

MID SUFFOLK DISTRICT COUNCIL

Minutes of the **DEVELOPMENT CONTROL COMMITTEE 'A'** held at the Council Offices, Needham Market on Wednesday 2 March 2016 at 9:30am.

PRESENT: Councillors: Matthew Hicks (Chairman)
Gerard Brewster
David Burn
Lavinia Hadingham
Derrick Haley *
John Levantis
Sarah Mansel
Lesley Mayes
Mike Norris *
David Whybrow

Denotes substitute *

Ward Members: Councillor: Kathie Guthrie

In Attendance: Senior Development Management Planning Officer (JPG)
Development Management Planning Officer (LE/RB)
Corporate Manager (Economic Development and Tourism)
Enabling Officer (Heritage) (WW)
Senior Legal Executive (KB)
Governance Support Officers (VL/KD)

NA42 APOLOGIES/SUBSTITUTIONS

Councillors Derrick Haley and Mike Norris were substituting for Councillors Diana Kearsley and John Field respectively.

NA43 DECLARATIONS OF INTEREST

Councillor Lavinia Hadingham declared a non-pecuniary interest in Application 0846/15, by way of attending the Baptist Church in the village. Councillor Matthew Hicks declared a non-pecuniary interest in Applications 4374/15 and 4375/15LBC by way of being the County Councillor for this area, he also advised that he had employed the architect in these applications around five years ago.

Councillor David Burn declared a pecuniary interest in Application 3975/15 by way of having contributed to the collection for the proposed memorial site.

NA44 DECLARATIONS OF LOBBYING

Members declared that they had been lobbied on applications 4374/15, 4375/15LBC and 0846/15.

NA45 DECLARATIONS OF PERSONAL SITE VISITS

There were no declarations of personal site visits.

NA46 MINUTES OF THE MEETING HELD 3 FEBRUARY 2016

Report NA/06/16

The minutes of the meeting held 3 February 2016 were confirmed as a correct record.

NA47 PETITIONS

None received.

NA48 QUESTIONS FROM MEMBERS

None received.

NA49 SCHEDULE OF PLANNING APPLICATIONS

Report NA/05/16

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

Planning Number	Application	Representations from
4374/15		Richard Blackwell (Parish Council) Peter Jarrett (Objector) Stephen Calloway (Objector)
4375/15/LBC		Richard Blackwell (Parish Council) Peter Jarrett (Objector) Stephen Calloway (Objector)
3975/15		Maria Ford (Parish Council) Fred Astbury (Supporter)
4195/15		Mike Bootman (Parish Council) Michael Davy (Objector)
0846/15		Sarah Roberts (Agent) Andrew Vessey (Objector) Owen Le Roy (Supporter) Peter Davidson (Applicant)

Item 1

Application Number:
Proposal:

4374/15

Partial change of use, erection of first floor extension to reinstate former two storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility (revised scheme to that submitted under ref. 2494/14 and 2475/15)

Site Location:
Applicant:

DEBENHAM – The Angel Inn, 5 High Street
Mrs S Paine

Lisa Evans introduced the item and within the Late Representations/Supplementary Papers referred to the consultation response from the Mid Suffolk District Council Development Department.

Richard Blackwell speaking on behalf of the Parish Council, advised that should this application be approved there was concern that the necessary demolition and construction works would threaten the fabric of the neighbouring house. The pub was an important part of the village, and this application would make the current temporary reduced size of the public house irreversible and the smaller layout was unpopular within the village. The reduction would also mean that larger family events would need to be held elsewhere, and the loss of the car park at the rear of the pub would exacerbate an existing on road parking issue.

Two objectors shared the three minutes of speaking time, to allow them both to express views.

Peter Jarrett, representing concerned Debenham villagers, advised that alterations to reduce the size of the pub made it a less attractive option to customers, and that should this application be approved, there would be no going back. He believed a key service centre village the size of Debenham needed a large public house with associated facilities.

Stephen Calloway, who owned the house next door to the Application site, commented that the Application failed to demonstrate any benefit to the public. It would also mean an irreversible change to a listed building, and he felt that neither the Applicant nor architect had given any consideration to alleviating concerns of residents and any potential damage that could be caused during the demolition and construction process.

Kathie Guthrie, Ward Member, gave a brief overview of the history of the pub itself, and advised that in 2013 the pub closed, which prompted discussions between, amongst others, the owners, the Ward Member and Mid Suffolk District Council, to investigate options for the future of the pub. A plan to temporarily downsize the pub and re-open it was agreed. (The pub closed again after this and the 'Save the Angel Group' was formed, to keep the pub open – not sure about this as it is currently open). She said that in its present layout it was not user friendly and was not the facility the community wanted and if approved the current reduction in size would become permanent. The listing as an Asset of Community Value (ACV) demonstrated the commitment by local residents to keeping the pub open. She asked the Committee to support the Officer recommendation.

The Committee considered the application and many agreed that as Debenham was an expanding village it needed to be sustainable and have assets such as a public house. Members also voiced concerns that the Applicant had not sought any pre-application advice, or submitted any financial information regarding the viability of the business and a motion to approve the recommendation was proposed and seconded.

By a unanimous vote.

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

1. The proposal would lead to the diminution of an established village facility, which may prejudice its longer term future as a community and tourism asset and contributor to the rural economy. As such it conflicts with the aims and requirements of paragraphs 17, 28, 69 and 70 of the National Planning Policy Framework, and Policies FC1 and FC1.1 of the adopted Mid Suffolk Core Strategy Focused Review (2012)

2. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its character and status as a building of architectural and historic interest. The harm to the designated Heritage Asset is not regarded as substantial, however, the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction of its operational floor space. The proposal would therefore conflict with the aims of paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008, Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2 and HB3 of the adopted Mid Suffolk Local Plan (1998), which are consistent with those aims

Item 2

Application Number: **4375/15**
Proposal: Erection of first floor extension to reinstate former two storey rear wing, internal alterations including relocation of toilet facilities, to retain the public house as a community facility
Site Location: **DEBENHAM** – The Angel Inn, 5 High Street
Applicant: Mrs S Paine

Members reiterated their comments from the previous application, and in particular they referenced comments received from the Heritage team.

By a unanimous vote

Decision – That Listed Building Consent be refused for the following reasons:

The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its character and status as a building of architectural and historic interest. The harm to the designated Heritage Asset is not regarded as substantial, however, the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction of its operational floor space. The proposal would therefore conflict with the aims of paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008, Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2 and HB3 of the adopted Mid Suffolk Local Plan (1998), which are consistent with those aims

Item 3

Application Number: **3975/15**
Proposal: Use of land for the creation of a memorial garden to include war memorial, information board, 2 no benches, 2 no flag poles
Site Location: **EYE** – Land on Progress Way, IP23 7HL
Applicant: Mrs J Aling

Maria Ford, speaking on behalf of the Town Council, detailed to Members the hard work and effort that had been put into this application, and advised that issues surrounding car parking for the proposed site had been resolved.

Fred Astbury, supporter, advised that there had been work to make this site part of the Airfield Heritage Trail. He also made Members aware that local businesses had also offered their support for this proposal.

The Case Officer advised the Committee that the recommendation should be amended to read:

‘Scheme of hard and soft landscaping to be agreed.’

By a unanimous vote

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

- Implementation – Standard Time Condition
- Approved Plans
- Hard and soft landscaping scheme to be agreed

Item 4

Application Number: **4195/15**
Proposal: Erection of 21 dwellings, 3 no new highway accesses, associated parking, turning and on-site open space provision as amended by drawing no’s 01L, 22A and 25, received 20 January 2016, re-positioning plot 11 and altering proposed access
Site Location: **PALGRAVE** – Land at Lion Road
Applicant: Danny Ward Builders

At the outset of the presentation on the application, the Case Officer drew Members’ attention to the tabled papers which included a revised recommendation. Upon conclusion of the presentation, the Case Officer answered Members’ questions including and in relation to:

- The Council’s lack of a 5 year land supply The proposed footpath and the current footpath,
- The visibility splay

Mike Bootman, speaking for the Parish Council, stated that there was disagreement regarding the sustainability of this proposal. He advised that there were long waiting times for GP appointments, and that there were existing traffic issues in Palgrave. He commented that the nearest town, Diss, was not a strategic growth centre and as such funding or investment there had not been put forward. He advised that the proposed footpath didn’t extend into Palgrave, and that any users of the footpath would need to cross a busy road. He advised that the Section 106 contribution for education which would be used to refurbish the community centre, for the schools’ use, relied on the agreement of the charitable trust which owned the school and this could not be guaranteed,

The Senior Development Management Planning Officer commented that Suffolk County Council had advised that school places would be created upon expansion into the community centre, he noted however, that other legal obligations may exist where this may not be possible. He suggested that the application was deferred whilst clarification on this matter was sought.

Members’ debated the issue and were minded to defer the application until clarification had been given on this matter, as they were significantly unclear on the issue. Councillor Hicks advised that this application could be heard at the next Development Control Committee B meeting, so as not to add any further delays. A motion to defer the item was proposed and seconded.

By a unanimous vote

Decision – Deferred in order to allow officers to seek clarification on education requirements. To be returned to next available committee.

Item 5

Application Number: **0846/15**
Proposal: Hybrid application comprising: application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access and an application for Outline Planning Permission for up to 18 no residential units; as amended by drawings received 17 November 2015 altering the design of the chapel and drawing 18975/802 rev A received 11 January 2015 amending the road layout and agent's letter received 11 January 2015

Site Location: **FRESSINGFIELD** – Land South West of School Lane
Applicant: The Trustees of Fressingfield Baptist Chapel

At the outset of the presentation on the application, the Case Officer drew Members' attention to the tabled papers which included a revised recommendation.

Andrew Vessey, an objector began by stating that it was felt that the building itself was out of scale with other dwellings in the village, and was devoid of any indigenous features. He advised the Committee that there were other facilities within the village that would be affected by this proposal, as groups that currently used these may wish to move. The proposed site was a natural habitat for a range of wildlife and was part of the scenery of the village. The impact that the application would have on the village would be detrimental as it would increase traffic movements, and change a cul-de-sac into a through road, which would impact public safety.

Owen Le Roy, speaking as a supporter of the application advised the Committee that the building had been designed to be functional and not ostentatious and that consultations with the Parish Council had been carried out throughout the process. The design had been amended to soften the appearance and address issues raised by the previous planning officer. He believed the Deed of Variation allowed the applicant to implement the footpath link.

Peter Davidson, the Applicant advised that there was support for the scheme from the Parish Council, the school and the village itself. He advised that the school had been offered the use of the building and classrooms as well as the carpark, which would allow school buses and parents a safe area to pick up and drop off. He stated that the access point to the site could be moved so that the visibility splay would be less of an issue. He commented that the school did not want the footpath to be on school land and so had offered that the footpath could be located on the application site; this would require a legal document which would be forthcoming but there was already an easement allowing access across school land. In order to provide the visibility splay a wayleave was required, but if this was not forthcoming the building could be moved further onto the site so that the splay could be provided within the application land. He felt that all concerns regarding this application could be resolved by adding conditions to the recommendations.

Lavinia Hadingham, Ward Member, advised the Committee that she fully supported the application, and that it would add a lot of benefit to a thriving village. The current Baptist Church had a very full and varied social calendar that catered to all ages, and often the Church was full on a Sunday. The proposal offered both more houses, which were needed and also offered a safe place for school children to be collected and dropped at school by way of the proposed car park. She stated that the applicants had been keen to please and had liaised with the Parish Council and had sought pre-application advice.

Members debated the application and commented that whilst it was positive that the Baptist Church was thriving and were looking to expand, there were concerns over the

footpath and the visibility splay. Members also questioned the applicant's comments regarding conditions with the Officer, who advised that a deed of variation did allow for a footway link between the site and the school, however this proposal did not permit this. In order for the link to be provided in this way, the proposal would need to be redesigned as the Church would need to be repositioned further into the site. Members' felt that further discussions were required to resolve the issues of concern, in particular the footpath link, the visibility splay and mitigation for the loss of the broadleaved woodland as advised by Suffolk Wildlife Trust and the County Ecologist.

By 8 votes to 1

Decision –

(A) That Full Planning permission be refused for the following reasons:

- The proposal seeks to provide a footway link and new path on land outside the red line application site and outside the applicant's ownership or control. There is no agreement to secure the transfer of the land for provision of the footpath. The provision of this footpath provides a direct link to local services and facilities, without which the proposal would be contrary to paragraphs 31, 34, 35 and 72 of the NPPF, not providing or promoting viable infrastructure necessary for the development, or indeed prioritising pedestrian access and as such not contributing to the achievement of sustainable development required by paragraph 6 of the NPPF, contrary to Core Strategy Policies FC1 and FC1.1
- Part of the visibility splay required when entering the site from (as shown on Forward Visibility Plan 18975/802 Rev B, received 4/2/2016) are not within the red line application site and outside the applicant's ownership or control. Their provision and future retention cannot be secured and on that basis the development cannot deliver safe and secure access as required by Policy T10 of the Mid Suffolk Local Plan and paragraphs 32 and 35 of the NPPF. The application site forms part of a designated Priority Habitat Area of broadleaved woodland. The NPPF at paragraphs 117 and 118 aims to conserve and enhance biodiversity, including the preservation, restoration and recreation of Priority Habitats, further requiring that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats

The proposal would result in the incursion of residential development and community facilities across the entire designated area resulting in the complete loss of this irreplaceable habitat contrary to Core Strategy Policy CS5, Local Plan Policy CL8, Core Strategy Focused Review Policies FC1 and FC1.1 and the National Planning Policy Framework paragraphs 7, 8, 109, 117, 118 and 119

As such the proposal cannot be considered to improve biodiversity, and as such not achieve the environmental aims of sustainable development. As the different roles of sustainable development identified in paragraph 7 of the NPPF should not be undertaken in isolation the proposal cannot be considered sustainable development in this respect and as such is contrary to the requirements of paragraphs 7, 8, 109, 117, 118 and 119 of the NPPF

(B) At such time Committee determine the application without a Planning Obligation being secured the Corporate Manager – Development Management be authorised to refuse full planning permission for reason(s) in Resolution (A) including the following reason for refusal:

- Inadequate provision of open space and/or infrastructure contrary to policy CS6 or the Core Strategy 2008 without the requisite Section 106 obligation or CIL being in place

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Chairman