish Council) Mrs C Frewin (Objector)
B/11/00825/FUL	Mr M Seymour (Parish Council) Ms J Clarke (Objector) Mr M Smith (Agent)
B/11/01421/FUL	Mr O Paul (Applicant)
B/12/00153/ROC	Mr S Petty (Objector)

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 M20 be made as follows:-

(a) ACTON

Application No. B/12/00209/FUL <u>Paper M20 – Item 5</u>	Full Application – erection of two-storey dwellinghouse and detached double garage and formation of vehicular access to High Street, Albany House, High Street.
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RESOLVED

That it be noted that this application had been withdrawn at the applicants' request.

(b) GLEMSFORD

**Application No. B/11/00610/FUL
[Paper M20 – Item 2](#)**

Full Application – construction of barn (existing Nissan hut building to be demolished), Stour Valley Centre, Lower Road.

RESOLVED

(1) That planning permission be granted subject to conditions including:-

- **Colour finishes to external materials;**
- **Use of the first-floor sleeping accommodation restricted to emergencies only;**
- **Use of the building to be for purposes ancillary to the wider commercial equine use of the site.**

(2) That a note to the applicants be included on the Decision Notice drawing their attention to the fact that the building should not be used for permanent residential purposes.

(c) GLEMSFORD

**Application No. B/12/00301/ROC
[Paper M20 – Item 3](#)**

Application under Section 73 of the Town and Country Planning Act 1990 (as amended) to remove Condition 3 attached to planning permission B/80/473 – which restricts the land use to Mr Driscoll and his family, Stour Valley Centre, Lower Road.

RESOLVED

That planning permission be granted subject to conditions including (relevant conditions re-imposed from the 1980 planning permission):-

- **Use restricted to the keeping, grazing and breeding of horses and other minor strictly ancillary uses and for no other purposes;**
- **No storage external of the buildings;**
- **Retention of hedgerow along north boundary.**

(d) BURES ST MARY

**Application Nos. B/11/01553/FUL
and B/11/01555/CAC
[Paper M20 – Item 4](#)**

Full application – erection of six dwellings with associated garages and bin store and private drive served by existing access (following demolition of existing commercial buildings and hard standing) and application for Conservation Area Consent – demolition of commercial buildings, The Slaughter House and land adjacent Cuckoo Hill.

Notwithstanding the recommendations of the Chief Planning Control Officer to grant Conservation Area Consent and planning permission, subject to the completion of a Section 106 Planning Obligation, together with conditions, a motion to refuse planning permission was moved and carried on being put to the vote on the grounds that the application was contrary to policies HS02, HS28, CN01, CN04 and paragraphs 28 and 58 of the National Planning Policy Framework, together with an absence of Section 106 Agreement.

RESOLVED

- (1) That Conservation Area Consent be granted.**
- (2) That planning permission be refused on the grounds that the proposal would lead to the creation of an unsatisfactory residential environment and conditions that were not conducive to an existing business contrary to policies HS02, HS28, CN01, CN04 and paragraphs 28 and 58 of the National Planning Policy Framework.**

(e) SUDBURY

**Application No. B/12/00153/ROC
[Paper M20 – Item 10](#)**

Application under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to planning permission B/99/00168/FUL – Condition 21 revised to state: Visits to site by service and delivery vehicles can only be made between the hours of 0700 to 2200 Monday to Saturday and 0900 to 1800 Sunday and Bank Holidays, Aldi, Girling Street.

The recommendation of the Chief Planning Control Officer to grant planning permission subject to conditions was proposed and seconded, but lost on being put to the vote.

A motion to refuse permission for reasons relating to adverse impact on residential amenity on the grounds that the application was contrary to the NPPF (Paragraph 123) and Local Plan Policy EM01 was then moved and carried on being put to the vote.

RESOLVED

That planning permission be refused for reasons relating to adverse impact on amenity being contrary to Policy EM01 and paragraph 123 of National Planning Policy Framework.

At this point the meeting adjourned for refreshments at 2.05 p.m. and resumed at 2.35 p.m. when the following Members were present:-

Mr P K Beer - Chairman

Mr C W Arthey	Mrs M O Munson
Mr P K Beer	Mr A F D W Osborne
Mr M J Deacon	Mr J M Owen
Mrs K S Grandon	Mr R C Smith
Mr P J Holbrook	Mr R W Thake
Mr B D Hurren	Mr A J Ward
Mr P Jones	Mr L H Young
Mr D H Keane	

(f) LONG MELFORD

Application No. B/11/01595/FUL
[Paper M20 – Item 6](#)

Full Application – erection of 2 two-storey semi-detached dwellings, part side garden of 16 Martyns Rise.

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:

- **A financial contribution towards public open space provision.**

(2) That, subject to the completion of the Planning Obligation in Resolution (1) above to the satisfaction of the Solicitor to the Council and the satisfactory re-design of the parking area, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions including:

- **Commencement within 3 years;**
- **Full details of hard and soft landscaping to be submitted and approved and thereafter safeguarded (including the parking area surface details);**

- Remove PD rights extensions, outbuildings, fences, wall and gates;
 - The side window in No 16 shall be frosted and a roof light inserted prior to the first occupation of the approved dwellings;
 - Materials to be approved;
 - As recommended by the LHA;
 - As recommended by the County Archaeologist
- (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 Local Plan Policy HS32.

(g) BURES ST MARY

Application No. B/11/00825/FUL
[Paper M20 – Item 7](#)

Full Application – construction of 35 no. two, three and four bedroom apartments, bungalows and houses with associated roads, paths, driveways, car parking, garages and landscaping, new access from Friends Field and Tawneys Ride, plus public open space (including an equipped play area), land south of Friends Field.

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:-
- 35% affordable housing on site (with a cascade agreement being the fall back provision);
 - The provision of an open space and LAP+1 to the Councils standard and subsequent adoption (and associated landscaping);
 - Other infrastructure requirements relating to secondary school provision, early years childcare, libraries and waste.
- (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:-

- Implementation within 3 years;
- Submission and approval of window details;
- Submission and approval of materials;
- Submission and approval of details including mortar mix, joinery colour and render colour;
- 10% energy to be provided on site;
- As recommended by the SWT;
- As recommended by the County Archaeologist;
- Provision of fire hydrants;
- Submission and approval of a waste minimisation and recycling strategy;
- Submission and approval of a construction management plan;
- Provision of a footpath to Nayland Road to a required standard;
- As recommended by the LHA;
- Control over play equipment within the open space;
- As recommended by the EA;
- Submission and approval of the precise open space design including how it will be kept clear during construction;
- Removal of PD rights;
- Precise details of soft landscaping;
- Precise details of boundary treatment with erection prior to occupation;
- Existing and proposed site levels, slab levels and finished floor levels to be submitted and approved.

(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, affordable housing and infrastructure contrary to Local Plan Policies LP01, HS32 and HS08 of the Babergh Local Plan (Alteration No. 2) 2006.

(h) CHILTON

Application No. B/12/00036/FUL
[Paper M20 – Item 8](#)

Full Application – conversion and change of use of existing domestic garage/workshop to one holiday let unit, Winthrop Hall, Newton Road.

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:-

- Building is to be only used as holiday accommodation;
 - Use of the building as holiday accommodation will cease if the building is no longer in the control of the occupants of Winthrop Hall.
- (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 conditions including:-
- Standard time limit condition
- (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:-
- in the absence of a Section 106 Planning Obligation, there would be insufficient means to prevent the severance of this holiday let unit from control by the occupants of Winthrop Hall (required in the interests of safeguarding residential amenity).

(i) **FRESTON**

Application No. B/11/01421/FUL
[Paper M20 – Item 9](#)

Full Application – conversion of agricultural building into 3 holiday let units: Change of use of agricultural land to camp site, buildings at Lodge Farm, off The Street.

RESOLVED

That planning permission be granted subject to conditions including:-

- Standard time limit for commencement;
- Number of camping units restricted to five and only those camping units as set out in the planning application be sited on the land;
- As recommended by the Environment Agency (relating to surface water and foul drainage);
- Restriction of occupancy;
- Removal of camping units from the field November – March;
- Removal of PD rights to erect fences;
- Development to be implemented in accordance with the biodiversity enhancement strategy;
- Details of all external lighting to be submitted and approved;
- No amplified music throughout the site as well as details of any children’s play areas to be submitted and approved;

- Details of refuse and recycling facilities to be submitted and approved and no waste should be burnt on site;
- The siting of the pitches to be as shown on the submitted drawings;
- Colour of camping units to be agreed;
- Details of safety measures along private road to be submitted and agreed.

(j) SUDBURY

Application No. B/12/00462/ROC
[Paper M20 – Item 11](#)

Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 41 attached to planning permission B/10/01308/FUL to allow for a minor material amendment to realign the retaining wall to the rear of the service yard and to allow for a car pull-in and access corridor to be provided on the eastern boundary of the site, former William Armes Factory Site, Cornard Road.

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 those obligations secured under the existing permission*, namely:

- Transfer of natural area;
- £10,000 towards Management of natural area;
- £100,000 towards bus station improvements;
- £5,000 towards Travel Plan monitoring;
- £20,000 towards a Travel plan bond;
- £1,500 towards the Suffolk car share website;
- £55,000 towards upgrading of public footpaths 11 and 12;
- £10,000 towards a shared cycle/pedestrian route on south side of Cornard Road (between Belle Vue junction and Cat's Lane);
- £150,000 to provide a Puffin crossing at Girling Street;
- £51,000 towards town Centre Promotion;
- £60,000 towards a Market Town Development Manager;
- Local Training Initiatives.

(2) That subject to the completion of the Planning Obligation referred to 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 condition:

- * All relevant conditions from the existing permission (Ref B/10/01308/FUL) to be attached (where an application under Section 73 is granted, the effect is the issue of a fresh grant of planning permission);

(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 the following:-

- Inadequate social and physical infrastructure provision in line with the requirements of Local Plan Policy LP01 notably pedestrian access improvements, public transport provision, town centre signage, and employment promotion.

(k) GREAT WALDINGFIELD

Application No. B/12/00169/FUL
[Paper M20 – Item 12](#)

Full Application – change of use of “granny annex” to holiday accommodation, The Old Stables (Annex to The Old Rectory), Rectory Road.

The applicant, Councillor F Lawrenson, had left the meeting prior to the presentation and consideration of this item.

RESOLVED

That planning permission be granted subject to conditions including:-

- Standard time limit;
- Building is to be only used as holiday accommodation.

(l) COPDOCK AND WASHBROOK

Application No. B/12/00427/DPA
[Paper M20 – Item 13](#)

Application for Change of Use from Village Store/Post Office to one self-contained flat and associated works, 23 Pearsons Way.

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:

- A financial contribution towards public open space 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.
- (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 Local Plan Policy HS32.

(m) **BILDESTON**

Application No. B/12/00269/FHA
[Paper M20 – Item 14](#)

Full Application – erection of single storey rear and front extensions (following demolition of existing rear extension and front porch), 11 Brookfield.

RESOLVED

That planning permission be granted subject to conditions including:-

- Standard time limit;
- Materials to match the existing dwelling

(n) **TATTINGSTONE**

Application No. B/12/00176/FHA
[Paper M20 – Item 1](#)

Full Application – erection of two-storey/first floor side extension, single-storey front extension and detached garage, 7 White Horse Cottages, Main Road.

Notwithstanding the recommendation of the Chief Planning Control Officer that planning permission be granted, subject to the receipt of satisfactorily revised plans, a motion to refuse was moved and carried on being put to the vote on the grounds of overdevelopment and adverse impact on neighbouring properties contrary to policies CN01 and HS33.

RESOLVED

That planning permission be refused on the grounds that the proposal would be overdevelopment and have an adverse impact upon neighbouring properties contrary to policies CN01 and HS33.

10 PLANNING PERFORMANCE

The Chief Planning Control Officer submitted a report (Paper M21) providing an overview of the numbers 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 January to 31 March 2012.

RESOLVED

That the information contained in [Paper M21](#) be noted.

Note: The meeting adjourned between 11.30 a.m. and 12 noon and 2.05 p.m. and 2.35 p.m. for refreshments.

The business of the meeting was concluded at 5.20 p.m.

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Chairman