

MID SUFFOLK DISTRICT COUNCIL

Minutes of the Meeting of the **DEVELOPMENT CONTROL COMMITTEE A** held at the Council Chamber - Council Offices, Needham Market on Wednesday, 2 December 2015

PRESENT:

Matthew Hicks – Chairman

Councillors:	Lesley Mayes	Gerard Brewster
	David Burn	John Field
	Lavinia Hadingham	Diana Kearsley
	John Levantis	Sarah Mansel
	David Whybrow	

In attendance:

Senior Development Management Planning Officer (JPG)
Development Management Planning Officer (SES/MP)
Head of Communities (JF)
Senior Legal Executive (KB)
Governance Support Officer (VL/KD)

NA17 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

There were no apologies or substitutions.

NA18 **TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY MEMBERS**

Councillors Gerard Brewster and Lesley Mayes declared a non-pecuniary interest in item 2936/15 and 3349/15 as a member of Stowmarket Town Council Planning, Consultation and Strategy Committee.

Councillor John Field advised that as a Suffolk County Councillor he had a non-pecuniary interest in item 3349/15.

NA19 **DECLARATIONS OF LOBBYING**

There were no declarations of lobbying.

NA20 **DECLARATIONS OF PERSONAL SITE VISITS**

There were no declarations of personal site visits.

NA21 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9 SEPTEMBER 2015**

Report NA/19/15

The minutes of the meeting held 9 September 2015 were confirmed as a correct record.

NA22 **PETITIONS**

It was noted that a petition had been received in relation to Application 3349/15 with 102 signatures in support of retaining the Cross Keys, Henley as a public house.

NA23 **QUESTIONS FROM MEMBERS**

None received.

NA24 **SCHEDULE OF PLANNING APPLICATIONS**

Report NA/20/15

In accordance with the Council's procedure for public speaking on planning applications representations were made as detailed below:

<u>Planning Application Number</u>	<u>Representations from</u>
2936/15	Bridget Goodchild (Parish Council) Barbara Parker (Objector) Lara Turner (Agent)
3349/15	Kevin Griggs (Parish Meeting) Sue Cosford (Objector) Martin Price (Agent)
3208/15	Aiofe O'Gorman (Agent)
1492/15	Gabrielle Rowan (Agent)

Item 1

Application Number: **2936/15**
Proposal: Retention of garden shed and tool shed
Site Location: **RATTLESDEN** – Lydgate Cottage, Birds Green
Applicant: Mr & Mrs Sullivan

Bridget Goodchild, speaking for the Parish Council, began by objecting to the size and location of the shed. Lydgate Cottage was one of a row of cottages, in the heart of the conservation area. The cottages were small and low and were very vulnerable to any change in their surroundings, and there was already a large, modern development behind the cottages. The new shed was almost the length of the garden and had been erected against the boundary fence, which had made the neighbours garden feel hemmed in, and had resulted in a loss of light.

Barbara Parker, an objector, advised the committee that her property Teazel Cottage was adjacent to Lydgate Cottage. She advised that the fence separating the cottages was her responsibility. The shed had been built only 8 inches from the fence, and it was taller than the flat roof extension of Teazel Cottage. She stated that had the shed been built in a different position, she would have had no objection. She also advised that some of the photos shown in the Case Officer's presentation had been provided by her, these showed the loss of light that the new shed had caused, and by 15:30 her garden was overshadowed.

Lara Turner, the agent, began by advising that when the applicant moved into Lydgate Cottage there was an existing shed base showing that there had previously been an outbuilding, which was why the shed was erected in the current location. She advised a flat roof was discounted as it was not ideal for water run-off, and the applicant was a plumber and so needed to store tools where they would be safe and dry.

Ward Member, Councillor Penny Otton, began by commenting that this was a retrospective application, and she felt that had this been discussed before it was erected, a solution that would have been acceptable to all could have been found. The gardens in the row of cottages where Lydgate Cottage was situated were very small and restricted, and this application dominated the garden of Teazel Cottage and was out of proportion. She felt that these issues could have been avoided if that the shed had a lower height or mono pitched roof.

The Committee considered the application and many agreed that they were unhappy with the height and that a mono pitched roof would have lessened the impact. A motion to refuse the application on the grounds that the shed was overly large and dominant and was a detrimental to the neighbour's residential amenity was proposed and seconded. The motion was drawn by five votes all and lost on the Chairman's casting vote. After further debate during which it was noted that the Heritage Officer found the application acceptable the recommendation was proposed with an additional condition to secure a mitigation scheme for water runoff from the roof. The motion was drawn by five votes all but won on the Chairman's casting vote.

By 6 votes to 5.

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

- Approved plans
- Mitigation scheme for water runoff from the roof to be agreed

Item 2

Application Number: **3349/15**

Proposal: Change of use of existing public house to residential dwelling including removal of part of existing car park, revised application following refusal of application 1799/15

Site Location: **HENLEY** – The Cross Keys Inn, Main Road

Applicant: Mr Hammond

Kevin Griggs speaking for the Parish Council advised that the Cross Keys had been a problem over the years with landlords unable to make a success of the business. For that reason the Parish Council had supported a previous application for a dwelling to be built on the car park to enable the landlord to extend the business by taking in guests but the application had been refused. This had resulted almost immediately in the pub being put on the market and the previous change of use application. However, the business had not appeared to be failing before this with cars in the car park and food on offer. The pub served various villages and it was felt there was a sufficiently large catchment area and with investment the business could succeed. It appeared the business had not been given a chance and residents found it surprising that it was closed down while on the market and not sold as a going concern. It was also felt that it was not being marketed at an appropriate price to achieve a sale.

Sue Cosford, an objector said this application was no different to that previously refused other than a further two months had elapsed. There was massive local support for the public house to be retained and the criteria for change of use had still not been met in that:

- it was still the last pub in the village
- the Community Centre was only open to the public seven hours a week and could not be considered a replacement
- the SPG stated the business must be advertised at a fair price for twelve months and this had not happened
- no offers had been made at the asking price as this was not a fair and going rate; the public house was closed when purchased so there was no reason for this large increase in price
- there should be no restriction placed on the sale and there was in the uplift to value on change of use
- the property should be on the market with more than one agent and was not
- the accounts showed sales and income figures higher than stated
- the £73,000 paid on improvements was not shown in the pub area.

Martin Price, the agent said the application sought to address the objections to that previously refused. Marketing of the property had continued but no offers had been received. The price asked reflected the valuation by Everard Cole Ltd who were experts in the sale of public houses. No expression of interest had been received during the six week time period so the Asset of Community Value (ACV) status was no longer an impediment to sale. CAMRA guidance had been used to assess viability and this had shown the business was not viable. The installation of the new kitchen was not the action of someone trying to run his business down as had been inferred. The property was 1km outside the settlement boundary with no footpath or lighting from the village so customers would need to drive there and there were other public houses within a five mile radius. A similar public house, the White Horse at Hitcham, had recently been granted change of use at appeal.

Councillor John Whitehead, Ward Member said that when the previous application was considered the Committee was advised that the property had just been listed as an ACV. The applicant had requested a review of the listing but an independent review had confirmed the AXCV status. Henley Parish Council had stated that there was much support for the property to remain as a public house and a petition of 102 signatures had been submitted. Of these 45 were from households in Henley and the remainder from the IP6 postcode showing support from outside the village. There were four public houses in Suffolk in community ownership and thriving but against that there were also many that had gone down the change to residential route.

Members requested clarification regarding the ACV status. The Head of Communities confirmed that although the Cross Keys had been listed as an ACV no expression of interest had been received from a community group during the six week interim period and the agent had been advised that a sale could now go ahead. Although the review of the listing requested by the applicant had confirmed the listing this did not affect that process.

Member opinion was divided. Some Members considered that as the property was not within walking distance of the village and in a desolate spot many would choose to drive to an alternative venue. It was also felt that as no expression of interest had been received the ACV now had limited weight and the proposal would bring a redundant building back into use. A motion to approve the recommendation was proposed and seconded.

The motion fell by four votes to six.

Others considered that very little had changed since the previous application. It was felt that a material consideration was whether the market value was appropriate and that the uplift in price since the purchase for £190,000 was high. It was felt that a longer marketing period should be allowed at an appropriate price. There was a view that not sufficient time had been given to conclude that the business was not viable before it was closed. It was the last public house in the village and there was great support from residents for its retention. A motion for refusal was proposed and seconded.

By 6 votes to 4

Decision – That Full Planning Permission be refused for the following reasons:

- The application fails to satisfactorily demonstrate that the public house has been appropriately marketed with clear independent valuation and fails to satisfactorily demonstrate that the business is not viable. Furthermore it is considered that there is significant support from the community for the retention of the public house demonstrated and it is identified as an Asset of Community Value. On that basis the proposed change of use is considered contrary to the Council's adopted Supplementary Planning Guidance on the Retention of Shops, Post Offices and Public Houses in Villages, adopted 2004 that seeks to retain essential facilities for villages and to ensure that proposals are properly justified. Moreover the proposal is contrary to paragraphs 28 to 70 of the NPPF that seek to guard against the unnecessary loss of valued facilities and promotes retention of such uses.

Item 3

Application Number: **3208/15**

Proposal: Demolition of existing A1/Sui Generis units. Erection of 3 and 4 storey C3 residential unit to provide 14 apartments which comprise of 4no. 2 bed flats, 6no.1 bed flats and 4no. 1 bed maisonettes (revised scheme to 2867/14)

Site Location: **STOWMARKET** – Mulberry House, Milton Road South

Applicant: Mr Haydon

The additional condition recommended in the tabled papers that the 'Gate details to be agreed' was noted.

Aoife O'Gorman, the agent said that the application sought to redevelop a brownfield site in a highly sustainable location which was currently mixed use.

However, the owners had struggled to fill the site for many years and had to let at a reduced rate to do so. The proposed design addressed the gateway nature of the site and would improve the approach to the town centre. Following extensive consultation it was agreed the existing access site was appropriate and should be used for the new development. The Highways Authority found the parking levels acceptable as the previous use as a used car lot would have resulted in more vehicle movements. The large open courtyard at the centre of the development would allow light to enter the apartments. The scale of the building and an interesting palate of materials respected the surroundings and provided a buffer of development from the busy road.

Councillor Lesley Mayes, the Ward Member advised that there were concerns regarding traffic impacts with the access to the site so close to the junctions. Traffic congestion was already an issue in this area and the additional traffic would worsen the situation. She was also concerned regarding the minimum parking spaces of one per flat provided as she felt it likely that two bedroom properties were likely to have two cars. Also, there was no visitor parking provided. Bin collection was a further concern as there was nowhere for the freighter to park within the site.

Although some concern was expressed regarding traffic issues and the effect of the building design on the setting of the listed Milton House opposite Members generally found the application acceptable. It was felt that one and two bed flats were greatly needed in Stowmarket and that it was a good design in a key location. The Highways Authority had made no objections and it was likely that with only one allocated parking space per flat those with two vehicles were unlikely to purchase a property. Some concern was expressed regarding fire safety and a further additional condition requiring a secure fire prevention scheme to be agreed was requested.

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:
 - Primary Education: £12,181
 - Libraries: £3,024
 - Waste: £714

Conditions:

- 3 year time limit
- Compliance with plans
- Details of materials to be agreed notwithstanding applicant's drawings
- Hard and soft landscaping scheme to be agreed
- Hard and soft landscaping scheme to be implemented as agreed
- Cycle storage to be provided
- Highways – Provision of parking and access
- Contamination scheme
- Secure fire prevention scheme to be agreed

- Gate details to be agreed

Note – Councillor Diana Kearsley left the meeting, and took no part in consideration of the following item

Item 4

Application Number: **1492/15**

Proposal: Hybrid application for residential development that consists of the following elements:

Full Planning sought for Phase I comprising of 75 single storey dwellings, garaging and parking and public open space/attenuation basin (SUDs).

Outline Planning sought with all matters reserved (ex II-III for up to 110 dwellings to incorporate a sheltered housing scheme of up to 60 units and public open space areas.

Site Location: **STOWMARKET** – Land West of Farriers Road, Edgecomb Park

Applicant: Construct Reason Ltd/ E.Durrant and Sons

The Senior Development Management Planning Officer advised that the recommendations from the Environment Agency and Anglian Water were to be included in the recommendation.

Gabrielle Rowan, the agent advised the Committee that the development was in line with the Stowmarket Area Action Plan, the Core Strategy Focused Review and the Development brief adopted in 2014, and that it would assist in supplying much needed housing in the area. Discussions with Anglian Water were far advanced and they would continue to work together to ensure the application addressed existing foul water drainage issues in the area.

Ward Member, Councillor Gerard Brewster advised that the application was for a strategic site in the Stowmarket Area Action Plan. The development would provide the type of housing required in Stowmarket and Mid Suffolk. He advised that there was concern regarding foul water drainage in nearby roads and that the local community did not want this development to exacerbate an existing issue. Whilst he was disappointed that the spine road would be completed in phase 2 and not earlier as this would have taken construction traffic off Farriers road, and also at the limited affordable housing he was happy to see this development proceed.

Members debated the item and it was agreed that this was a well-developed proposal that had been subject to high public consultation and it met housing needs. A motion for approval subject to the inclusion of the recommendations from the Environment Agency and Anglian Water was proposed and seconded.

By a unanimous vote

Decision – That Full and outline Planning Permission be granted subject to the prior completion of a satisfactory Section 106 planning obligation upon terms to the satisfaction of the Development management Corporate Manager to the following heads of terms (as generally described above):

1. Contribution to Combs Ford Surgery only £60,880.00
2. New bus stop on site £15,000
3. Existing bus stop improvements off site £10,000
4. Travel Plan (to be agreed)
5. Resurfacing of Stowmarket Public Footpath FP 45 £15,900.00
6. Resurfacing of Combs Public Footpath FP 32 £6,375.00
7. Resurfacing of Stowmarket Public Footpath FP53 (to play area) £11,250.00
8. Affordable Housing on site 19%
9. Primary/Secondary Education £48,724.00
10. Pre-school provision £79,183.00
11. Libraries £32,400.00
12. Waste £6,375.00
13. On site public open space
14. OSSI contribution (to be confirmed)
15. Phased delivery of development
16. Public rights of way on site shall be agreed
17. Public parking and bus laybys shall be agreed

And the following conditions to be imposed upon such hybrid permission
For Housing (Full) Permission

- Standard Time Limit
- Approved Plans agreed

For Housing (Outline) Permission

- Standard Time Limit Outline
- Reserved Matters (except access)
- Approved Plans agreed

For both elements

- Archaeological Programme of Works
- Materials
- External lighting to be agreed
- Landscaping scheme and tree protection
- Landscaping implementation and stages for this application to be agree
- Highways conditions as recommended by SCC
- Site waste management strategy to be agreed
- Development is carried out in accordance with the Flood risk assessment submitted by applicant
- Resource efficiency measures to be agreed during construction
- Scheme of rainwater harvesting
- Provision of fire hydrants, number and position to be agreed
- Construction methodology to be agreed
- Ecology strategy to be agreed
- All recommendations from Environment Agency and Anglian Water