

MINUTES OF A MEETING OF THE DEVELOPMENT COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 23 JANUARY 2013

PRESENT: Mr P K Beer – Chairman

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

Mr N MacMaster and Mrs M O Munson were unable to be present.

Mr B Riley, Ward Member for Hadleigh (North) was present at the meeting and spoke on Application No. B/12/01293/FUL with the consent of the Chairman.

67 SUBSTITUTES

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

Mr D M Busby (substituting for Mrs M O Munson).

68 DECLARATION OF INTERESTS

Mr D H Keane declared a pecuniary interest in Application Nos. B/12/01287/FHA and B/12/01288/LBC by virtue of living next door to the applicant. He left the meeting before the application was considered.

Mr A F D W Osborne declared a pecuniary interest in Application No. B/12/01198/OUT by virtue of owning property which abutted the site. He stated that he was in receipt of a dispensation from the Monitoring Officer which would allow him to speak on the item to the same extent as a member of the public, to ensure that his role as a Ward Member could be fulfilled by making representations to the Committee. After speaking for no more than three minutes, Councillor Osborne withdrew from the meeting.

Dr M F M Bamford declared a non-pecuniary interest in Application No. B/12/01009/FUL in his capacity as a Bentley Parish Councillor, but indicated that his interest was such that he was able to speak and vote on the item concerned.

Mr C W Arthey stated that he would leave the meeting for consideration of Application No. B/12/00211/LBC, and did so, by reason of an acquaintance with the applicant and owning property in the vicinity of the site.

69 MINUTES

**RESOLVED**

**That the Minutes of the meeting held on [19 December 2012](#) be confirmed and signed as a correct record.**

70 PETITIONS

None received.

71 QUESTIONS FROM MEMBERS

None received.

72 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an [Addendum to Paper M137](#) (circulated to Members prior to 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](#), [5](#), [6](#) and [11](#) of Paper M137 were reported to the meeting and considered and taken into account before decisions were made on the items.

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/12/01198/OUT	Mr T Platt (on behalf of Objectors) Mr T Harbord (Agent)
B/12/00211/LBC	Ms L Crosby (Applicant)
B/12/01132/FUL	Mr Munson (Objector)
B/12/01293/FUL	Mr K Lewis (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 M137 be made as follows:-**

**(a) SUDBURY**

<b>Application No. B/12/01198/OUT</b> <b><a href="#">Paper M137 – Item 1</a></b>	<b>Outline Application – erection of 100 residential units with associated garages, car parking and access road. Provision of 1.8 hectares of public open space, a neighbourhood equipped area for play (NEAP) and a locally equipped area for play (LEAP). Landscape proposals and provision of cycle and pedestrian links between Acton Lane and Waldingfield Road, Harp Close Meadow (north), Waldingfield Road (People's Park).</b>
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Representations received from Sudbury Town Council were read out at the meeting.

**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:**

- **Affordable Housing – 35%**
- **Education - £109,629**
- **Libraries - £21,600**
- **Waste - £9,700**
- **Healthcare - £36,400**
- **Bus Shelters upgrade (Waldingfield Road) – £4,000**
- **Contributions towards travel plan monitoring including car share contribution**
- **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:**

- **Application of reserved matters within three years and commencement of development within two years from the final approval of reserved matters**
- **Approval of reserved matters prior to commencement of development**
- **Contamination**
- **Retention of existing hedgerows**
- **Landscaping proposals (including equipment/ specifications for LEAP and NEAP)**
- **Protection of hedgerows**
- **Provision of fire hydrants**
- **Phasing plan (including open space) to be submitted and agreed**
- **As recommended by Local Highway Authority**
- **Construction Method Statement for construction work**
- **As recommended by County Archaeologist**
- **Mitigation as recommended in Ecology Study**
- **Surface water strategy**
- **Travel Plan**
- **Detailed proposals for the reduction of energy use and the use of renewable/sustainable energy technologies**
- **Levels**

(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 requirements listed in Resolution (1) above, contrary to Policies LP01, HS08, HS14 and HS31.

(b) KERSEY

**Application No. B/12/00211/LBC [Paper M137 – Item 2](#) Application for Listed Building Consent – internal and external repair works, Little Manor, Church Hill.**

Notwithstanding the recommendation of the Corporate Manager – Development Management that she be authorised to defend the Council’s position on appeal on the grounds set out in Recommendation(1) of Item 2, it was proposed and seconded that, had the applicant not appealed to the Secretary of State against non-determination, the Council would have approved the application for Listed Building Consent, subject to appropriate conditions. The reasons given for the motion, which was carried on being put to the vote, were as follows:-

- The conclusion of the Whitworth Co-Partnership report, that ‘the case is not proven that the floor has to be removed or that the proposed works have been properly considered in an holistic manner’ (paragraph 55 of Item 2 and Annex refer) is not accepted.
- The proposed scheme is acceptable. It would not harm the character of the Listed Building and would therefore be in accordance with saved Policy CN06.

#### **RESOLVED**

**That the Planning Inspector be informed that had the applicant not appealed against non-determination of Application No. B/12/00211/LBC, the Council would have granted Listed Building Consent, subject to conditions including:-**

- **Archaeological recording**

**(c) ELMSETT**

**Application No. B/12/01132/FUL      Full Application – Installation of 3  
[Paper M137 – Item 5](#)                      micro scale wind turbines, Gate  
Farm.**

**RESOLVED**

**That planning permission be refused for reasons including:-**

- (1) Policy EN10 of Babergh Local Plan (Alteration No. 2) 2006 states (inter alia) that planning permission for development proposals for renewable energy generation will be granted subject to there being no unacceptable impact on landscape characteristics. Policy CR04 (inter alia) states that Development proposals in Special Landscape Areas will only be allowed where they maintain or enhance the special landscape qualities of the area and are designed and sited so as to harmonise with the landscape setting. The NPPF (paragraph 98) states that Local Planning Authorities should approve an application for renewable energy if its impacts are (or can be made) acceptable.**

**Having regard to the special landscape qualities of the area it is considered that the installation of three turbines in this location would be intrusive and would be detrimental to the local character of the Special Landscape Area and the wider countryside. It is considered that amendments could not be made to this proposal which would make the application acceptable in landscape terms. On that basis the proposal fails to comply with the above policies and with the guidance contained within the NPPF.**

- (2) Policy CN06 of Babergh Local Plan (Alteration No. 2) 2006 states (inter alia) that proposals for new work within the setting of listed buildings should retain a setting which is appropriate to the listed building and the relationship with its surroundings. It also requires that new works should “respect those features which contribute positively to the setting of the listed building including space, views from and to the building and historic layout”. The National Planning Policy Framework (NPPF) was issued in March 2012 and sets out the Government's national planning policy for the conservation of the historic environment. At the heart of the NPPF is a presumption in favour of sustainable development. One of the core land-use principles of the NPPF is that heritage assets should be conserved in a manner appropriate to their significance. Conservation is the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance. Paragraph 132 states (inter alia) that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed by works**

within the setting, and any harm requires clear and convincing justification. Where works will lead to harm to significance, LPAs should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm. Guidance for the policy contained within the NPPF is provided in the 'Historic Environment Planning Practice Guide' which was issued in March 2010.

The proposal site lies within the setting of several listed buildings including a Grade I listed church. It is considered that the installation of three wind turbines would have an adverse impact on the setting of the listed buildings. The application documentation does not provide any details of any assessment of alternative solutions or justification that the proposal is the only solution to providing renewable energy on site. The proposal would cause substantial harm to the setting of several listed buildings and it has not been demonstrated within the application documents that any substantial public benefits can be achieved which would outweigh this harm. As such the proposed works are contrary to the provisions of the NPPF and saved policy CN06 of the Babergh Local Plan.

- (3) Policy EN10 of Babergh Local Plan (alteration No. 2) 2006 states (inter alia) that planning permission for development proposals for renewable energy generation will be granted subject to there being no unacceptable impact on the local environment in terms of noise in particularly on residential amenity of neighbouring properties. The application submission fails to provide adequate site specific information with regard to noise levels. Without this information the Local Planning Authority is unable to fully assess the impact of the proposed development on the residential amenity of the nearby neighbouring properties in accordance with policy EN10.

(d) HADLEIGH

Application No. B/01293/FUL  
[Paper M137 – Item 9](#)

Full Application – additional amenity light attached to existing column (retention of) Hadleigh High School, Highlands Road.

RESOLVED

- (1) That subject to the validity of the application being confirmed, the Corporate Manager – Development Management be authorised to grant planning permission subject to conditions including:-
- Hours of use

- (2) That in the event that the Corporate Manager – Development Management considers the application to be invalid, the applicant be invited to submit further information and the application be returned to Development Committee for consideration.

(e) **BENTLEY**

Application No. B/12/01012/FUL [Paper M137 – Item 4](#) Full Application – Conversion of existing buildings to 1 dwelling, Dodnash Fruit Farm, Hazel Shrub.

**RESOLVED**

That planning permission be granted subject to conditions including:

- Standard time limit
- Removal of mobile home within three months of first occupation of hereby permitted conversion
- Rural workers occupancy condition

(f) **LITTLE WALDINGFIELD**

Application No. B/12/01253/FUL [Paper M137 – Item 6](#) Full application – erection of 1 dwelling and 1 grooms cottage; (following demolition of 2 existing dwellings); erection of 6 stables, tack room, hay barn and feed store, Hammonds Holt, Church Road.

**RESOLVED**

That planning permission be granted subject to conditions including:-

- Standard time limit
- As requested by LHA
- Facing materials
- Tree protection and landscape works
- Limit stable to domestic use only
- Archaeology
- Contamination
- Ecological survey work
- Lighting
- Construction management plan
- Domestic stable use
- Demolition of existing buildings and removal of caravans on occupation of dwellings

**(g) SUDBURY**

**Application No. B/12/01245/FUL**  
**[Paper M137 – Item 3](#)**

**Full application – Change of use of 38 King Street from A1 to A3 (restaurant) with new shop front (to be used ancillary to the existing restaurant at 37 King Street) 37 and 38 King Street.**

**RESOLVED**

**That planning permission be granted subject to conditions including:-**

- **Standard time limit**
- **As recommended by the Corporate Manager – Environmental Protection**

At this point the meeting adjourned for refreshments at 1.00 p.m. and resumed at 1.30 p.m. when the following Members were present:-

Mr P K Beer - Chairman

Dr M F M Bamford  
Mr M J Deacon  
Mrs K S Grandon  
Mr P J Holbrook  
Mr P Jones  
Mr D H Keane

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

**(h) GREAT CORNARD**

**Application No. B/12/01294/FUL**  
**[Paper M137 – Item 7](#)**

**Full application – erection of 2 detached two-storey dwellings with attached double garages. Erection of 1 pair semi-detached two-storey dwellings and detached outbuilding to provide garaging for 4 cars (following demolition of existing agricultural buildings) Farm Buildings, Brook Farm, Bures Road.**

**RESOLVED**

**That planning permission be granted subject to conditions including:-**

- **Standard time limit conditions**
- **Facing materials**
- **Contamination conditions**
- **Highways conditions**

- Archaeology
- Ecology
- Levels

(i) **LAWSHALL**

Application No. B/12/00837/OUT **Outline application – erection of 2 detached dwellings (following demolition of existing workshop building) Frithwood Works, Hanningfield Green.**  
[Paper M137 – Item 8](#)

**RESOLVED**

- (1) That, subject to the receipt of a Phase 1 Land Contamination Investigation (including walkover) demonstrating that any existing contamination can be acceptably dealt with, the Corporate Manager – Development Management be authorised to grant planning permission, subject to conditions including:-
- Details of reserved matters
  - As recommended by the Local Highway Authority
  - As recommended by the Scientific Officer (following the submission of the Phase 1 Land Contamination Survey)
  - Archaeological survey
- (2) That, in the event of the Phase 1 Land Contamination Investigation Survey, including walkover not being provided the Corporate Manager – Development Management be authorised to refuse planning permission, for reason(s) including:-
- Possible risks to future occupiers of the properties due to contaminants contrary to the NPPF.

(j) **BILDESTON**

Application No. B/12/01401/DPA **District Planning Application – Application under Regulation 3 of the Town and Country Planning General Regulations 1992 – Change of use from soft landscaped area to hard standing for resident parking, land south of 10 Paddocks Way.**  
[Paper M137 – Item 10](#)

**RESOLVED**

That subject to no new material views being received following the current neighbour consultation (which expires on 25 January 2013), the Corporate Manager – Development Management, be authorised to grant planning permission.

**(k) BILDESTON**

**Application Nos.  
B/12/01287/FHA and  
B/12/01288/LBC  
[Paper M137 – Item 11](#)**

**Full application and application for Listed Building Consent – Insertion of 1 dormer window to rear elevation, insertion of 1 window to West elevation and internal alterations, as amended by agent’s letter and drawing no 404/16 Rev A received 15 January 2013, Medlar House, 39 Chapel Street.**

**RESOLVED**

**That planning permission and Listed Building Consent be granted subject to conditions including:-**

- **Standard time limit**
- **Fenestration details to be approved**
- **External joinery colour**
- **Details of extract vent**
- **Specification of all internal plaster work and insulation**
- **Works to timber frame/structural work**
- **Details of walk-in shower at first floor level**

**73 APPEAL AGAINST NON-DETERMINATION OF PLANNING APPLICATION B/12/00527/FUL - EXTENSION TO CAR PARK AND RE-GRADING OF EXISTING CAR PARK. INSTALLATION OF LIGHTING SCHEME TO CAR PARKS, BUY RIGHT CALAIS STREET HADLEIGH**

Members were aware that this matter was considered by Development Committee on 31 October 2012 (Minute No 53(c) and [Paper M107R – Item 2](#) refer), at which time Members approved the basis of the case which the Council would be making to the public inquiry appeal. At the time of dispatching the agenda for the meeting, the Corporate Manager – Development Management had advised that, as all matters between the Council and appellant had been resolved, the Council would not oppose the appeal (subject to the imposition of conditions), and all relevant parties had been notified accordingly.

The Corporate Manager further updated Members at the meeting to the effect that the appeal (and hence the application as a whole) had since been withdrawn and the public inquiry cancelled. The applicant has now submitted a new planning application for the proposed development which can be determined at the next appropriate meeting of the Committee.

**RESOLVED**

**That the current position, as reported by the Corporate Manager, be noted.**

74 PUBLIC SPEAKING ARRANGEMENTS – PLANNING APPLICATION: LAND EAST OF COUNTY FARM, CHURCH FIELD ROAD, CHILTON

The Head of Corporate Organisation referred to the Council’s policy for public speaking on planning applications under which there is provision for only one representative from each group to speak save in exceptional circumstances.

Members accepted that the proposal on the land east of County Farm, Church Field Road, Chilton raises issues of wide public concern in relation to a large scale major development, and were aware that fundamental representations have been received from a statutory consultee. Appropriate officers have discussed with the Chairman the arrangements for public speaking at the Development Committee when this application is to be considered.

**RESOLVED**

**That up to two speakers be entitled to speak from the objectors’ and supporters’ groups under the public speaking arrangements when the application on land east of County Farm, Church Field Road, Chilton is considered.**

Note: Potential speakers as referred to above will be made aware that, in line with the provisions of the Public Speaking arrangements, in the event that more than the specified numbers wish to speak, they will be asked to agree on the two representatives in each case, failing which no representations can be made.

Note: The meeting adjourned for refreshments between 11.10 a.m. and 11.30 a.m.

The business of the meeting was concluded at 2.20 p.m.

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Chairman