

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 25 MARCH 2015

PRESENT: Peter Beer – Chairman

Michael Bamford	Nick Ridley
Kathryn Grandon	Tony Roberts
Jennie Jenkins	David Rose
Peter Jones	Ray Smith
Mary Munson	Rex Thake
Adrian Osborne	Trot Ward
Jack Owen	

Desmond Keane was unable to be present.

John 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 P118 ([Application No. B/12/00500/FUL](#)) 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 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.

David Wood, Ward Member for Alton, was present at the meeting and spoke on [Application No. B/12/00500/FUL](#) in Paper P118 with the consent of the Chairman.

Sue Carpendale and Kathy Pollard, Ward Members for Mid Samford, were present at the meeting and spoke on [Application No. B/15/00075/FUL](#) (Item 1 of Paper P120) with the consent of the Chairman.

129 SUBSTITUTES

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

Tony Roberts (substituting for John Deacon)
Jennie Jenkins (substituting for Desmond Keane).

130 DECLARATION OF INTERESTS

None declared.

131 MINUTES

RESOLVED

That the minutes of the meeting held on [25 February 2015](#) be confirmed and signed as a correct record.

132 PETITIONS

None received.

133 QUESTIONS FROM MEMBERS

None received.

134 SITE INSPECTIONS

John Hinton, Ward Member for Dodnash, requested a site inspection in respect of Application Nos. B/14/01483/FUL and B/14/01484/LBC, Full Application and Application for Listed Building Consent – Erection of extension and associated alterations, East Bergholt Post Office and Store, The Street, East Bergholt – to enable Members to assess the impact of the development on the setting and character of the Listed Building and in pedestrian and road safety terms; and to assess the open space provision for a substantial family home in the village.

Prior to asking Members to vote on the request the Chairman asked the Case Officer to make a brief presentation with photographs to enable them to decide whether they considered it necessary to visit the site.

Following the presentation, it was agreed to hold a site visit.

RESOLVED

- (1) That a site inspection be held on Wednesday, 1 April 2015 in respect of the above-mentioned site, prior to consideration of the application by the Committee.**
- (2) That a Panel comprising the following Members be appointed to inspect the site:-**

**Michael Bamford
Peter Beer
John Deacon
Kathryn Grandon
Peter Jones
Desmond Keane
Mary Munson**

**Adrian Osborne
Jack Owen
Nick Ridley
David Rose
Ray Smith
Rex Thake
Trot Ward**

135 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an [Addendum to each of Papers P118, P119 and P120](#) (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 the items contained in Paper P118 and P119, and items 1 and 2 of Paper P120 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 Planning Committee on 11 February 2015 representations were made as detailed below relating to the item contained in [Paper P118](#):-

<u>Application No.</u>	<u>Representations From</u>
B/12/00500/FUL	Mr R Wrinch (Parish Council) Mr Hewitt (Objector) Mr Meyer (Objector) Mr Crompton (Objector) Mr Davis (Supporter) Mr Powell (Supporter) Mr Bugg (Supporter) Mr Derbyshire (Agent for Applicant)

In accordance with the Council's procedure for public speaking on planning applications, representations were made as detailed below relating to the item contained in [Paper P119](#):-

<u>Application No.</u>	<u>Representations From</u>
B/14/01288/FUL	Mr Page (Parish Council) Mr Sturgis (Objector) Mr Bailey (Agent for 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 P120](#):-

<u>Application Nos.</u>	<u>Representations From</u>
B/15/00075/FUL	Ms Jennings (Applicant)
B/14/01550/FUL	Mr Harbord (Agent for Applicant)
B/14/01297/FUL	Mr Clarke (Parish Council) Mr Wincer (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) a decision on Item 1 of Paper P118 be made as follows:-

(a) SHOTLEY

Application No. B/12/00500/FUL
Paper P118 – Item 1

Full application – The full and partial demolition of buildings associated with the redevelopment of the site to provide: 285 dwellings; 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 & cafe; 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. All as amended - Former HMS Ganges Site, Shotley Gate.

RESOLVED

- (1) That the Corporate Manager – Development Management be authorised to draft a s106 Agreement including the following:-

Provision of all open spaces and play areas in accordance with the following:

- Allotments Not to occupy Drake, Hawkes or Practical Suite before completion
- LAP1 150m2 LAP 150 Residential Dwellings
- LAP2 150m2 LAP 150 Residential Dwellings
- LAP3 150m2 LAP 20 Residential Dwellings
- LAP4 325m2 LAP 70 Residential Dwellings
- LAP5 400m2 LAP 150 Residential Dwellings
- Lavender Meadows 265 Residential Dwellings
- LEAP1 625m2 170 Residential Dwellings
- LEAP2 1060m2 240 Residential Dwellings
- Linear Park 6609m2 265 Residential Dwellings
- Meadow Land 45,533m2 265 Residential Dwellings
- Outdoor Exercise Area 100 Residential Dwellings
- Parade Ground 265 Residential Dwellings
- Public Gardens 265 Residential Dwellings
- Public Paved Square Residential Dwellings
- Public Street Gardens Not to occupy Drake, Hawkes or Practical Suite before completion

The heritage benefits to be delivered in accordance with the following timetable:-

- **Ceremonial Gates - Renovated in accordance with Heritage Assets Specification - 20 Residential Dwellings**
- **Signals School - Renovated in accordance with the Heritage Assets Specification to enable it be used for its intended purpose - 225 Residential Dwellings**
- **Vincent House - Renovated to shell and core in accordance with the Heritage Assets Specification - 140 Residential Dwellings**
- **Nelson Hall - Renovated in accordance with the Heritage Assets Specification to enable it to be used for its intended purposes - 140 Residential Dwellings**
- **Swimming Pool Building - Secure, watertight, ventilated in advance of future use - 20 Residential Dwellings**
- **Drake - Renovated in accordance with the Heritage Assets Specification to enable it to be used for its intended purpose - 140 Residential Dwellings**
- **Hawkes - Renovated in accordance with the Heritage Assets Specification to enable it to be used for its intended purpose - 140 Residential Dwellings**
- **Practical Suite - Renovated in accordance with the Heritage Assets Specification to enable it to be used for its intended purpose - 140 Residential Dwellings**
- **The Fort - Renovated in accordance with the Heritage Assets specification - Prior to Commencement of Development**
- **Mast - Renovated and permanently re-erected in its historic position in accordance with the Heritage Assets specification - 113 Residential Dwellings**
- **Martello Tower - Renovated in accordance with Heritage Assets specification - 240 Residential Dwellings**

Employment uses to be delivered in accordance with the following:

- **Care Home by 113 Residential Units**
- **Flexible Use Building by 113 Residential Units**
- **Retail/Office Building by 113 Residential Dwellings**

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

Viability review assessments at

- **Upon commencement of the first construction phase;**
- **Occupation of 75 homes;**
- **150 homes;**
- **250 homes**

The developer will be permitted to staircase their profit up to 20% (industry norm). Any surplus profit above this would be split 50/50 with the district (the split is to incentivise the developer to make a surplus profit). Each review would be a whole scheme review that would work out the profit (actual and anticipated) for the whole development. Babergh's share of any surplus profit will therefore be adjusted after each review to take into account what has already be paid in surplus profit.

The review mechanism can be expressed as follows:-

- Total revenue – total costs (including s106 items not deferred) = developer profit (up to 20%), any profit over 20% to be surplus profit.
- Surplus profit / 2 (50/50 share BDC and developer) = Babergh's profit share.
- Babergh's profit share – any surplus profit accrued under previous viability reviews = contribution to deferred s106 obligations from that review.

For the avoidance of doubt, the infrastructure/mitigation measures that have been identified by the Council, but the scheme is not currently able to deliver (i.e. the deferred contributions) are:-

- Affordable Housing - £3,232,977;
- Cycle path extension to Chelmondiston (from Shotley Street, 2nd phase) - £660,000;
- Real Time Passenger Information - £60,000;
- Improvements to bus services - £1,558,000;
- Buzzabout Service – £337,000;
- Early Years Education - £121,820;
- Library contribution - £74.520.

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
 - 50% prior to occupation of 50 homes;
 - 50% prior to occupation of 150 homes.
- Education contribution of £437,000 towards local education infrastructure
 - 25% prior to occupation;
 - 25% prior to occupation of 50 homes;
 - 25% prior to occupation of 100 homes;
 - 25% prior to occupation of 210 homes.

- Contribution of £40,000 towards the foot ferry or Shotley Community Cycle Path - prior to occupation of 150 homes
- £40,000 towards public transport improvements or Shotley Community Cycle Path – triggers as per Shotley Community Cycle path
- £30,000 towards bus stop improvements or Shotley Community Cycle Path - This has been secured with the trigger being prior to occupation of 150 homes
- £60,000 for RTPI implementation or Shotley Community Cycle Path – triggers as per Shotley Community Cycle path, RTPI is deferred
- £195,000 for Shotley Gate – Shotley section of Shotley Community Cycle Path (plus the other contributions above).
 - 25% prior to occupation of 30 homes;
 - 25% prior to occupation of 60 homes;
 - 25% prior to occupation of 90 homes;
 - 25% prior to occupation of 150 homes.

In the interests of sustainability – if the development is commenced, the spine road is to be completed by the occupation of the 100th House. The spine road is to connect to King Edward VII Drive and be adopted public highway.

If Shotley Marina do not sign the agreement, the road to be constructed up to the edge of the site with permission to be given to the Marina to connect in.

Contribution of £113,500 towards off-site highway works

- £50,000 before occupation of 30 dwellings;
- £12,000 before the occupation of 60 dwellings;
- £45,000 before the occupation of 90 dwellings;
- £16,500 before the occupation of 150 dwellings.
- 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 - £95,000 will be payable to SCC upon commencement of the first construction phase or a bond will be secured. A Travel Plan monitoring fee of £10,000 will also be paid upon commencement.

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. The heritage interpretation would be submitted prior to commencement with a timetable for implementation that will need to be approved.

£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 – prior to the occupation of 150 homes. If the Parish Council wish to take on the swimming pool building for a community use then it will be offered on a 999 year lease at a peppercorn rent. The building would be returned to the developer if it ceases to be used for public uses for a period of 6 months. The 999 year lease will need to be approved by BDC so that it is not unduly onerous.

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 – The financial contribution would be provided prior to any occupation.

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 purchase 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.

The full package of s106 measures can be summarised as follows,

Capital contributions - £1,069,480

Deferred capital contributions (only to be paid if viability improves) - £6,044,317.

(2) That, subject to the completion of the s106 Agreement, to the satisfaction of the Corporate Manager – Development Management, the Corporate Manager – Development Management be authorised to grant planning permission subject to conditions including:-

- **Time limit of 5 years (5 years rather than 3 due to the long pre construction phase to prepare the site);**
- **Submission and approval of a construction management plan;**
- **Provision of fire hydrants;**
- **Details of materials to be submitted and approved;**
- **Details of bond of brickwork, joints and mortar mix to be approved;**
- **Details of windows and doors and their surrounds to be submitted and approved;**
- **Programme of archaeological investigation to be approved;**
- **The development to be undertaken in accordance with the appropriate assessment. Evidence to be submitted to LPA prior to occupation;**

- The development to be implemented in accordance with the ecological report. Evidence to be submitted to LPA prior to occupation;
- Details of all estate roads and footpaths to be submitted and approved;
- No dwelling to be occupied until the carriageway and footpaths serving that dwelling are constructed to base course or better;
- Revised/updated travel plan to be submitted and approved;
- All manoeuvring and parking spaces to be retained and be kept available for parking/manoeuvring;
- Precise details for all play equipment to be submitted and approved;
- Precise details of the surface water drainage scheme to be submitted and approved;
- PD rights removed for extension, alterations and outbuildings;
- The development to be implemented in accordance with the landscaping and boundary treatment strategies with landscaping document and safeguarded for 10 years;
- Levels to be approved;
- Dwellings to achieve CsH Level 3 with Level 4 in energy. Evidence to be submitted to LPA prior to occupation;
- Commercial buildings to achieve BREEAM 'very good'. Evidence to be submitted to LPA prior to occupation;
- 10% of energy to be from renewable, decentralised or low carbon sources with details (including details of any renewable energy technologies) to be submitted and approved;
- Investigation and remediation of land contamination;
- Implemented in accordance with the Arboriculture Assessment. Evidence to be submitted to LPA prior to occupation;
- No commercial building to be occupied until hours of operation and external plant are agreed for that particular user;
- All properties to have triple glazing. An acoustic fence to be erected to protect occupants of Gate Farm Road;
- The development to be undertaken in accordance with the site lighting strategy; any other external lighting to be approved;
- The development to be implemented in accordance with the site waste management plan;
- No development until a schedule of works for the external repair of Anson and Swimming Pool buildings is submitted and approved;
- All retirement properties to be constructed to life time home standards. Evidence to be submitted to LPA prior to occupation;
- Detailed tree planting plan to be approved.

136 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE
(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) a decision on Item 1 of Paper P119 be made as follows:-

(b) HOLBROOK

<u>Application No. B/14/01288/FUL</u> Paper P119 – Item 1	Full application - Erection of 78 dwellings to include 27 affordable housing units, public open space and associated landscaping and sustainable urban drainage system, Land on the east side of Ipswich Road, Holbrook.
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Notwithstanding the recommendation of the Corporate Manager – Development Management to grant planning permission subject to a Section 106 Agreement and appropriate conditions, a motion to refuse permission for reasons relating to the impact of the proposed development (including an element of 2½ storey heights) being detrimental to the character of the area was moved but lost on being put to the vote.

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:

- Affordable Housing – 35% provision: 27 units
- A financial contribution of up to £15,000 towards play provision at Read Field
- Libraries contribution £16,848
- Off-site mitigation measures to address the potential impact on the Stour and Orwell Estuaries SPA (£24,400), as detailed in the ecology section, above including promotion of potential dog walking area at Alton Water if appropriate
- Reptile receptor site (off-site)

(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 outline planning permission subject to conditions including:

- Standard time limit
- Materials;
- As recommended by the LHA (including highway improvements and travel plan);

- **Details of fire hydrant positions to be submitted;**
- **As recommended in the ecological survey and the Council's independent consultant;**
- **Submission of a Construction Management Plan;**
- **As recommended by the Environment Agency i.e. implementation of drainage scheme**
- **Surface Water Drainage Scheme**
- **Scheme to demonstrate energy from decentralised, low carbon or renewable;**
- **As outlined in the arboricultural report**
- **Hard and soft landscaping (including protection)**
- **External lighting**
- **Provision of dog bins**
- **Waste and recycling strategy**
- **As recommended by SCC Archaeology**
- **Slab levels**
- **Boundary treatment, screen walls and fences**

(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:

- **Lack of completion of s106 legal agreement securing those obligations set out in resolution (1) above.**

At this point, the meeting adjourned at 1.20 p.m. for refreshments. The meeting resumed at 1.55 p.m. when the following Members were present:-

Peter Beer – Chairman

Michael Bamford	Nick Ridley
Kathryn Grandon	Tony Roberts
Jennie Jenkins	David Rose
Peter Jones	Ray Smith
Mary Munson	Rex Thake
Adrian Osborne	Trot Ward
Jack Owen	

137 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE
(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 P120 be made as follows:-

(c) SUDBURY

**[Application No. B/15/00075/FUL](#)
Paper P120 – Item 1**

Full application – Use of existing agricultural land for the siting of 10 caravans for seasonal agricultural worker accommodation and associated landscaping, Holton Business Park, Hadleigh Road.

Notwithstanding the recommendation of the Corporate Manager – Development Management that planning permission should be refused for reasons relating to intrusion into open countryside and visual harm to the existing open/undeveloped character and nature of the countryside, and the public enjoyment of footpath 17, a motion to grant permission was moved and carried on being put to the vote, on grounds relating to Policy CS17 – Rural economy supports rural businesses.

RESOLVED

That planning permission be granted.

(d) CHELMONDISTON

**[Application No. B/14/01550/FUL](#)
Paper P120 – Item 2**

Full application – Erection of replacement dwelling, Halcyon, Pin Mill Road.

RESOLVED

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

- **Standard time limit;**
- **Development in accordance with approved plans;**
- **Hard and soft landscaping;**
- **Parking;**
- **Trees.**

(e) BRETtenham

**[Application No. B/14/01297/FUL](#)
Paper P120 – Item 3**

Full application – Erection of a two-storey dwelling following demolition of modern agricultural buildings within a Conservation Area, Church Farm, Buxhall Road.

Notwithstanding the recommendation of the Corporate Manager – Development Management to refuse planning permission for reasons relating to unjustified residential development in the countryside, a motion to grant permission was moved and carried on being put to the vote, on the grounds that the proposal comprising development on the edge of a hinterland village was considered compliant with Core Strategy Policy CS11.

RESOLVED

That planning permission be granted.

138 **PROPOSED NON-MATERIAL AMENDMENT – AMENDMENT TO VILLAGE HALL
(APPROVED UNDER B/13/01004/FUL) – CHURCH HILL, MONKS ELEIGH**

The Head of Economy submitted a report ([Paper P121](#)) seeking Member approval for the non-material amendments to the eaves and ridge heights of the Monks Eleigh Village Hall, approved in November 2013.

RESOLVED

That the proposed non-material amendments for Planning Permission B/13/01004/FUL be approved.

Note: The meeting was adjourned for refreshments between 11.50 a.m. and 12.05 p.m.

The business of the meeting was concluded at 3.05 p.m.

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Chairman