

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE B** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Wednesday, 7 November 2018 -09:30

### **PRESENT:**

Councillor: Kathie Guthrie (Chair)

Councillors: Julie Flatman  
Lavinia Hadingham  
John Levantis  
John Matthissen

Jessica Fleming  
Barry Humphreys MBE  
Wendy Marchant  
Jane Storey

### **Ward Member(s):**

Councillors: Roy Barker

### **In attendance:**

Officers: Area Planning Manager (JPG)  
Planning Lawyer (IDP)  
Development Management Planning Officer (AS)  
Governance Support Officer (RC)

## **48 APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

Apologies of absence were received from Councillors Michael Burke and Derek Osborne.

Councillor Lavinia Hadingham Substituted for Councillor Derek Osborne.

Councillor John Levantis Substituted for Councillor Michael Burke.

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

Councillor Julie Flatman declared a non-pecuniary interest for application DC/18/00465 as she knew the planning agent, James Tanner.

## **50 DECLARATIONS OF LOBBYING**

None declared.

## **51 DECLARATIONS OF PERSONAL SITE VISITS**

None declared.

**52 SA/18/11 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 10 OCTOBER 2018**

It was resolved that the Minutes of the meeting from 10 October 2018 were confirmed and signed as a true record subject to the amendments below:

- That in Minute N.o 41 the following statement is added: “Councillor Barry Humphreys MBE declared a non-pecuniary interest for application DC/18/01029 as he knew the Objector, Jason Etherington.”
- That in Minute 46.13 the word “wat” is corrected to “way”.
- That in Minute 46.17 The Minute be amended to read “A short comfort break was taken between 10:47-10:54.”

**53 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

None received.

**54 SA/18/12 SCHEDULE OF PLANNING APPLICATIONS**

In accordance with the Council's procedure for public speaking on planning applications a representation was made as detailed below:

**Schedule of Applications**

| <b>Application Number</b> | <b>Representations From</b> |
|---------------------------|-----------------------------|
| DC/18/00465               | James Tanner (Agent)        |

54.1 Item 1

|                      |   |
|----------------------|---|
| Application Proposal | DC/18/00465<br>Outline planning application – erection of 52 dwellings and construction of new access (all matters reserved with the exception of the new access) |
| Site Location        | <b>BADWELL ASH</b> – Land off Hunston Road, Badwell Ash, Suffolk  |
| Applicant            | BG and JM Sutton  |

54.2 The Case Officer presented the application to Committee outlining the proposal, the site layout, and that there was a correction to the wording of the Officer Recommendation to be for outline permission.

54.3 The Area Planning Manager advised Members that the number of dwellings was fixed to 52 and that the affordable housing provision was 35% and confirmed that the application was for outline planning permission with access

and all other matters reserved.

- 54.4 The Case Officer responded to Members' questions on issues including: the history of the site which included a refused application for a caravan park in 2011 on the grounds of highway safety.
- 54.5 Members considered the representation from James Tanner, Agent on behalf of the applicant.
- 54.6 The Area Planning Manager clarified to Members that the term "previously developed land" in the National Planning Policy Framework Annex 2 (Glossary), did not include sites that were used for mineral extraction.
- 54.7 The Agent responded to Members' questions on issues including: Stage 1 and Stage 2 land contamination surveys had been completed, that the entirety of the field was in the applicant's ownership, the toads that had been surveyed on the site and the relationship to the construction management plan, and the landscaping on the site and the possibility of a Grampian condition.
- 54.8 The Area Planning Manager advised Members that although this was a possibility, this was not one that was actively sought or undertaken by Officers.
- 54.9 Members considered the representation from the Ward Member, Councillor Roy Barker.
- 54.10 The Area Planning Manager advised Members that after further examination of the documents submitted of the Phase 1 and Phase 2 Land Contamination Surveys evidenced that there would be a need for extensive work to comply with building regulations but that this was the responsibility of the applicant if permission was granted.
- 54.11 The Ward Member responded to the Committees' questions on issues including: the current sewage capacity in Badwell Ash, and the location of the Toad crossing.
- 54.12 The Area Planning Manager advised Members, following a question, that the Officer Recommendation for the application had previously been for refusal before it had been withdrawn by Officers from being heard by Committee, and that because of the current position of the Council following and the Planning Inspectorates decision regarding application 2112/16, the recommendation had been reviewed and amended accordingly.
- 54.13 Members debated the application on the issues including: the wildlife and ecology on the site, whether adequate mitigation for ecology could be provided on the site.
- 54.14 Councillor Jessica Fleming proposed that the application be refused on the grounds that the proposal provided a lack of ecological mitigation, however a seconder was not found.

54.15 Members continued to debate the application on issues including: the response from the ecology consultee (Place Services) who had not objected to the application, the mitigation to protect the toads, CIL provision, whether the ecological mitigation could be achieved within the red line plan of the site, whether the access to the site would be safe, and the possibility of a site visit.

54.16 The Area Planning Manager advised Members that the layout was not part of Members consideration.

54.17 Councillor John Matthissen proposed that the application be refused as detailed below:

1) The proposed development is not considered to integrate as a functional part of the existing settlement, is not considered to be in keeping with the village's existing settlement pattern, and in the absence of a comprehensive scheme of landscape planting fails to demonstrate that the development would not result in adverse harm to the existing landscape quality and character of the locality. Furthermore, by reason of its location and prominence dwellings sited would consequently be likely intrusive and result in visual detriment to the rural character and landscape. On this basis the development is contrary to policy CS5 Core Strategy 2008, Focus Review 2012 policy FC1.1, Local Plan policies H7, H13, GP1 and the NPPF including Chapter 12 "Achieving well designed places" and Chapter 15 "Conserving and enhancing the natural environment".

2) The proposed development, if approved, would likely significantly impact priority species, biodiversity interest and networks across the site and beyond that mitigation is not considered capable of assuring adequate protection given the site area and scale of the proposed development. On this basis the development is contrary to policy CS5 Core Strategy 2008, Local Plan policy CL8 and provisions of Chapter 15 "Conserving and enhancing the natural environment" including paras 170 and 174.

3) The proposed development by reason of its location would lead to pedestrians using Hunston Road where there is no footpath or footway available to access the rest of the village. This represents a risk in respect of highway safety and would be contrary to policy T10 of the Mid Suffolk Local Plan 1998 that gives regard to the provision of safe access to and egress from the site and the suitability of existing roads giving access to development in terms of safe and free flow of traffic and pedestrian safety.

54.18 Councillor Jane Storey seconded the motion.

54.19 by 6 votes to 3

54.20 **RESOLVED**

**That Planning Permission be refused for the following reasons:**

1) The proposed development is not considered to integrate as a functional part of the existing settlement, is not considered to be in keeping with the village's existing settlement pattern, and in the absence of a comprehensive scheme of landscape planting fails to demonstrate that the development would not result in adverse harm to the existing landscape quality and character of the locality. Furthermore, by reason of its location and prominence dwellings sited would consequently be likely intrusive and result in visual detriment to the rural character and landscape. On this basis the development is contrary to policy CS5 Core Strategy 2008, Focus Review 2012 policy FC1.1, Local Plan policies H7, H13, GP1 and the NPPF including Chapter 12 "Achieving well designed places" and Chapter 15 "Conserving and enhancing the natural environment".

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**55 SITE INSPECTION**

55.1 None requested.

The business of the meeting was concluded at 11.15 am.

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Chair