

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY 14 JANUARY 2015

PRESENT: Peter Beer - Chairman

Michael Bamford	Nick Ridley
Dave Busby	David Rose
Kathryn Grandon	Ray Smith
Bryn Hurren	Rex Thake
Desmond Keane	Trot Ward
Adrian Osborne	Sue Wigglesworth
Jack Owen	

John Deacon, Peter Jones and Mary Munson were unable to be present.

Robert Lindsey, Ward Member for South Cosford, was present at the meeting and spoke on Application Nos. B/14/00898/ROC and B/14/00882/ROC – [Item 1 of Paper P88](#) – with the consent of the Chairman.

104 SUBSTITUTES

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

Dave Busby (substituting for John Deacon).
Sue Wigglesworth (substituting for Peter Jones).
Bryn Hurren (substituting for Mary Munson).

105 DECLARATION OF INTERESTS

Adrian Osborne declared a non-pecuniary interest in Applications Nos. B/14/00499/FUL and B/14/00585/FUL (Items 2 and 3 of [Paper P88](#)) by reason of his wife's involvement with the West Suffolk NHS Foundation Trust. He also referred to his attendance as a local Councillor at an open forum event organised by the NHS. He stated that he had kept an open mind and was able to speak and vote on the items.

106 MINUTES

Members noted that the Minutes of meeting held on [17 December 2014](#) would be confirmed and signed at a future meeting of the Planning Committee.

107 PETITIONS

None received.

108 QUESTIONS FROM MEMBERS

None received.

109 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an [Addendum to Paper P88](#) (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received since the publication of the Agenda, but before noon on the working day before the meeting, together with errata.

Details of further representations received in respect of Item Nos. 1, 2, 3 and 4 and 6 contained in Paper P88 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 on items contained in Paper P88:-

<u>Application No.</u>	<u>Representations from</u>
B/14/00898/ROC and B/14/00882/ROC	Mr C Harding (Parish Council) Mr N Willcocks (Objector) Mr J Chaplin (Applicant) Mr M Smith (in support of Applicant)
B/14/00499/FUL	Mr T Harbord (Agent)
B/14/00585/FUL	Mr T Harbord (Agent)
B/14/01086/FUL	Miss S Lewis (in support of Applicant) Mrs A Lewis (Applicant)
B/14/00604/FUL	Mr A Powlesland (Applicant)

Note: With the agreement of the Committee, the following public speaking arrangements were in place:-

B/14/00898/ROC and B/14/00882/ROC

These being 2 separate applications the Parish Council and the objector had up to six minutes to address both applications, with the Applicant and a supporter having three minutes each to address both.

B/14/01086/FUL

The Committee took into account that the Applicant appeared to have been confused about the speaking arrangements and both she and a supporter were allowed three minutes each to address the application.

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 P88 be made as follows:-

(a) NEDGING WITH NAUGHTON

Application Nos. B/14/00898/ROC and B/14/00882/ROC
[Paper P88 – Item 1](#)

B/14/00898/ROC – Application under Section 73 of the Town and Country Planning Act 1990 - Variation of conditions 1 & 2 of permission B/08/01195/FUL to allow an increase in the days and hours of bus operations as amended by details received 8th August 2014 and B/14/00882/ROC – Application under Section 106A of the Town and Country Planning Act 1990 - To discharge a Section 106 agreement dated 2 April 2009 associated with P.P. B/08/001195/FUL as amended by details received 8 August 2014, Hill Farm, Nedging Road.

The Case Officer as part of his presentation on this item drew Members' attention to the applicant's request to increase the number of buses from 4 to 5, which has now been withdrawn from the application, as set out in the [Addendum to Paper P88](#).

RESOLVED

- (1) That the Corporate Manager – Development Management be authorised to secure a planning obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:-**
 - Control over the occupation of Hill Farm House to those connected to the coach business (a manager, owner or member of staff);**
 - Prohibit use of the southern section of Nedging Road by coaches.**

- (2) That, subject to the completion of the Planning Obligation in Resolution (1) above to the satisfaction of the Corporate Manager - Development Management and no new material planning issues being raised via the outstanding Public Consultation, the Corporate Manager – Development Management be authorised to grant planning permission subject to conditions including:-**
 - Coaches to be maintained and parking in the area specified in the 2008 application**

- **Hours of operation to be:-**
 - **Monday – Friday - 06:45 – 22:00 but with only one movement between 06:45 and 07:00 and one between 19:00 and 22:00 with maintenance to cease at 19:00 with no power tools used after 17:00;**
 - **Saturdays 07:00 – 22:00 with only one movement between 19:00 and 22:00 with maintenance to cease at 19:00 with no power tools used after 17:00;**
 - **Operations to be on only two Sundays or Bank Holidays in any calendar month with movements to be limited to four with hours of operation to be 9am – 6pm.**
- **The applicant to keep a log of all coach movements – date and time, which can be inspected by the LPA upon request;**
- **No more than four vehicles to be parked on site;**
- **Maximum number of movements in any day to be limited to 10 (a movement is a coach exiting or re-entering the site).**

(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:-

- **Unacceptable impact on residential amenity and/or highway safety contrary to the NPPF and Policy CS15 of the Core Strategy.**

(4) The Corporate Manager – Development Management be authorised to refuse the application to discharge the s106 obligation as it still serves a useful purpose.

(b) SADBURY

**Application No. B/14/00499/FUL
[Paper P88 – Item 2](#)**

Full Application - Conversion of former hospital buildings to 42 residential units and erection of 7 town houses and demolition of redundant buildings. Alterations to access and footpaths and associated landscaping works, Walnut Tree Hospital, Walnut Tree Lane.

Members were advised that, following the deferral of this item from the previous meeting to enable viability issues to be resolved, discussions are on-going. The Corporate Manager – Development Management referred Members to the updates set out in the Addendum to P88 which were to be taken into account and given weight when making a balanced judgement about the viability package.

Members debated the scheme fully as a result of which it was agreed to delegate authority to the Corporate Manager to resolve the viability of the scheme and then to approve the application subject to the safeguards set out in the Addendum.

RESOLVED

(1) That, subject to the receipt of the Viability Consultant’s Report and a viability position being established, the Corporate Manager – Development Management be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide for the following:-

- **Before the first commencement of development on site – the carrying out – at the developer’s cost – of a new and full viability assessment and the submission of a detailed cost plan – informed by a full-structural survey of the buildings to be converted to residential use;**
- **Any matters which are considered important following the receipt of the Viability Consultant’s Report;**
- **Any sale of the land at a price that exceeds an agreed benchmark figure to accrue entirely to the Council (if appropriate);**
- **A “claw-back” mechanism that ensures that 50% of any increase in the sale price that is achieved over and above what is currently projected for individual units under the current assessment accrues to the Council (if appropriate);**
- **The completion of the development within 3 years of the date of the grant of planning permission unless otherwise agreed in writing by the Local Planning Authority and, in any event, provides for a review - at the developer’s cost - of the viability of the development if, after 2 years, the approved scheme is unimplemented or fewer than 50% of the total number of 49 units to be provided under the planning permission have been delivered (if appropriate);**

- The securing of the conversion of the locally-listed historic buildings by requiring that occupation of particular units within the new housing part of the development may only take place after specified phases of the conversion of the historic buildings to flats have been completed.
- (2) That, subject to the completion of the Planning Obligation in Resolution (1) above to the satisfaction of the Corporate Manager - Development Management, the Corporate Manager - Development Management be authorised to grant planning permission subject to conditions including:-
- Agreement of external finishing materials for new housing;
 - Agreement of external finishing materials for conversion of historic hospital building, including details of all new/replacement windows, doors and other openings;
 - As recommended by the Highway Authority;
 - Archaeological investigation as recommended by SCC Archaeological Service;
 - Surface Water Strategy;
 - Landscaping proposals (including all new hard-surfacing and equipment specification for LAP);
 - 10% energy to be provided by renewable, low carbon or decentralised means;
 - Retention of Existing Trees on the Site (including protection of all existing trees/vegetation on site during construction);
 - Construction Management Plan for construction/conversion works;
 - Contamination;
 - Phasing Plan.
- (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 safeguards in terms of compensatory benefits in lieu of provision of affordable housing and other social and physical infrastructure;

- **Failure to secure the delivery of the conversion of the historic locally listed building;**
- **Contrary to Core Strategy Policies CS15, CS19 and CS21 and Saved Local Plan Policies HS32, SD13.**

(c) SADBURY

Application No. B/14/00585/FUL
[Paper P88 – Item 3](#)

Full application - Redevelopment to provide total of 12 No. new dwellings - Consisting of conversion of existing original hospital building to provide 3 No. 4 Bed houses (including erection of 2 No. two storey extensions to rear) and erection of 9 No. new dwellings - consisting of 3 No. 3 Bed houses (2 No. 3 Bed Semi-Detached and 1 No. 3 Bed detached house) on Burroughs Piece Road frontage and 6 No. new dwellings across remainder of site - Consisting of 3 No. 3 Bed houses (1 No. detached and 2 No. semi-detached units), 2 No. 2 Bed, 1 No. 1½ storey chalet-style bungalows and 1 No. 1 bed flat over garage block. Demolition of existing structures; Alterations to existing accesses and associated landscaping works, St Leonards Hospital, Newton Road.

Members were advised that, following the deferral of this item from the previous meeting to enable viability issues to be resolved, discussions are on-going and similar considerations applied with regard to that aspect as apply to Application No B/14/00499/FUL. The Corporate Manager – Development Management referred Members to the updates set out in the Addendum to P88 which were to be taken into account and given weight when making a balanced judgement about the viability package.

Members debated the scheme fully as a result of which it was agreed to delegate authority to the Corporate Manager to resolve the viability of the scheme and then to approve the application subject to the safeguards set out in the Addendum. A further condition was added, to secure the retention of plaques from the existing St Leonards building.

RESOLVED

(1) That the Corporate Manager - Development Management be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide for the following:-

- **Before the first commencement of development on site – the carrying out – at the developer’s cos – of a new and full viability assessment and the submission of a detailed cost plan – informed by a full-structural survey of the buildings to be converted to residential use.**
- **Any matters which are considered important following the receipt of the Viability Consultant’s Report;**
- **Any sale of the land at a price that exceeds an agreed benchmark figure to accrue entirely to the Council (if appropriate);**
- **A “claw-back” mechanism that ensures that 50% of any increase in the sale price that is achieved over and above what is currently projected for individual units under the current assessment accrues to the Council (if appropriate);**
- **The completion of the development within 3 years of the date of the grant of planning permission unless otherwise agreed in writing by the Local Planning Authority and, in any event, provides for a review - at the developer’s cost - of the viability of the development if, after 2 years, the approved scheme is unimplemented or fewer than 50% of the total number of 12 residential units to be provided under the planning permission have been delivered (if appropriate);**
- **The securing of the conversion of the original hospital building by requiring that occupation of particular units within the new housing part of the development may only take place after specified houses within the converted original hospital building have been completed.**

(2) That, subject to the completion of the Planning Obligation in Resolution (1) above to the satisfaction of the Corporate Manager - Development Management, the Corporate Manager - Development Management be authorised to grant planning permission subject to conditions including:-

- **Agreement of external finishing materials for new housing;**

- **Agreement of external finishing materials for conversion of historic hospital building, including details of all new/replacement windows, doors and other openings;**
- **As recommended by the Highway Authority;**
- **Archaeological investigation as recommended by SCC Archaeological Service;**
- **Surface Water Strategy;**
- **Landscaping proposals (including all new hard-surfacing and equipment specification for LAP);**
- **Full arboricultural assessment - including schedule identifying all works to trees, the reasons for the works (including removal where proposed), method of protection during construction, proposals for new tree planting;**
- **Ecology - resurvey of site to establish extent of grape hyacinth, demolition of buildings and removal of trees only in autumn & winter;**
- **10% energy to be provided by renewable, low carbon or decentralised means - new build;**
- **Details of measures to upgrade the thermal efficiency of original hospital building and minimise its carbon footprint;**
- **Retention of Existing Trees on the Site (including protection of all existing trees/vegetation on site during construction);**
- **Construction Management Plan for construction/conversion works;**
- **Contamination - as advised by Environment Agency;**
- **Sustainable drainage details;**
- **Phasing Plan;**
- **Retention of plaques from existing St Leonards building**

Plus:

Informative relating to bats.

(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):-

- **Failure to provide safeguards in terms of compensatory benefits in lieu of provision of affordable housing and other social and physical infrastructure;**
- **Failure to secure the delivery of the conversion of the historic original hospital building on the site;**
- **Contrary to Core Strategy Policies CS15, CS19 and CS21 and Saved Local Plan Policy HS32;**
- **Inadequate provision of public open space and play equipment contrary to Local Plan Policy HS32.**

(d) HITCHAM

**Application No. B/14/01086/FUL
[Paper P88 – Item 4](#)**

Full application - Change of use of premises from public house with living accommodation to 1 dwelling, The White Horse, the Street.

The Corporate Manager – Development Management reminded Members of their decision on 26 November 2014 to defer consideration of this item to allow the application for the public house to be considered as an asset of Community Value to be determined (together with any consequent 6 month associated Moratorium period). Members were advised that the ACV application had not yet been determined but that an appeal had been lodged against non-determination of the planning application. Members were advised that, in these circumstances, the Council cannot now determine the planning application and any decision on the appeal has to be made by the Planning Inspectorate. The Committee was therefore asked to give a view on how Officers should defend the planning appeal.

RESOLVED

(1) That if the ACV application is determined and the building is declared an Asset of Community Value the Council's Officers would defend the planning appeal on the basis that the declaration of the ACV is a material planning consideration which should prevent the change of use to a dwelling until sufficient time has been allowed to the Community to put in a bid to purchase the Asset (the legislation allows 6 months).

- (2) That in the event that the ACV application is unfavourably determined and that the building is not declared an Asset of Community Value Planning Committee agreed that it would find the conversion of the Public House to a dwelling to be acceptable.

(e) **LONG MELFORD**

Application No. B/14/00604/FUL **Full application - Change of use from commercial to residential use, The Old Barn, Withindale Lane.**
[Paper P88 – Item 5](#)

Notwithstanding the recommendation of the Corporate Manager – Development Management that planning permission should be refused for reasons relating to loss of employment, a motion to grant permission was carried on being put to the vote, on the grounds that

- Policy EM24 and requirement for marketing could be set aside in this case
- residential use is an acceptable alternative in the circumstances
- the provision of a good sized one bedroom dwelling reasonably well related in settlement and access terms would be of benefit
- trips generated would be fewer than would be generated by the currently permitted use
- no harm to neighbours

RESOLVED

That planning permission be granted.

(f) **WOOLVERSTONE**

Application No. B/14/00703/FUL **Full application - Erection of 4 dwellings, garages and associated works, Paul Double Nurseries Limited, Main Road.**
[Paper P88 – Item 6](#)

The Case Officer in introducing the supplementary report on this item, which Members read in conjunction with the previous reports submitted to Committee on 12 and 26 November 2014, explained the reason for the application having to be returned for further consideration as a result of the recent Ministerial Statement, as referred to in Item 6 of Paper P88.

RESOLVED

- (1) That the Corporate Manager – Development Management be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide for:-
- Secure conversion works to the water tower to the development of the dwellings;
 - The tying of the walled garden and associated structures; and their maintenance, to Plot 11 and preventing the sale or lease of the walled garden separate to Plot 11;
 - The preclusion of any sub-division of the walled garden;
 - To ensure appropriate phasing of development;
 - To ensure that Plots 10 and 11 of planning permission B/08/01067 cannot be built in conjunction with the new dwellings.
- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Corporate Manager – Development Management, the Corporate Manager – Development Management be authorised to grant planning permission subject to conditions including:-
- Standard Time Limit for Commencement;
 - Materials (including fenestration and finishes);
 - Design details;
 - Landscaping;
 - Details of Boundary Treatments/Screen Walls/Fences;
 - Hard surface treatments;
 - As required by Local Highway Authority ;
 - Contamination;
 - Removal of ‘Permitted Development Rights’ for extensions, alterations, roof additions, outbuildings, microgeneration and means of enclosure.
- (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:

- **The applications fail to secure the identified conservation works;**
- **The proposals would not represent an acceptable departure from the provisions of the Local Plan.**

Notes:

1. The meeting was adjourned between 11.25 a.m. and 11.45 a.m. for refreshments and between 12.50 p.m. and 12.55 p.m.
2. Rex Thake left the meeting after consideration of Item 3 of Paper P88.

The business of the meeting was concluded at 1.20 p.m.

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Chairman