

MINUTES OF A MEETING OF THE DEVELOPMENT COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 31 OCTOBER 2012

PRESENT: Mr P K Beer – Chairman

Mr C W Arthey	Mrs M O Munson
Dr M F M Bamford	Mr A F D W Osborne
Mr M J Deacon	Mr J M Owen
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 N MacMaster was unable to be present.

Mr A C Bavington, Ward Member for Great Cornard (North) was present at the meeting and spoke on Application No B/12/00274/FUL with the consent of the Chairman.

Mr B D Hurren, Ward Member for Boxford, was present at the meeting and spoke on Application No B/12/00673/FUL with the consent of the Chairman.

Mr B Riley, Ward Member for Hadleigh (North) was present at the meeting and spoke on Application Nos. B/12/00889/FUL and B/11/00896/FUL / B/1100949/CAC with the consent of the Chairman.

47 SUBSTITUTES

It was noted that in accordance with Council Procedure Rule No. 5, a substitute was in attendance as follows:-

Mr J M Owen (substituting for Mr N MacMaster)

48 DECLARATION OF INTERESTS

Mr C W Arthey declared a non-pecuniary interest in Application No. B/12/00889/FUL ([Paper M107R – Item 12](#)) by virtue of a business acquaintance with the applicant, but stated that his interest was such that he was able to speak and vote on the item concerned.

Mrs M O Munson declared a non-pecuniary interest in Application Nos. B/12/00889/FUL and B/11/00896/FUL / B/11/00949/CAC ([Paper M107R – Items 12](#) and [13](#)) by virtue of her acquaintance with the applicants, and stated that she would leave the meeting while the items were considered.

Mrs K S Grandon declared a non-pecuniary interest in Application No. B/12/00889/FUL ([Paper M107R – Item 12](#)) by virtue of her acquaintance with the applicant, but stated that her interest was such that she was able to speak and vote on the item concerned.

49 MINUTES

RESOLVED

That the Minutes of the meeting held on 3 October 2012 be confirmed and signed as a correct record.

50 PETITIONS

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

- (a) Application No. B/12/01223 – Proposed Demolition of The Highbury Barn Public House, Great Cornard and Erection of Retail Building

Online petition signed by more than 20 residents of the District objecting to the proposal.

- (b) Application Nos. B/12/00891 and 00892, East House, George Street, Hadleigh

Petition signed by approximately 1,000 residents of the District objecting to the proposed development.

The petitions will be taken into account when the applications are determined by the Development Committee.

51 QUESTIONS FROM MEMBERS

None received.

52 SITE INSPECTIONS

RESOLVED

- (1) That a site inspection be held on Wednesday, 7 November 2012 in respect of the undermentioned site, prior to consideration of the application by the Committee:-**

Note: It was subsequently agreed that the site inspection would be held at a date nearer to the Committee meeting at which the application will be considered.

SUDBURY

Application No. B/12/01198/OUT Outline application – Erection of 100 residential units, Harp Close Meadow (North), Waldingfield Road.

Mr A F D W Osborne, Ward Member for Sudbury East, requested a site visit to allow Members to assess the impact of the proposal regarding the access to the development, on the flow of traffic onto Waldingfield Road, parking, loss of valuable open space in the East Ward, on residents in the existing development regarding foot traffic through Hares Walk and Fields View and loss of amenity to residents living in Hares Walk, Fields View and Acton Lane.

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

**Mr C W Arthey
Dr M F M Bamford
Mr P K Beer
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**

53 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper M107R (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. 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14 and 15 of Paper M107R 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>Application No.</u>	<u>Representations From</u>
B/12/00719/FUL and B/12/00527/FUL	Ms C Ware (Agent for Applicant)
B/12/00706/FUL	Mr Evans (Objector)
B/12/00596/OUT	Mr W Notcutt (Applicant)
B/12/00274/FUL	Ms J Shields (on behalf of Objectors)
B/12/00592/OUT	Mr C Loon (Agent for Applicant)
B/12/00673/FUL	Mrs S Impeh (Parish Council) Mr Howe (Objector) Mr R Windmill (Applicant)
B/12/00889/FUL	Mrs Byrne (Applicant)
B/11/00896/FUL	Mr Young (Applicant)
and B/11/00949/CAC	
B/11/00123/FUL	Mr Higgon (Agent for 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 M107R be made as follows:-

(a) LAVENHAM

Application No. B/12/00748/FUL [Paper M107R – Item 6](#) Full Application – Erection of 44 new dwellings with associated garages and parking. Proposed formation of new vehicle access points from Preston Road. Provision of Public Open Space and play area, former Armorex Site, Preston Road.

Members were aware from the Addendum circulated prior to the meeting that the volume and complexity of information supplied recently required detailed consideration by Officers before a satisfactory update could be provided to enable the Committee to determine the application.

RESOLVED

That consideration of this application be deferred to a future meeting to enable the Corporate Manager – Development Management to assess the additional information received from the applicant and update Members accordingly, and further, it be noted that there would be no discussion of the application at the meeting.

(b) HADLEIGH

Application No. B/12/00719/FUL [Paper M107R – Item 1](#) Full Application – Alterations to layout of site access junction and widening of an on-site access road, Buyright, Calais Street.

The Case Officer in presenting this item advised Members of the contents of a letter from Tesco Stores Limited requesting that consideration of the application be deferred. He reported that the Council's legal advisor had confirmed that the Committee was able to determine the application before it. He also confirmed that written confirmation withdrawing the planning applications referred to in paragraph 25 i) and ii) had now been received.

RESOLVED

That planning permission be granted subject to conditions including:

- **As recommended by LHA**
- **Means to prevent unauthorised access into the site**
- **Archaeology.**

(c) HADLEIGH

Application No. B/12/00527/FUL **Full Application – Extension to car park and re-grading of existing car park. Installation of lighting scheme to car parks, Buyright, Calais Street.**
[Paper M107R – Item 2](#)

RESOLVED

- (1) That the Corporate Manager – Development Management be authorised to defend the appeal on the following grounds and such other grounds as the Head of Legal Services may advise:**
 - Principle of the development
 - Highway safety and traffic convenience
 - Protection of retained trees
 - Surface water management, and
 - Residential amenity impacts.
- (2) That the Corporate Manager – Development Management be authorised to decide whether any grounds have been resolved and should not be pursued.**
- (3) That should all issues be resolved to the satisfaction of the Corporate Manager – Development Management, the Inspector be invited to allow the appeal and grant planning permission subject to the imposition of appropriate conditions.**
- (4) That the Corporate Manager – Development Management be authorised to recommend the imposition of any planning conditions to the Inspector as she/he considers ought to be imposed upon any potential grant of planning permission.**
- (5) That the Corporate Manager – Development Management be authorised to undertake all matters appertaining to the conduct of the appeal.**

(d) NEWTON

Application No. B/12/00706/FUL **Full Application – Change of use of agricultural land for the siting of a mobile home to be used as a permanent residential pitch by a single gypsy family. Erection of ancillary store and construction of hard standing, Lilleyfield, Sackers Green.**
[Paper M107R – Item 3](#)

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 referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Corporate Manager – Development Management be authorised to grant planning permission subject to conditions including:
- Standard time limit
 - A scheme of landscaping to be approved including a division with the adjoining paddock and further planting at the entrance to the site
 - Retention of hedgerow around the paddocks
 - Boundary treatment with the access.
 - Permission is personal to Mr and Mrs Street and resident dependants
 - Rehabilitation of the site to a paddock if Mr and Mrs Street permanently move off the site
 - The number of pitches is restricted to one (comprising a mobile home, touring caravan and outbuilding)
 - Only one mobile home on site at any time
 - The mobile home shall be sited in an approved location
 - The number of days the site can be occupied by more than 1 touring caravan to be restricted to 28 in any calendar year
 - Removal of PD rights relating to fencing and hard surfaces.
 - Provision of sewage treatment plant prior to occupation of site
 - Site boundary to be securely fenced and gated
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Corporate Manager – Development Management 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.

(e) NEWTON

Application No. B/12/00707/FUL
[Paper M107R – Item 4](#)

Full Application - Change of use of agricultural land to an area for external storage (B8). Construction of earth bund, Lilleyfield, Sackers Green.

RESOLVED

That subject to no adverse comments from the Environmental Protection Team, the Corporate Manager – Development Management be authorised to grant planning permission subject to conditions including:

- **Hours of operation to be limited to 0700 to 1800 Monday to Friday and 0700 to 1300 Saturday with no work on a Sunday or bank/public holiday**
- **Landscaping scheme to be submitted and approved and safeguarded for five years**
- **Hedge around the applicant's paddocks to be retained**
- **Control the height of material stored so that it does not protrude above the height of the bund**
- **Remove PD rights for fences walls and gates around the bunded area**
- **No floodlighting or other means of external lighting**
- **As recommended by LHA**
- **As recommended by Environmental Protection Team.**

(f) WHATFIELD

Application No. B/12/00595/OUT
[Paper M107R – Item 5](#)

Outline Application – Erection of 15 dwellings, land west of Church Farm, Naughton 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:

- **Provision of affordable housing**
- **Provision and management of the open space**
- **Provision and management of the footpath**
- **Provision of other infrastructure contributions.**

(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 Corporate Manager – Development Management be authorised to grant outline planning permission subject to conditions including:

- Commencement within 5 years
- Submission of reserved matters prior to commencement of development
- Approval of a contaminated land investigation
- As recommended by the County Archaeologist
- As recommended by LHA
- As recommended by SWT
- As recommended by the EA (to secure the recommendations in the Flood Risk Assessment – FRA)
- 10% energy to be provided by renewable, low carbon or decentralised means
- Secure implementation in accordance with the agricultural assessment
- Bridge to public open space.

(3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Corporate Manager – Development Management be authorised to refuse planning permission, for reason(s) including:

- Failure to provide those items listed in Resolution (1) above contrary to Policies LP01, HS32, HS23 and HS08 as appropriate.

(g) RAYDON

Application No. B/12/00829/FUL
[Paper M107R – Item 8](#)

Full Application – Erection of two dwellings and associated garages together with new garage and vehicular access to serve Cherry Place, Cherry Place, Hadleigh 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:

- Financial contribution towards public open space provision.

(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 Corporate Manager – Development Management be authorised to grant planning permission subject to conditions including the following:-

- Standard time limit
- Materials
- Foul water strategy to be submitted to and approved in writing prior to commencement of development
- Scheme of Boundary treatment to be submitted
- Hard and soft Landscaping Scheme
- As recommended by the LHA
- Removal of permitted development rights for future extensions
- Disposal of asbestos.

(h) GREAT CORNARD

Application No. B/12/00274/FUL Full Application – Change of Use
[Paper M107R – Item 9](#) from Motor Spares Shop (Class A1)
to Hot Food Take Away (Class A5),
as amended, 117 Bures Road.

RESOLVED

That planning permission be refused for the following reasons:

The development would have a detrimental impact upon highway safety and the amenity of the area by virtue of inappropriate parking in a sporadic and unconventional manner, noise to surrounding dwellings from the intensification and evening activities of customers and their vehicles and odours from the kitchen extraction equipment in particular odour nuisance that would be experienced by occupiers of the existing first-floor flat over the ground floor commercial space. The premises are not therefore considered suitable for a Class A5 use. The proposal is therefore contrary to the objectives of saved Policy EM01 of the Babergh Local Plan (Alteration No. 2) 2006.

(i) CAPEL ST MARY

Application No. B/12/00592/OUT Outline Application – Erection of 7
[Paper M107R – Item 10](#) dwellings and 1 bungalow, with
garages, parking, amenity areas,
access and related infrastructure,
land west of The Drift, The Street.

RESOLVED

That planning permission be refused for the following reasons:

- **The application proposal for the erection of 8 dwellings is contrary to the provisions of saved policies HS02, HS04 and CR01 of the Babergh Local Plan, Alteration No.2 (2006). These policies direct new residential development to the defined built up areas of existing towns and villages and, in countryside locations, confirm in the interests of the landscape qualities and character of the countryside development will be restricted to that which is essential for the efficient operation of agriculture, forestry and horticulture and for appropriate outdoor recreation.**

The application does not set out an overriding case for the development of 8 dwellings at this countryside location, and there is no evidence they are required to accommodate key personnel employed in agriculture, horticulture or forestry. If approved, the Local Planning Authority considers the development would lead to an increase in the sporadic scatter of residential development outside the confines of the built up area and would be of detriment to the character and appearance of the countryside. Furthermore, if the proposal were to be approved, the Council would find it difficult to resist other proposals for similar developments in the countryside to the further detriment of the character and appearance of the countryside.

- **Any as required in relation to the applicant's proposal for a commuted sum instead of direct provision on site as required by adopted planning policies.**
- **In the absence of a completed Section 106 Planning Obligation, the proposal is contrary to Policy HS32 relating to public open space requirements.**

Note: Mr A J Ward did not vote on the item and asked for this to be recorded in the minutes.

(j) BOXFORD

Application No. B/12/00673/FUL [Paper M107R – Item 11](#) Full Application – Erection of 2 buildings for chicken rearing and housing and feed store with staff area, for use of a maximum of 350 birds, land west of Roylands Lane.

Notwithstanding the recommendation of the Corporate Manager – Development Management to grant planning permission subject to appropriate conditions, a motion for refusal for reasons relating to residential amenity was proposed and seconded, but was lost on being put to the vote.

RESOLVED

That planning permission be granted subject to conditions including:

- **Buildings to be removed if no longer required for agricultural purposes**
- **Limit on number of birds to be kept on site to 350**
- **Written management scheme including fly control, rodent control, cleaning regime and frequencies, storage of feed and storage of manure to be agreed prior to development**
- **Colour of weatherboarding to be agreed**
- **Existing landscaping to be retained**
- **No more than 2 cockerels to be on site at any one time**
- **Conditions relating to the treatment of manure**
- **Archaeological monitoring to be agreed and undertaken**
- **Fencing for chicken runs to be agreed and undertaken.**

At this point the meeting adjourned for refreshments at 1.25 p.m. and resumed at 2 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 Jones
Mr D H Keane

Mr A F D W Osborne
Mr J M Owen
Mr D C Rose
Mr R W Thake
Mr A J Ward

(k) HADLEIGH

Application No. B/12/00889/FUL [Paper M107R – Item 12](#) Full Application – Erection of a two-storey dwelling and associated parking, 106 High Street.

Notwithstanding the recommendation of the Corporate Manager – Development Management to refuse planning permission for reasons relating to the proposed development being contrary to Policies CN01 and HS28, a motion to grant planning permission was carried on being put to the vote, on the grounds that the proposed design was not incongruous in the street scene and would therefore accord with Policies CN01 and HS28. Members were advised that a Section 106 Planning Obligation had been entered into.

RESOLVED

That planning permission be granted for reasons to be imposed by the Corporate Manager – Development Management under the delegated powers.

(I) HADLEIGH

**Application No. B/12/00896/FUL
B/11/00949/CAC**

[Paper M107R – Item 13](#)

Full Application – Planning Application: Rebuilding of existing gable; erection of single storey rear extension to 109 High Street (following demolition of existing single storey rear extension). Erection of 4 dwellings to rear and improvement of existing vehicular access. Conservation Area Consent Application – Demolition of outbuildings to rear of 109 High Street.

RESOLVED

(1) That planning permission be refused for reasons including:

- **The proposed development would result in the loss of existing employment floor space and land on the site which in the absence of evidence that it is no longer viable or suitable for alternative commercial uses, including a lack of any marketing, is contrary to saved policies EM24 and HS01 within the Babergh Local Plan Alteration No.2 and adopted Supplementary Planning Document entitled Employment Land.**
- **The proposed development of Plot 4 would be outside the built up area boundary of the town as defined in saved policy HS01 of the Babergh Local Plan (Alteration No.2) 2006. Development in this location would be beyond not only the defined settlement boundary but also beyond the rear boundaries of adjoining properties. Whilst it would fall within an area allocated, by virtue of saved policy HD01, for retail uses; the designation does not include residential uses and it is considered that piecemeal infill development would erode the open, undeveloped character between existing development fronting the High Street and that proposed for the former Brett Works to the detriment of the amenity of the area and the character of the Conservation Area. Allowing such development beyond the settlement boundary would also set a precedent for further development on similar sites.**

- The proposed development, and in particular Plot 1, would constitute significant built form close to the boundary of Sun Court, a Grade 2* listed building, which has a high status early C16th rear wing with windows facing towards the application site. The proposed development by reason of its siting and scale would unreasonably intrude within the presently open setting of Sun Court to the detriment of its setting. The development would accordingly be contrary to heritage policies in the NPPF which seek to protect the setting of listed buildings and saved policy CN06 within the Babergh Local Plan (Alteration No.2) 2006.
- The proposed form of development comprising detached dwellings arranged either side of the central access road would constitute a form of backland development which is considered alien to and out of character with the type and form of development that would be considered appropriate having regard to the traditional character and appearance of the Hadleigh Conservation Area and the setting of nearby listed buildings. The development would accordingly be contrary to saved policies CN01, HS28, CN06 and CN08 of the Babergh Local Plan (Alteration No.2) 2006.

(2) That Conservation Area Consent be refused for reasons including:

- The proposed development would result in the loss of outbuildings to the rear of 109 High Street, which are considered to contribute to the character and appearance of the Conservation Area by reason of their age, form and detailing. It is not considered that sufficient consideration has been given to their potential for retention and re-use. The proposals are considered to be contrary to policies in the NPPF, which require development to respect and not harm conservation areas and to saved policy CN08 within the Babergh Local Plan (Alteration No.2) 2006.

(m) PRESTON ST MARY

Application No. B/12/00123/FUL
[Paper M107R – Item 14](#)

Full Application – Construction of ménage and car park in connection with existing riding centre as amended by agent's email dated 14 August 2012 proposing an amended location for the car park and a widened and improved vehicular access onto Whelp Street as shown on amended plans 5248/10A,11A,12C, 13B, 14, land south of Swifts Manor, Whelp Street.

RESOLVED

That planning permission be granted subject to conditions including:

- **Standard Time limit**
- **No floodlighting**
- **Management plan for use of car park and access to ménage**
- **Highway conditions**
- **Highway signage**
- **No burning of manure**
- **Landscape Plan**
- **Tree protection**
- **Surface finish details.**

(n) CHILTON

Application No. B/12/00970/FUL
[Paper M107R – Item 7](#)

Full Application – Erection of a detached workshop building utilising existing vehicular access. Erection of 2.5m high security fence, Churchfield House, 23 Churchfield Road, Chilton Industrial Estate.

RESOLVED

That planning permission be granted subject to conditions including:

- **Submission of details of colour finishes of materials for building**
- **As recommended by LHA**
- **Detail of cycle storage to be submitted**
- **Submission of lighting details**
- **Detail of material finish to fencing.**

(o) GREAT WALDINGFIELD

Application No. B/12/00933/FUL
[Paper M107R – Item 15](#)

Full Application – Installation of flue in association with biomass heating system (retention of), The Old Stables (annex to The Old Rectory), Rectory Road.

RESOLVED

That subject to there being no objections raised by the Environmental Protection Team, the Corporate Manager – Development Management be authorised to grant planning permission subject to conditions including:

- **Landscaping scheme to be submitted and approved**
- **As recommended by Environmental Protection Team.**

54 ACTION OUT OF MEETING

Planning Application No B/11/00825/FUL – Land south of Friends Field Bures St Mary

Members had before them [Paper M108](#) relating to the removal from the Section 106 Planning Obligation of the requirement for a cascade agreement.

RESOLVED

That the urgent action out of meeting as detailed in Paper M108 be noted.

Note: The meeting adjourned for refreshments between 10.50 a.m. and 11.15 a.m.

The business of the meeting was concluded at 3.45 p.m.

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Chairman