

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE B** held at the Council Offices, Needham Market on 18 November 2015 at 09:30

PRESENT: Councillor Kathie Guthrie – Conservative and Independent Group (Chairman)
Councillor Roy Barker – Vice-Chairman – Conservative and Independent Group

Conservative and Independent Group

Councillor: Julie Flatman
Jessica Fleming
Barry Humphreys MBE
Dave Muller
Jane Storey
Jill Wilshaw*

Green Group

Councillor: Keith Welham

Denotes substitute *

In attendance: Corporate Manager – Development Management (PI)
Senior Development Management Planning Officer (JPG/MP)
Planning Officer (SLB/SS)
Senior Legal Executive
Governance Support Officer (VL/KD)

SA34 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

Councillor Jill Wilshaw was substituting for Councillor Glen Horn.

SA35 DECLARATIONS OF PECUNIARY/NON-PECUNIARY INTEREST

Non-pecuniary interests were declared by Councillor Jane Storey in relation to application 3305/15 as she knew the Tostock Parish Council representative speaking at the meeting and 3555/15, as the applicant was known to her; Councillor Jessica Fleming in relation to application 2659/15 as Suffolk County Councillor for that area; Councillor Kathie Guthrie in relation to application 3555/15 as the applicant was known to her.

SA36 DECLARATIONS OF LOBBYING

It was noted that Members had been lobbied on applications 2213/14 and 3305/15.

SA37 DECLARATIONS OF PERSONAL SITE VISITS

None received

SA38 MINUTES OF THE MEETING HELD 21 OCTOBER 2015

The minutes of the meeting held on 21 October 2015 were confirmed as a correct record.

SA39 QUESTIONS FROM MEMBERS

None received.

SA40 SCHEDULE OF PLANNING APPLICATIONS

Application Number	Representations from
2659/15	Mike Bootman (Parish Council) Neil Weston (Supporter) Michael Howe (Applicant)
2213/14	Jane Baldwin (Parish Council) Stuart Reid (Objector) Peter Blemings (Applicant)
3305/15	Ronald Perks (Parish Council) Lynne Jones (Objector) Phil Cobbold (Agent)
0764/15	Peter Gibbs (Parish Council) John Doherty (Objector) Edward Gittings (Agent)

Item 1

Application	2659/15
Proposal	Demolition of existing garage building and erection of 5 detached dwellings and garages with construction of 3 new vehicular accesses.
Site Location	PALGRAVE – Pat Lewis Ltd, Upper Rose Lane, IP22 1AP
Applicant	Mrs Garrard

The Case Officer drew Members' attention to an amendment to condition 2: 'to include provision that dwelling adjacent to Cherry Cottage to be a single storey dwelling, and level of site and an additional condition that materials be agreed, including details of hard surfacing.' There was no requirement for an Archaeological condition due to previous ground workings.

Mike Bootman, representing the Parish Council, advised the Committee that the village was not against growth, but it lacked the capacity to sustain and absorb growth. He referenced the NPPF, which required developments to be sustainable and provide services. He advised that the school in Palgrave was on a constrained site, with no room for expansion and had no proper playground and indoor sports activities were carried out using the village hall. The school was also full, as was the nearest school. He said that the Strategic Housing Officer report was listed on the website but was not available to view prior to the meeting, which resulted in the Parish Council not having full details of the application. If they had they would have made more comments regarding the information, which highlighted the oversupply of large dwellings and under supply of smaller dwellings, which was an inappropriate housing mix for the Parish.

Neil Weston, a supporter and local resident living opposite the site, began by stating that he saw no reason to object to the outline planning permission sought. The garage that had been on the site had been closed some time ago, and to the best of his knowledge, only one person from Palgrave worked at the site. He felt that the proposed style fitted the village, and although there were restricted school spaces, he was not sure that this was reason enough to leave the site undeveloped. If the village continued to fill in spaces with

houses, it might result in a move for more services. He advised that Diss was 1 mile away with a large supermarket that could be walked to, and had a large amount of affordable housing available.

Martin Howe, the applicant stated that he was pleased with the recommendations and the report. As this was an outline planning application it gave an indication of how the site could be developed, but detail would be considered at the Reserved Matters stage He felt that landscaping issues could be resolved.

Ward Member, Councillor David Burn advised that there was no objection from the wider community to this application, and that he echoed the comments from the Parish Council. The village would in general, be happier to see houses rather than the garage frontage, but he felt that there was some foresight in the Parish Councils comments regarding further development and the ability of Palgrave to absorb this. He suggested that care must be taken not to accept just any development that came forward. Although development would inevitably come to Palgrave, it should come with a grain of sustainability. His concern was because the site was in a central position and he felt better alternatives could potentially be offered. If this application was approved now, then all future options would be removed. He felt that the NPPF, paragraph 13.3, sustainable development social and recreational facilities, supported this view.

Members found the application satisfactory. There had been no interest in the land since the closure of the garage and it was good use of a brownfield site. A motion for approval subject to the amended and additional condition was proposed and seconded.

Unanimous.

Decision – That Outline Planning Permission be granted subject to the completion of a satisfactory Section 106 planning obligation upon terms to the satisfaction of the Professional Lead Officer to the following heads of terms:

- Provision of one 2 bedroom 4 person affordable dwelling

And the following conditions:

- Standard time limit
- Reserved Matters relating to appearance, scale and layout of dwellings and landscaping
- Access standard in accordance with Highway Authority requirements
- Parking and manoeuvring area in accordance with indicative site layout plan
- Removal of permitted development rights for any side and front extensions and any alterations that face a highway, no new or enlargement of openings above ground floor including roof lights
- Protection of existing trees and boundary hedging
- Materials to be agreed
- Landscape management and implementation to be agreed
- Construction Management plan to be agreed
- **Strategy for investigation of contamination to be agreed.**
- **Reserved matters to include single storey development only adjacent to Cheery Cottage and site levels**
- **Materials to include agreement of surface materials.**

Item 2

Application 2213/14

Proposal Erection of a two storey detached dwelling with associated garaging and alteration to existing access on land adjacent
Site Location **DEBENHAM** – Land adj. The Red House, Little London Hill.
Applicant Gipping Valley Property Company

Note: Councillor Kathie Guthrie as Ward Member left the chair which was taken by Councillor Roy Barker, Vice Chairman.

The Case Officer presenting the application referred to items in the tabled papers and clarified various issues therein

Jane Baldwin, representing the Parish Council, recommended refusal for a number of reasons. The appeal against the previous refusal was dismissed and it was felt that this site was not appropriate for development. The openness of the site gave it a distinctive character and made a strong contribution to the area and the proposed development would result in an unacceptable change to the area. It was felt that a site specific flood risk assessment should have been insisted upon especially as the site was prone to flooding. The Parish Council could not understand why there was a recommendation for approval when there was so much opposition from the Parish Council, objections from residents, the previous appeal had been dismissed and the Environment Agency had raised an objection.

Stuart Reid, an objector, informed Members that the site offered a strong, positive contribution to the edge of the village setting and development would be harmful to the character of the area. The Inspector had dismissed the appeal against the previous refusal because of the harm to the open and undeveloped appearance of the area. The applicant had sought to alleviate the unacceptable harm by having only one house of a different design, but this was still in the front garden area which the Inspector had said was the cause of the harm. The difference in physical presence was hardly noticeable.

Peter Blemings, the applicant addressed the Committee and advised that the proposed dwelling was smaller in scale than previous applications, it was now for a three bed room property in a cottage style. The proposed development should now be acceptable as it fitted with the characteristics of the area. He had worked closely with Officers and the proposal preserved the transitional part of Debenham and was within walking distance of facilities in the village. He advised that there was a condition to preserve the openness of the boundary and the existing hedges were to be preserved. The flood risk issue was a red herring as the Environment Agency had sent incorrect papers, and costs were awarded to the applicant due to this error. This proposal was modest and met both national and local requirements and for these reasons should be approved.

Ward Member Councillor Kathie Guthrie said the application had a long and chequered history. The Environment Agency had provided ever changing data and had now deemed the development proposal as being outside the flood risk zone. The proposal was now for a three bedroom and not four bedroom house, with a smaller footprint than previously, and was close to shops and within walking distance of lots of footpaths. There had been several objections raised regarding parking outside the local school and regarding flooding. Work was currently in progress to alleviate flooding in Debenham, but this was at the proposal stage. The applicant had had tried to match the design to the Red House but she was not convinced the Inspectors objections had been overcome.

Members then debated the proposal where it was noted that the site was no longer within the flood risk area, and that there were modern dwellings being developed currently opposite the site. The proposed dwelling was smaller and of a better design than the previous application and was not considered to have a detrimental effect on the character of the area.

By 8 votes to 1

Decision – That Full Planning Permission be granted subject to the following conditions:

- Standard time limit
- Approved plans
- Highways condition on surface material
- Archaeological Programme of works to be agreed
- Materials to be agreed
- Landscaping and boundary works to be agreed
- Hedge protection
- Construction management
- Removal of permitted development for extensions and outbuildings
- Levels to be agreed

Item 3

Application 3305/15
Proposal Retention of single storey rear extension, reconstruction of existing garage and construction of front porch.
Site Location **TOSTOCK** – 8 Wood Close, IP30 9PX
Applicant Mr Lawrance

The Chairman advised Members they must look at the application as if it was a new application and also consider what had already been granted permission. The Case Officer answered questions from Members regarding the original, approved planning application, and advised that the 20cm extra height on the finished extension was due to loft insulation regulations.

Ronald Perks, speaking on behalf of the Parish Council advised that they considered that it was a difficult application when looking at the already approved extension. However the finished extension was double the size of the original concept and was disproportionate to the original building, with the extension being much higher in comparison to the approved application, which resulted in a loss of privacy and overlooking. This was exacerbated by the sloping nature of the ground. The materials of the finished extension were not in keeping with the surrounding dwellings and it was not a modest extension. There should be a condition for a higher fence to be built to mitigate the issue of overlooking.

Members asked if the trellis that has been added to the existing fence was within height allowances, the Case Officer confirmed that it was.

Lynne Jones, speaking as an objector said that her property was adjacent to 8 Wood Close, privacy in this fairly built up area had been a reason this property was purchased. When viewing the original proposals for an extension there was no reason to object, however what had been built did not match the application, it now resembled a mobile home. She felt that this was a complete breach of policies H13, 15 and 16 and was not in keeping with the village. The fence that separated the properties was now rotting due to the 1.18 downward gradient and rainwater was now pooling at the bottom of the fence. She also advised that the trellis that had been added to the fence, which was owned by her, was put there without permission.

Phil Cobbold speaking on behalf of the agent addressed the Committee and advised that the applicant constructed the extension larger in the mistaken belief that it fell under 'permitted development' rights, and believed that the extra extension did not need planning permission. Had the original extension been built with bricks and lower, planning permission

would not be required. The addition to the extension was further from the neighbour so it was illogical to allege there was greater impact than from that allowed. The distance from patio to patio was 7m longer than required for a two storey extension if back to back. The trellis had been erected by the applicant to address the neighbour concerns regarding overlooking.

Ward Member, Councillor Sarah Mansell advised that both the neighbour and the Parish Council saw no reason to refuse the original application as it was for a modest extension, which is why no comments were made at the time. However the finished extension was built completely against the plans submitted and was very dominant and overlooked the neighbours, she was not convinced that 32m separated the two patios as a neighbour had measured from patio door to fence and recorded 14m. The extension was built on higher ground which caused overlooking of the neighbours property. The addition of the trellis increased the height of the fence and restored some privacy, however if the application was approved a condition for a solid, higher fence should be included.

Members considered the application at length and there was some agreement that the extension was intrusive. However it was generally accepted that the increase in size did not increase the impact of that approved previously. It was considered however that the colour of the cladding was too dominant and that the erection of a higher fence to the neighbouring boundary was appropriate to mitigate the impact. A motion for approval subject to additional conditions requiring a darker colour to be applied to the cladding, and a fence at 2.4m high as measured from the ground level of the neighbouring property to be erected, both within 6 months, was proposed and seconded.

By 8 votes to 2

Decision – That Full Planning Permission be granted subject to the following conditions:

- Approved documents
- Within 6 months of the decision, a darker colour of cladding shall be applied in accordance with details previously agreed in writing by the LPA. The colour shall thereafter be retained
- Within 6 mths of the decision, a fence at 2.4 metres high as measured from the ground level of neighbouring property shall be erected in accordance with details previously agreed in writing by the LPA. The fence shall thereafter be retained.

Note – Councillor Barry Humphreys left the meeting, and took no part in consideration of the following items.

Item 4

Application	3555/15
Proposal	Erection of two storey side extension (following demolition of existing single storey side extension and front porch). Changes to fenestration. Erection of detached double garage. Installation of ground mounted photovoltaic solar panel array.
Site Location	HORHAM – Frances Cottage, Athelington Road, IP21 5EH
Applicant	Nick Cook Design Ltd.

Nick Cook, the applicant advised the Committee that the only reason this application was before them was due to a relative being a Councillor. When this property was purchased the applicant felt that a much more interesting and sympathetic proposal than the previous planning application was possible. He had consulted both the neighbours and the Parish Council and had their support. The applicant asked if Officers would remove the condition to

have an obscured and non-opening window, and had discussed this with the neighbour who had agreed that this would not be an issue.

A motion to approve the Officers' recommendation was proposed and seconded.

By a unanimous vote

Decision – That Full Planning Permission be granted subject to the following conditions:

- Standard time limit
- Approved documents
- Materials to be agreed
- Highway conditions
- ***The first floor window to the south west elevation be obscure glazed and non-opening.***

Item 5

Application 0764/15
Proposal Application for Outline Planning Permission for the erection of up to 47No. dwellings with attenuation basin.
Site Location **BACTON** – Land on the west side of Broad Road.
Applicant Mrs C A Abbott

The Planning Officer answered Members questions regarding pedestrian access and footpaths from the site to village amenities. It was noted that the shop, public house and school were within walking distance of the site, using the proposed footpath under the railway bridge. The Officer also confirmed that there was an alternative route for traffic that was too large to fit under the railway bridge. Under the proposals the road under the bridge would be made one way, with the addition of a pedestrian footpath. The footpath had been proposed in order to serve residents walking from the proposed site to the village amenities.

Peter Gibbs speaking on behalf of Cotton Parish Council began by referencing the Parish Councils Consultation response and in particular the comments in relation to the NPPF and sustainable development. He stated that Broad Road was the settlement boundary between Bacton and Cotton and there had been a refusal recently within 100m of the site which referred to the separation of the villages. The proposal was an urban development that would effectively join the two villages. The road was a busy one that served the residents in many villages and the additional traffic that this development would bring would impact on road safety and would make the railway bridge a curse. Suffolk County Council had previously advised that a footpath under the railway bridge would not be a safe and workable scheme.

John Doherty speaking as an objector said that the disturbance between the parishes would be eradicated with this proposal, and it would urbanise the boundary. He referenced the NPPF that demanded infrastructure with developments, yet the nearest shop to the site was 1.4km away. Broad Road was a busy road where drives could travel at speed of 50mph, despite the speed limit, and was widely used by a variety of traffic. The addition of more houses would make entering and exiting existing driveways difficult, and visibility from St Marys Close would be obstructed. There had also been incidents in the past where the bridge had been struck by traffic; if a footpath was to be put in under the bridge I would not be safe.

Edward Gittings, the Agent said at the pre-application meeting it had been recognised that the site was physically well related to the village but it was imperative to resolve the pedestrian access and railway bridge issue. He advised that the proposal addressed this

issue; it gave pedestrian access under the bridge and would work positively as traffic calming. The proposal had been independently audited and a further survey in school time, was undertaken which had confirmed the findings. There were no objections from the Highways Authority. He thanked Bacton Parish Council for their help and support and advised that Cotton Parish Council had declined any meetings. He finished by stating that this was a sustainable location that would give a valuable contribution to highway safety.

Councillor Jill Wilshaw, the Ward Member said that Bacton was a designated service centre and the Parish Council was in favour of the development. The site had been unused for many years and this would tidy up the area. The proposed traffic calming was advantageous.

Members discussed the application at length and Officers responded to questions relating to various issues. Some concern was expressed regarding the footpath under the Railway Bridge and pedestrian safety and lighting. However it was generally felt that the proposed conditions answered the concerns and that the proposal was acceptable. A motion for approval was moved and seconded.

By 8 votes to 1

Decision – That authority be delegated to The Corporate Manager for Development Management to grant outline planning permission subject to the prior completion of a Section 106 on terms to his satisfaction to secure the following head of terms and that such permission be subject to the conditions as set out below:

- Contribution towards the provision of Suffolk County Council Infrastructure including the following:
 - Education – Primary: £48,724
 - Education: - Secondary: £165,195
 - Education – Sixth Form: £39,814
 - Transport: £10,000
 - Rights of Way: £4,392
 - Libraries: £10,152
 - Waste: £2,397
- The provision of on-site ecological improvements
- The provision of 35% affordable housing
- Provision of off-site footpath link

Conditions:

1. Standard time limit
2. A reserved matters application to be submitted and agreed in relation to access, layout, appearance and landscaping
3. Approved plans to be agreed
4. Details of provision of a footpath link at the south eastern corner of the site onto Broad Road
5. Scheme of archaeological investigation to be agreed
6. A scheme of surface water drainage to be agreed
7. Highways – Provision of footpath link
8. Highways – Details of access to be agreed
9. Highways – Provision of visibility splays to be agreed
10. Highways – Ben storage areas to be agreed
11. Highways – Details of estate roads to be agreed
12. Highways – Provision of carriageways and footpath prior to occupation
13. Highways – Delivery plan during construction to be agreed
14. Highways – Details of parking and turning areas to be agreed

15. Details for provision of acoustic glazing to be agreed
16. Contamination survey to be undertaken
17. Details of external lighting
18. Details of tree protection for existing trees
19. An environmental management plan to be agreed
20. A landscape and ecological management to be agreed
21. Construction hours to be agreed
22. Provision of fire hydrants, number and position to be agreed.

Item 6

Application 3495/15
 Proposal Removal or rear canopy and erection of Conservatory.
 Site Location **NEEDHAM MARKET** – 137 High street, IP6 8DH.
 Applicant Mrs Marchant

Ward Member Councillor Mike Norris advised that both the Town Council and neighbours to the property supported the application.

Members found the application acceptable but agreed that an informative note to encourage rainwater harvesting should be included.

By a unanimous vote

Decision – That Listed Building Consent be granted subject to the following conditions:

- Standard time limit
- Approved plans
- Roof materials – sample to be submitted and agreed

Item 7

Application 3499/15
 Proposal Removal of Rear Canopy and erection of Conservatory
 Site Location **NEEDHAM MARKET** – 137 High Street, IP6 8DH
 Applicant Mrs Marchant

Ward Member Councillor Mike Norris advised that both the Town Council and neighbours to the property supported the application.

Members found the application acceptable but agreed that an informative note to encourage rainwater harvesting should be included.

By a unanimous vote

Decision – That Listed Building Consent be granted subject to the following conditions:

- Standard time limit
- Approved plans
- Roof materials – sample to be submitted and agreed

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Chairman