

PARISH COUNCIL MEETING

Held on Thursday 2nd February 2023, commencing 7.30 pm. in the Village Hall.

Full reports and supporting documents can be found on the Parish Council website under Meetings, February 2023 Meeting Pack. Paper copies are also available.

Present Cllr Irene Mitchell, Chairman.

Cllrs Mary Morrey, Janice Muckian, Michael Sherman, Lizzie Falconer, Ian Lamont, Matt Chick

Babergh District Councillors Margaret Maybury, Clive Arthey

County Councillor Robert Lindsey

15 members of the public.

1. Apologies and approval of absences

received from Tony Shepherd and Rob Macro

Proposed by Cllr Chick, seconded by Cllr Falconer. Carried

2. Declarations of Interest

Cllr Lamont intends to abstain from the vote on No. 10 planning application (DC/22/05986 & DC/22/05987) as he lives opposite.

3. Requests for Dispensation Cllr Macro requested dispensation from voting on No. 10 planning application (DC/22/05986 & DC/22/05987). Cllr Mitchell would like it known that Cllr Macro has not been involved with this planning matter, either as a member of the council or it's planning group.

4. To approve as accurate minutes of the last meeting of the Council

It was proposed by Cllr Falconer, seconded by Cllr Morrey, and agreed, that the minutes were a true record of the proceedings of the meeting held on Thursday 5th January 2023.

5. Public participation session

A resident stated there was an inaccuracy in the previous minutes, that his name had been put against a question and this was not accurate. Cllr Mitchell requested he email the council directly.

A resident requested clarification on what is happening with the traffic calming measures on Water Street, as the priority signs and white road markings had been removed, and drivers are unaware of who has right of way. Is this part of the two-week trial scheme, and will the signs/road markings be going back?

Cllr Lamont confirm the trial has another week and a half to run, when it will be assessed by Suffolk Highways and Safety. LPC will then decide what to do next. It is optional to have the signs returned at the end of the two week trial, which will need to be funded by the council. This

Cllr Lindsey in his role as County Councillor, asked to speak and permission was granted. He stated that the point of the trial was to see if all the signs were needed and can drivers learn to give way to each other without the signs. If it works, there is no point in putting the signs back.

Cllr Mitchell clarified the reason for the trial is two-fold; 1. To reduce the amount of signage (otherwise known as roadside clutter or furniture); 2. reduce the cost of putting in a permanent scheme.

6. Local Authority Councillors' Reports

6.1 Babergh District Councillor Maybury

Reported:

The Warm Space at Lavenham Village Hall has been very successful and thank you to all the volunteers.

The Community Pantry at Great Waldingfield is going from strength to strength with 40 families in last week.

The housing department of Babergh have had to report themselves to a regulatory body due to the lack of gas and electric certificates, plus asbestos reports.

Questions and Comments Parish Councillors

Cllr Morrey asked if the housing issue affected just Lavenham, was down to one particular officer, or was it more widespread throughout the department. Cllr Maybury confirmed it was widespread throughout the district, and did not just affect Lavenham. Cllr Mitchell asked for confirmation on how many properties were affected by this, however Cllr Maybury did not have that information to hand.

6.2 Suffolk County Councillor Lindsey

Reported:

Limited progress on the 20mph scheme, as the officer assigned has a huge number of projects, but has completed the desktop view to identify where best the signs can be placed. There will be a site visit, however no date has been set as of yet. The officer works for the main contractor used by the County Council, and the contract is due to end on 1st October. Cllr Lindsey has made enquiries about continuity of staff but there is no confirmation as yet.

There have been a lot of flooding issues, in the smaller roads around Lavenham, due to a combination of blocked ditches (landowners responsibility) and culverts (highways responsibility). The areas where properties are flooded are the priority.

The County Council budget will be debated next week, the proposal from the administration is a 4% precept increase, can go up to 5%. The current County Council has agreed that there will be an elected leader for Suffolk, directly elected by the public, so there will be a separate election in 2024. The original idea is that powers will be devolved from central government to the elected local leader. This will not affect Babergh District Council.

Questions and Comments Parish Councillors

Cllr Mitchell asked:

Whether the Leader will be above the party groupings and a Councillor or an official? Cllr Lindsey confirmed it depends on who is elected, and how they want to manage it.

When the next County Council elections are? Confirmed by Cllr Lindsay 2025 for Council elections. Ms Mitchell noted an election in 2024 for the elected leader, at vast public expense followed by another election in 2025.

Queried the cause of poor maintenance by resulting in flooding, and asked whether this is due to low capital investment or poor routine maintenance. Cllr Lindsey stated that assets will wear out over time if not maintained and over the years not enough money has been spent on maintenance, and these are big projects.

Asked details of the new Highways contractor. Cllr Lindsey confirmed there are two other bidders and a decision has not been made as of yet.

Cllr Muckian asked:

If there has been an increase in engagement with landowners over the flooding issues, where flooding has occurred due to poor maintenance by landowners. Cllr Lindsey stated that one of the issues is that there are not enough enforcement staff to push back on the landowners. A further issue is that some are absentee landowners.

If landowners could then be issued with an enforcement notice to maintain their land to avoid flooding. Cllr Lindsey confirmed the ultimate sanction is to sue the landowner, however there is a big cost to the taxpayers and a big risk that they may not win, and the case can drag on at great expense.

Cllr Lamont noted:

There there had been flooding on Lower Road and thanks to Cllr Maybury it has been flood free since that ditch had been cleared. He also referred to press coverage that Wales were proposing that all villages have a mandatory 20mph limit, and asked would this move over to England? Cllr Lindsey confirmed Cornwall are close to approving the same scheme, unless the community can make a case for not doing it.

6.3 Babergh District Councillor Arthey

Reported:

That fees and charges and the councils new tenancy policy from the January report have been approved by Cabinet.

There is a link in this month's briefing to information around the elections and voter's photo ID.

There is also a link to information surrounding the housing issues raised by Cllr Maybury. To put this in context Babergh and Mid-Suffolk combined have 6,788 homes across the District and the overdue electrical inspections total 344, the overdue gas inspections total 92 and the overdue asbestos re-inspections total 33.

Questions and Comments Parish Councillors

Cllr Mitchell asked:

Whether it is the certificate that has not been issued or the inspection not been carried out? Cllr Arthey confirmed that in some cases it was the inspection that had not been completed.

7. Chairman's Announcements

The Lavenham Press have written to the Council and the Chairman of the Neighbourhood Plan Review Group and invited both to meet with the owner and Managing Director to discuss a way forward, with a meeting to take place either in February or March.

8. APPLICATIONS FOR PLANNING PERMISSION –

8.1 DC/22/05986

Change of use of ground floor and garage from mixed use (Public House and Restaurant) and storage/plant/WC to retail and function hall and residential.

8.2 DC/22/05987 Listed Building

Works to facilitate change of use of ground floor and garage from mixed use (Public House

and Restaurant) and storage/plant/WC to retail and function hall and residential. Proposed internal and external alterations as per Heritage Design and Access Statement. 10 Lady Street, Lavenham, CO10 9RA

8.3 The Chairman invited the current business operator Ms. Jo Knight to provide a statement on this planning application.

Ms. Knight noted:

Myself and my husband are the current tenants of No. 10 Wine Bar and Kitchen in Lavenham. Starting with the application for Listed Building Consent (DC/22/05987) the Heritage and Listed Building plans that have been submitted are lacking in detail, for example a schedule of works that has many 'to be confirmed' throughout the document. With such a lack of detail how can anyone make an informed decision without the relevant information. Both the Heritage Statement and schedule of works lack pertinent information which could be inferred that the application is actually incomplete. Hopefully Council would share our concerns as to the lack of documentation, information and specifics that should be required when considering any works to a property as significant as this in terms of architectural heritage and bearing in mind it is a Grade I listed building.

On the application for Planning Permission (DC/22/05986), the applicant has not followed either Babergh or LPC requirements to market the property at a reasonable commercial value for at least a year before conversion to residential use can be considered. The proposal is of an ill-defined and part-time pop-up business which has no set opening hours

If these plans are passed, the loss of jobs would be devastating, not only to us as tenants, but the 20 individuals that work with us and many of our local suppliers, and cannot employ the number of people we do, most of our staff have been with us an incredibly long time, and a part of our family and we are responsible for their jobs. They are part of our business and this community asset.

A resident spoke in support Ms Knight's comments and noted the current business in the centre of Lavenham allows various such as Lavenham Dementia Alliance and Lavenham Good Neighbour Scheme to use the premises because they are a socially conscious business.

The applicant was not present and had not contacted the Council with a request to give representation.

8.4. Change of Use DC/22/05986

8.4.1 The Chair clarified that she was presenting the planning application, and not the Planning Group, because one member is absent due to family reasons, and two have declared an interest in this matter and have therefore withdrawn. Due to the complexity of this application, the Council engaged an independent planning advisor on this matter on the advice of the Clerk. The application is for a change of use to part-residential on the ground floor and assumed to be a change from one business class use, Sui Generis, to Class E. The applicants are not the current business owners.

8.4.2 Matters of Concern: are set out in Agenda Item 8, Section 3, as advised by the independent planning advisor:

- Proposed loss of Business Use space on the ground floor of the property
- Loss of service and amenity to Lavenham residents and workers and people from Lavenham's hinterland communities

- Adverse impact on the village economy through loss of amenity to the visitor experience
- Loss of local jobs in the current business and its suppliers

8.4.3 The Application

There are two components to the application for change of use.

- A) The ground floor kitchen and the lower floor of a guest suite be converted from business to residential use.
- B) The remainder of the ground floor rooms within the building with the exception of the office are proposed as dual use of retail and function facilities.

The private dining room, main public bar area and the public restaurant is proposed as flexible space, for functions interchangeable with retail. Functions proposed are to show-case wine at dinners for paying guests. The Environmental Health Officer has expressed concerns that the sole kitchen in the property, located on the ground floor, is being proposed for residential use and notes that perhaps with the volume of 5-15 events for showcasing of wine per month plus a few functions, is suggestive of commercial use.

The application does not state which new class use is being applied for, whether it's Sui generis or Class E, but refers to the old and now redundant class uses. This is an important omission, but the total ground floor space which the applicant proposes to devote to business would likely be Class E because if it were to be Sui generis there would be no need for an application for change of business class use. The application is not supported by a detailed Planning Statement and Access and Design Statement in accordance with the Town and Country Planning (Development Management Procedure)(England)(Amendment) Order 2013 and an Economic Impact Statement.

8.4.4 Local Policies Plans relevant to this proposal are:

- Babergh Local Plan 2006 –Policy EM24
- Babergh Core Strategy 2014 – Policies CS15(iii), and CS17
- Lavenham Neighbourhood Plan 2016 (LNP1) – Policies C1, C9 and E2
- Revised Lavenham Neighbourhood Plan (LNP2) pre-submission version – Policies LAV28, LAV29, and LAV30

Plans still in development will still have some weight with the decision makers but it will be of lesser weight than the policies contained in the made plans. This applies to LNP2 policies. Paragraph 93 of the National Planning Policy Framework also gives guidance to local planners to plan positively for public houses and to guard against the unnecessary loss of valued facilities and services.

Also relevant is the current business occupying the premises, Number Ten Wine Bar & Kitchen. This business is a cornerstone of the small and diminishing hospitality sector in Lavenham which also has a range of accommodation for overnight visitors and a prominent section of this sector is holiday lets. At least 45 properties are advertised through online websites. People opting for holiday lets or guest house accommodation need to be provided with local restaurants and food stores. If dining venues are lost, this will over time lead to a reduced level of bookings and put the small businesses operating holiday lets at risk, and the ancillary services supporting them. Visitors staying in hotel rooms for a few days often prefer a choice of venue to eat and drink. Variety is an important factor in overall holiday experience.

Tourism is important to the local and Babergh economy, evidenced by a study for Babergh

District Council by Destination Research which states that the total visitor spend is in excess of £5m in Lavenham alone (2018).

The emerging Neighbourhood Plan 2 set out the policies that would apply are; protecting and supporting public houses, protecting and supporting Lavenham's retail core and making sure we continue to provide quality visitor facilities to encourage visitors to come to keep our economy strong.

8.4.5 Changes in National Policy

- Class uses of business premises were changed in 2022.
- The class use of the current business is likely to be Sui generis.
- Sui generis specifically to wine bars, pubs, drinking establishments and laundrettes
- Class E applies to almost everything else including offices and retail and planning consent would not normally be required to change use to residential
- Business with Sui generis status must apply for planning consent to change the use of the premises, but those in Class E do not.

8.4.6 Comments from Councillors

Cllr Falconer: it is a difficult decision, but we have to stick to what is important here and what the Lavenham Neighbourhood Planning Group have been working so hard towards, on behalf of all of us in the village. So we have to consider the planning guidance itself as detailed by Cllr Mitchell. For me personally, as a Parish Councillor, my interest is the whole village and it is really important therefore, that as Parish Councillors, we make our decisions for Lavenham. For me, I cannot sleep at night knowing 24 people would likely lose their jobs and I believe that, having already lost the Great House, the ripple effect of losing No.10 would have a huge impact. We also cannot ignore the 75 residents of Lavenham who have written to Babergh District Council objecting to the planning application.

Cllr Sherman: Do we have any evidence that the people who own the property are not going to re-possess that, which means we are looking at safe-guarding jobs. What guarantee do we have that the landlord will carry on renting the property or would it end up as another empty property. Cllr Mitchell confirmed there is no guarantee.

Cllr Chick: I have great concerns about this. The village economy is largely from tourism and this issue goes right to the heart of the planning and economic policies of Lavenham. Visitors come to Lavenham because it is an interesting and nice place with quality venues which both tourists and villagers enjoy and these make Lavenham the place it is. People visit Lavenham *because of* Number Ten. The full-time hospitality business currently offered from the property therefore has a wider impact. The knock-on effect of one of the main hospitality venues being lost is the others will be at risk and I don't see any way to not reject this application and firmly back Motion 3.

Cllr Muckian: I cannot disagree with anything said by Cllr Chick.

Cllr Morrey: Noted her support for the views expressed by Cllr Chick.

8.4.7 Council was invited to consider three options in its response to this application.

- A. Adopt a resolution that neither supports nor opposes the application.
- B. Adopt a resolution in support of the application.
- C. Adopt a resolution opposing the application.

Motion 1: DC/22/05986 has been considered and the Council agree to adopt a neutral position.

No proposer, motion falls.

Motion 2: DC/22/05986 has been considered and is supported and change of use is recommended to Babergh District Council.

No proposer, motion falls.

Motion 3: DC/22/05986 has been considered and is not supported and refusal is recommended to Babergh District Council.

Proposed by Cllr Falconer, seconded by Cllr Chick, one abstention, motion carried.

8.4.8 APPLICATION FOR LISTED BUILDING CONSENT – DC/22/05987

The Chair noted the comments logged on the Babergh portal by the Heritage Officer were pertinent. Council should also be mindful of the references of the Environmental Health Officer. The issues are the applicant wishes to convert part of the ground floor to residential use and the Neighbourhood Plan is very clear on the matter, that in order to do so they have to market the business for a year before residential use can be considered. It is evident that they have not marketed the business for the required period. The applicant has not complied with Neighbourhood Plan policy

Motion: To recommend refusal of the application for change of use to a listed building.

Proposed by Cllr Chick, seconded by Cllr Falconer, one abstention, motion carried.

8.5 DC/23/00424 Householder Application – Erection of a garage/storage building

1 Green Willows, Lavenham

Deferred to next month.

8.6 Planning Decisions Received:

DC/22/06157 High Parsons, Sudbury Road, Lavenham – Consent has been granted for Works to Trees subject to Tree

Preservation Order WS41/A1 - Fell 1No. Ash (T1), Remove side shoots on main stem of 1No. Oak (T2), Prune and

reduce 1No. Apple (T3) by up to 1m and remove rubbing and crossing branches, Fell 1No. Eucalyptus (T4), Prune

overhanging branches of 1No. Yew (T5) by 1-2m and trim back regrowth from lower stem

DC/22/05934 Angel Gallery, 17 Market Place, Lavenham – Planning Authority does not wish to object to Works to Trees

in a Conservation Area - Fell 1No. Conifer (T1) Fell 1No. Laburnum (T2)

DC/22/06249 The Grove, 5 Lady Street, Lavenham – Planning Authority does not wish to object to

Works to Trees in a Conservation Area - Reduce 1 group of Yew by 5-6ft and clear next doors property by 1m

DC/22/05958 Shilling Grange, Shilling Street, Lavenham – Listed Building Consent granted for removal of

superstructure above well and installation of wrought iron well cover

Appeal Ref: APP/D3505/W/22/3290149 Peg Weasel Farm, Bears Lane, Lavenham – Appeal Dismissed

(Development proposed was 1 number detached dwelling.)

9. LNP Review

9a. To receive a report of the consultation response from the LNP Review Group

Mr Roy Mawford, Chair of the LNP Review Group: we have been consulting on the first draft of Neighbourhood Plan, the consultation period ended on Tuesday 31st January. In excess of 60 responses have been received, including all of the main statutory bodies. A drop-in session was held with approximately 40 people attending and 12 written responses as a direct result of the session.

Mr Mawford asked District Cllr Arthey when the next draft of the Joint Local Plan would be available. Cllr Arthey confirmed the consultation period will now be in March/April. The Plan has been with the inspector for two years now, who requested the plan be split into two parts. Part One should go out to consultation within the next couple of months. Part One is the Development Control Policies and Part Two is the Housing Allocations and Spatial Strategy. Part One will be this year and Part Two will be next year.

Mr Mawford stated they do not want to put forward a Neighbourhood Plan that is in contradiction to what might be expected in Part One, and there may be a difficulty if Part One is not in the public domain by the time the Parish Council comes to consider this in April.

Cllr Morrey asked how severely it would impact the plan. Mr Mawford stated they cannot know definitively, but if Part One is not too dissimilar to that which was previously in the public domain we would be compatible with it. Cllr Mitchell stated that there is a real risk that if the JLP Draft Part One is not out in the next 4 weeks, the Neighbourhood Plan Group will have to make a judgement about what is in the JLP Draft Part One.

The LNP will respond to all queries, with proposals and invite the Parish Council to decide on whether or not they want to adopt those changes on the basis we are still aiming to complete the process by the end of April. A modified version of the document will come forward to the Parish Council for approval for submission to Babergh Council.

9b. Dates for LNP2/PC seminars

Thursday 16th March at 7:30pm at the Village Hall

Wednesday 12th April 7:30pm at the Village Hall

10. Infrastructure Development

10a. Harwood Place Play Area

Cllr Sherman confirmed measurements had been taken and a full report for consideration will be sent to Council for approval.

10b. Hedge Planting – update

Cllr Lamont confirmed the project is underway.

11. Clerk/ RFO Report

Amended invoice for ICS, and added the bill for mulled wine and hot chocolate for Christmas Eve Community event.

Paid between meetings:

Sparling & Faiers, refreshments for Christmas Eve community event ££140.00: Karzees, remaining 3 days temporary toilet hire before full opening of public toilets £361.20: Sterling Electrics, final invoice for Christmas lighting works £890.00; call out to repair cable damaged

by BT engineer £25.00; instal Church Street donation point, remove faulty sender & replace with new £86.00: Paul Holland, construct & fit covers over valves in Prentice Street toilets £85.00:

Invoices received/for payment :

JPB Landscapes, January grounds maintenance & street cleaning £1,948.08: Kinex, phone a/c Jan £62.64: British Gas, Church Street toilets electricity £83.43: Payroll £999.75: Seago & Stopps, payroll services charges q/w 05/01/23 £115.20: Zoom, monthly remote meeting charges £14.39: Lavenham Community Council, village hall room hire £47.50: BT Business, broadband £24.28: SmartSurvey for public consultation final invoice, NP2 budget £54.00:

Community Action Suffolk, website hosting NP2 budget £42.00: Playquip Leisure, safety inspection First Meadow £321.60: ICS, public toilet cleaning & consumables, both sites £667.48.

Direct Debit payments:: Paya Group, monthly service fee £43.08: BG Business, electricity Water Street car park £97.15: BT Group plc, monthly mobile charge £6.00.

Income (January):

Total donations collected from car parks for (total of cash & card donations) £692.50: Burial account £1,800.00:

Babergh Cleansing Grant Q3 £2,593.50.

Payment of CIL claim for Prentice Street railing works £391.61.

Cllr Mitchell commented that the cash and card donations are better than last year. The RFO agreed, but noted that card donations are a month behind, as they are not paid out from the date they are made.

Proposed by Cllr Sherman, seconded by Cllr Chick, that the financial transactions are approved. Carried.

Two cubicles at Church Street toilets were closed due to flush issues. The first one was repaired by County Washrooms fairly quickly, but then another cubicle flush sensor stopped working so they decided to take the matter up with the manufacturers. Replacement sensors are being sent out to County Washrooms and should be here next week. Prentice Street toilets had some exposed valves which have been boxed in. The District Council have paid out a CIL claim for the extension of the metal barriers, covering 75% of the cost.

A site for the Jubilee trees has been identified at the far end of First Meadow. Estimates of the cost of planting and provision of tree guards is awaited and the trees should be planted within the next few weeks. It has been suggested that mowing at the far end of First Meadow be stopped and just a pathway cut along the line of the footpath and wait to see how wild flowers develop and maybe plant/seed later.

Photo ID for local elections; the Electoral Commission has started a campaign to remind electors that photo ID will be required in order to vote at polling stations at the local elections in May. Information is available on the Electoral Commission website and Babergh website.

11. Capital Planning

Council considered which **new** schemes should be prioritised for implementation in 2023-24. Final decisions will be based on availability of funding.

Full details are shown in the Rolling Community Infrastructure Plan.

Schemes discussed:**11.1 Churchyard Kissing Gate**

Cllr Morrey has obtained quotes and designs and is now seeking funding contributions from private individuals and the Church. Councillors indicated a desire to financially support this scheme.

11.2 Generator Hook-up Village Hall

Cllr Mitchell is working with LCC on this small scheme. A bid for application to District CIL at 75% has been approved. Cost envelope is £5-8000.

Costs to Lavenham Community would be LCC 12.5% and LPC 12.5%

11.3 Public Realm Improvements

The Clerk reported need for additional dog bins at Harwood and Prentice Street car park green area.

Resolved to move the notice-board from Prentice Street Car Park to Harwood and replace the lockable board at the bus stop Lower Church Street.

Refurbish Telephone boxes

Noted: Council agreed earmarked reserves of £5,000 at January 2023 meeting, if underspends in 2022-23 allow.

11.4 Land: Allotment Provision , Tree Planting and Community Energy Scheme

Cllr Morrey volunteered to conduct a search for professional support to the Council to assess the possibility of securing land.

11.5 Council noted schemes previously **agreed and funded or commitment to fund** but awaiting information.

- Water Street Traffic Scheme – alternative signage trial underway
- 20mph design only
- Harwood Place Play area – commitment to fund up to £25,000 from NCIL

12. Date of next meeting

Thursday 2nd March, 7.30 pm in the Village Hall.

The meeting closed at 9.50 pm.