

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 27 NOVEMBER 2013

PRESENT: Mr P K Beer – Chairman

Dr M F M Bamford	Mr A F D W Osborne
Mrs K S Grandon	Mr N A Ridley
Mr B D Hurren	Mr C A Roberts
Mr P Jones	Mr D C Rose
Mr D H Keane	Mr R C Smith
Mrs M O Munson	Mr R W Thake
Mr J M Owen (from 1.15 p.m.)	

Mr A J Ward and Mr N MacMaster were unable to be present.

Mr D L Wood, Ward Member for Alton, was present at the meeting for the Item contained in [Paper N82](#) (Application No B/12/00500/FUL) and spoke on the item with the consent of the Chairman.

Mr M J Deacon, Ward Member for Berners and member of the Planning Committee, (who had sent a substitute) was present at the meeting and spoke on the item in [Paper N82](#) with the consent of the Chairman. He declared a pecuniary interest in the item arising from the location of his property and to avoid any perception of bias but stated that he had been granted a dispensation by the Monitoring Officer to speak on the item. He stated further that, under the terms of the dispensation, he could speak to the same extent as a member of the public under the Council's normal arrangements, and would then leave the meeting. Following the Case Officer's presentation, Mr Deacon spoke for three minutes, after which he left the Chamber.

90 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 Mr A J Ward)
Mr J M Owen (substituting for Mr N MacMaster – from 1.15 p.m.)
Mr C A Roberts (substituting for Mr M J Deacon)

91 DECLARATION OF INTERESTS

Dr M F M Bamford subsequently declared a non-pecuniary interest in Item 2 of [Paper N83](#) (Application No B/13/01130/FUL) by reason of being a member of the Parish Council. He stated that, if he spoke on the application, he would then leave the meeting. In the event, he remained in the Council Chamber but did not speak or take any other part in the proceedings.

Mr J M Owen subsequently declared a local non-pecuniary interest in Item 3 of Paper N83 (Application No B/13/01103/FUL) by reason of being a member of the Sudbury Town Council Planning Committee which considered the application.

He stated that he had an open mind on the application and Sudbury Town Council was aware that his position on determining the application would be taken after considering all of the relevant information before the Committee.

92 MINUTES

RESOLVED

That the Minutes of the meeting held on [30 October 2013](#) be confirmed and signed as a correct record.

93 PETITIONS

None received.

94 QUESTIONS FROM MEMBERS

None received.

95 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an [Addendum to each of Papers N82](#) (circulated to Members prior to the commencement of the meeting) and [N83](#) (circulated to Members immediately following the adjournment of the meeting at 11.50 a.m.) 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 the Item contained in Paper N82 and the Items in Paper N83 were reported to the meeting and considered and taken into account before a decision was made on the relevant item.

In accordance with the Council's procedure for public speaking on planning applications, as amended by the decision of the Development Committee on 5 September 2012, representations were made as detailed below relating to the Item contained in Paper N82:-

<u>Application No.</u>	<u>Representations From</u>
B/12/00500/FUL	Mr R Wrinch (Shotley Parish Council) Mr L Meyer(Objector) Mr J Aslan (Objector) Mr S Hewitt (Objector) Ms R Kirkup (Objector) Mr S Bailey (Agent for the Applicant)

In accordance with the Council's procedure for public speaking on planning applications, representations were made as detailed below on Items contained in Paper N83:-

Application No.

Representations From

B/13/01130/FUL

Mr D Fletch (Parish Council)

Mr R Lloyd (Objector)

B/13/00928/FUL

Mr A Young (Objector)

Mr L Thurlow (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 item referred to in Paper N82 be made as follows:-

(a) SHOTLEY

**Application No. B/12/00500/FUL
Paper N82 – Item 1**

Full application – the full and partial demolition of buildings associated with the redevelopment of the site to provide: 285 dwellings; a 60 bed nursing home; 400 sq. m convenience retail; a building containing 400 sq.m flexible dentist/doctor’s surgery/veterinary surgery/retail offices (B1/A2 or D1 uses); and 600 sq.m of offices (B1 use); the use of Nelson Hall for estate offices, changing rooms, dry sports, workshops (use class B1B/C), community use and café; the use of Vincent House as a hotel (C2 use) together with parking and landscaping to form a linear park and landscaped gardens together with associated further landscaping and lighting (as amended). The full and partial demolition of buildings associated with the redevelopment of the site to provide 285 dwellings and associated development, former HMS Ganges site, Shotley Gate.

Colin Bird, Suffolk County Council Development Management, was present at the meeting and responded to questions from Members about various highway-related matters including the County Council’s Travel Plan requirements which had been reflected in the Corporate Manager’s recommendations for approval of the application.

Members noted that the representative of Shotley Parish Council in addressing the Committee under the public speaking procedure had reported that the broad measure of support for the application which had previously been indicated by the Shotley Parish Council had currently been withdrawn.

During the course of his presentation and the ensuing debate, the Case Officer clarified the position regarding the objections received, as follows:-

Natural England now has no objection to the application, neither has English Heritage nor Suffolk Wildlife Trust. All other objections referred to in Paper N82, including those from the RSPB and Suffolk Coast and Heaths AONB unit, are maintained. In response to a specific query, he confirmed that NHS Suffolk has no objections, subject to the proposed mitigation contribution. The Case Officer also further explained the issues around viability and sustainability, as discussed in the report.

The Council's Planning Lawyer, Oliver Block, was present at the meeting and advised Members in relation to the extent to which local opinion could be taken into account when making their decision, insofar as such opinion relates to material planning considerations.

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, with Heads of Terms that are likely to provide the following with such other obligations as the Solicitor to the Council or Corporate Manager – Development Management considers appropriate:

- **Provision of all open spaces and play areas in a phased programme linked to the occupation of the dwellings. (Triggers and phasing to be agreed)**
- **If the development is commenced, the applicant or successor in title covenants to complete the 'community benefits' by a set date in line with an approved phasing plan - i.e. if the development starts, the Integrated Ecology and Heritage Strategy and employment floor space, including the 'cottage industry' units proposed in Nelson Hall, must be completed in their entirety by an agreed date**
- **Furthermore, the phasing plan will need to deliver the commercial floor space concurrently with residential phases with no occupation of residential units in that phase until the commercial floor space is ready.**
- **That a Management Company is put in place in the form proposed in the application to manage all non private spaces and non adopted highways to an acceptable standard in consultation with BDC and to deliver the Integrated Landscape, Heritage and Ecology Management Plans**
- **A programme of viability assessments/reviews to be undertaken periodically until completion (and again on completion), with any uplift in scheme viability to be transferred to BDC/SCC and spent on infrastructure/mitigation measures that have been identified by the Council, but the scheme is not currently able to deliver such, as affordable housing and sustainable transport**

- **Dwellings to be fitted with ducting to support the eventual fitting of fibre optic cables Reasonable endeavours to support broadband improvements in concert with others.**
- **Contribution of £83,980 towards healthcare infrastructure – trigger to be agreed**
- **Education contribution of £437,000 towards local education infrastructure – trigger to be agreed**
- **Contribution of £40,000 towards the foot ferry or Shotley Community Cycle Path – trigger to be agreed**
- **£40,000 towards public transport improvements or Shotley Community Cycle Path – trigger to be agreed**
- **£30,000 towards bus stop improvements or Shotley Community Cycle Path – trigger to be agreed**
- **£60,000 for RTPI implementation or Shotley Community Cycle Path – trigger to be agreed**
- **£195,000 for Shotley Gate – Shotley section of Shotley Community Cycle Path (this may be increased if the above is used for this purpose).**
- **In the interests of sustainability – if the development is commenced, the spine road is to be completed in its entirety by an agreed date and/or by the occupation of the 100th House. The spine road is to connect to King Edward VII Drive or the site boundary.**

NB – The Marina will sign up to the agreement if there is more certainty over the delivery of the spine road, the above would provide that by setting a date.

The Marina will covenant to transfer the fort and allow connection to King Edward VII Drive.

- **Contribution of £113,500 towards off-site highway works – trigger to be agreed**
- **Retirement properties to have occupancy restriction of 55 and constructed to Lifetime Homes Standard**
- **Implementation of work place and residential travel plans, including contribution to travel plan bond and monitoring – trigger to be agreed**
- **Preparation and implementation of a heritage interpretation strategy comprising a heritage trail, heritage display on site, heritage display panels around the site, preparation of a guide book, naming of streets to reflect site history and the provision of public art and artefacts around the site relating to naval history of the site.**
- **£40,000 contribution for Shotley Parish Council to undertake a feasibility study for reuse of the swimming pool building and to prepare bids for funding – trigger to be agreed**
- **Implementation of mitigation identified in the appropriate assessment, including £20,000 to be spent on education and monitoring by the management company or Shotley Parish Council – trigger to be agreed**

- **Sustainability pack - No market dwelling shall first be occupied unless the owner (the applicant/developer) has provided to that first purchaser a sustainability pack approved by the Council detailing energy efficient options available for purchasers prior to that occupier purchasing the market dwellings. A written record is to be kept of what options were taken forward and shared with the Council once all units are occupied**
 - **Preparation of a construction management plan in accordance with the considerate contractor scheme.**
- (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:**
- **Commencement within 3 years**
 - **Submission and approval of finishing materials**
 - **Submission and approval of details including mortar mix, joinery colour and render colours**
 - **Submission and approval of windows details**
 - **10% energy to provide provided on site from renewable, decentralised or low carbon sources**
 - **As recommended by the County Archaeologist (further archaeological investigation)**
 - **As recommended in the Appropriate Assessment (suite of measures to safeguard the SPA)**
 - **As recommended in ecological assessment relating to habitat enhancement etc.**
 - **Provision of fire hydrants and fire strategy**
 - **As recommended by the LHA (relating to parking, internal road layout and highway safety)**
 - **Detail of play equipment to be submitted and approved**
 - **Notwithstanding the approved details, submission of details for a play area and outdoor gym to parade ground (in effect reinstate the play areas removed following the design review)**
 - **As recommended by the EA (relating to flood risk measures)**
 - **Removal of PD rights for extensions and alterations**
 - **Development to be implemented in accordance with landscape strategy**
 - **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**
 - **Achieve Code for Sustainable Homes Level 3 as a minimum for all dwellings and Code 4 on energy**
 - **Land contamination**
 - **As recommended in the arboricultural assessment**

- **As recommended by Environmental Health (control over lighting, hours of operation, plant and equipment)**
- **Noise impact mitigation (acoustic fence, boundary treatment and triple glazing)**
- **Phasing plan to be approved (although this may be in the s106)**
- **Approval of a strategy to recycle demolition material**
- **Submission of a scheme of works, with a timetable, for the repair of Anson buildings and the Swimming Pool Building.**

- (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 in the absence of the required Obligation with consequent adverse impacts contrary to Babergh Local Plan alteration No.2 2006, emerging Core Strategy policies and the NPPF.**

96 SITE INSPECTIONS

Mr B D Hurren, Ward Member for Boxford, had requested a site inspection in respect of Application No. B/13/1200/FUL to enable Members to assess the potential impact of the proposal on highways, footpaths and the street scene.

Before Members were asked to vote on the request the Chairman asked the Case Officer to make a short presentation to enable the Committee to decide whether a site inspection was needed.

Following the presentation the Committee decided not to hold a site inspection in respect of this application.

RESOLVED

That a site inspection be not held in respect of the following application:-

BOXFORD

Application No. B/13/1200/FUL

Full Application – erection of 20 affordable houses and 5 market sale houses, land east of Boxford Court, Sand Hill.

At this point, the meeting adjourned at 12.35 p.m. for refreshments. The meeting resumed at 1.15 p.m. when the following Members were present:-

Mr P K Beer – Chairman

Dr M F M Bamford
Mrs K S Grandon
Mr B D Hurren
Mr P Jones
Mr D H Keane
Mrs M O Munson
Mr A F D W Osborne

Mr J M Owen
Mr N A Ridley
Mr C A Roberts
Mr D C Rose
Mr R C Smith
Mr R W Thake

97 PLANNING APPLICATIONS (continued)

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 N83 be made as follows:-

(b) BOXFORD

**Application No. B/13/01017/RES
Paper N83 – Item 1**

Submission of details under O.P.P B/11/00148/OUT – the landscaping of the site for the erection of 21 dwellings, as amended by revised plan no. LSDP 10922.01 received 22/11/13 land south of Daking Avenue and west of Swan Street.

RESOLVED

That the submission of Reserved Matters be approved.

(c) BENTLEY

**Application No. B/13/01130/FUL
Paper N83 – Item 2**

Full application – construction of 8 hardstanding parking spaces and erection of 4.5m wide double field gate (to serve 8 new allotments), land rear of 24 – 35, Highfields.

RESOLVED

That planning permission be granted subject to conditions including:-

- Standard time limit**
- Precise details of parking area surfacing**
- Hard and soft landscaping details**

(d) SUDBURY

**Application No B/13/01103/FUL
Paper N83 – Item 3**

Full Application – erection of 26 dwellings, construction of new vehicular access to Clermont Avenue, garages and parking, land rear of High Bank, Melford Road.

RESOLVED

(1) That subject to no adverse comments from the Corporate Manager Environmental Protection and SWT and no new material issues arising as a result of the public consultation, 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 (HS 32);**
- **35% Affordable Housing (HS09);**
- **Financial contributions towards ‘other infrastructure’ listed in paragraph 84, Item 3 of Paper N83, subject to the following amended figures:-**

Libraries £5,616 and Waste £2,522

(2) That subject to 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;**
- **Submission and approval of a construction management plan;**
- **Provision of fire hydrants;**
- **Submission and approval of an arboricultural method statement and tree protection plan;**
- **Precise details of a replacement tree (for T16) and implementation of the landscaping scheme submitted with the application, with it safeguarded for five years;**
- **Materials to be submitted and approved;**
- **As recommended by the LHA;**
- **Ecological enhancements to be submitted and approved;**
- **10% energy to be provided by renewable, low carbon or decentralised means;**
- **Levels – finished floor, slab level and site level;**
- **Boundary treatment to be submitted and approved.**
- **Mitigation Plan – noise impacts from pumping station**

(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 reasons including:-

- **Inadequate provision of infrastructure contrary to Policy LP01 of the Local Plan;**
- **Any reasons as required in conjunction with policy HS09 and HS32 (as appropriate).**

(e) WHATFIELD

Application No B/13/00923/FUL Paper N83 – Item 4 **Full Application – erection of 6 affordable dwellings with access road, car parking and gardens, as amended by revised plan no. 6552-001 rev B received 13/11/13, land west of allotments, Semer 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:-

- **That the units remain ‘affordable’ in perpetuity**
- **Such other obligations as the Solicitor to the Council or Corporate Manager – Development Management considers appropriate.**

(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 of 3 years**
- **As recommended by the LHA**
- **As recommended by the County Archaeologist**
- **The development to be undertaken in accordance with the arboricultural report**
- **The development to be undertaken in accordance with the Mitigation recommendations within the Ecology Assessment**
- **Details of materials to be submitted and agreed**
- **Details of hard and soft landscaping to be submitted and agreed**
- **The hard and soft landscaping to be implemented as agreed**
- **The landscaping to be safeguarded for 5 years**
- **Details of screen walls and fencing to be submitted and agreed**
- **Any further planting and ecological enhancement measures as required**

(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 reasons including:-

- **In the absence of a Planning Obligation securing the units as affordable housing the proposal would be contrary to Saved Policies HS04, HS06, HS07 and CR01 of the Babergh Local Plan (Alteration No. 2) 2006.**

Note: The meeting adjourned for refreshments between 12.35 p.m. and 12.30 a.m.

The business of the meeting was concluded at 2.45 p.m.

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Chairman