

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE A** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Wednesday, 19 February 2020 -09:30

### **PRESENT:**

Councillor: Matthew Hicks (Chair)  
Lavinia Hadingham (Vice-Chair)

Councillors: John Field Kathie Guthrie  
Sarah Mansel John Matthissen  
David Muller BA (Open) MCMI Andrew Stringer  
RAFA

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

Councillors: Helen Geake

### **In attendance:**

Officers: Area Planning Manager (JPG)  
Planning Lawyer (IDP)  
Planning Officer (JE)  
Senior Planning Officer (DC)  
Development Management Planning Officer (AS)  
Principal Planning Officer (EF)  
Governance Officer (RC)

## **86 APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

Apologies of Absence were received from Councillors Rachel Eburne, Richard Meyer and Wendy Turner.

Councillor Kathie Guthrie substituted for Councillor Richard Meyer.

Councillor John Matthissen substituted for Councillor Rachel Eburne.

Councillor Andrew Stringer substituted for Councillor Wendy Turner.

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

All Councillors declared a Local Non-Pecuniary interest in application DC/19/02688 as the application came from a fellow Councillors brother.

Councillors Guthrie, Hadingham, Hicks, and Muller declared a Local Non-Pecuniary interest in application DC/19/04553 as the Applicant had previously been the Chair of the Conservative Party in Central Suffolk and North Ipswich.

Councillor John Field declared a Local Non-Pecuniary Interest in application DC/18/04695 as the County Councillor for the area.

## **88 DECLARATIONS OF LOBBYING**

Councillors Field, Hadingham Hicks, Mansel, and Muller declared that they had been lobbied on application DC/19/02688.

Councillor Matthew Hicks declared that he had previously had conversations about development on the site for DC/19/04553 where he had attended a village meeting 2 years ago.

## **89 DECLARATIONS OF PERSONAL SITE VISITS**

None declared.

## **90 NA/19/15 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 22 JANUARY 2020**

The Governance support Officer advised the Committee that a draft of the minutes of the meeting held on the 22 January 2020 had not been completed and checked by the Area Planning Manager and Planning Lawyer. The Governance Officer advised that these would be presented to the Committee at the next meeting.

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

None received.

## **92 NA/19/16 SCHEDULE OF PLANNING APPLICATIONS**

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

<b>Application Number</b>	<b>Representations From</b>
DC/19/02688	Julia Ewans (Woolpit Parish Council) Derek Curry (Objector) Ben Moore (Agent) Andrea Scott (Applicant) Cllr Sarah Mansel (Ward Member) Cllr Helen Geake (Ward Member)
DC/19/04429	Phil Cobbold (Agent)
DC/19/04273	Sam Sinclair (Agent)

DC/19/04796	Susanna Sanlon (Agent)
DC/19/04553	Chris Goldsmith (Kenton Parish Council) Phil Cobbold (Agent) Cllr Kathie Guthrie (Ward Member)
DC/18/04695	None

Before the start of the item the Chair announced that the application would be taken in the following order:

1. DC/19/02688
2. DC/19/04553
3. DC/19/04429
4. DC/19/04273
5. DC/19/04796
6. DC/18/04695

**93 DC/19/02688 LAND ON THE SOUTH SIDE OF, RAGS LANE, WOOLPIT, SUFFOLK**

93.1 Item A

Application Proposal	DC/19/02688 Outline Planning Application (Access and Layout includes all other matters reserved) – Erection of 5 no. detached dwellings, associated garages and vehicular access.
Site Location	<b>WOOLPIT-</b> Land on the South side of, Rags Lane, Woolpit, Suffolk
Applicant	Mr L Scott

93.2 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, the changes to the proposal since it was last presented to the Committee, and the officer recommendation of approval.

93.3 Members considered the representation from Julia Ewans of Woolpit Parish Council who spoke against the application.

93.4 The Planning Lawyer advised Members that the officer recommendation and Section 106 Agreement would be open ended with regards to the ecological mitigation proposed.

93.5 Members considered the representation from Derek Curry who spoke as an Objector.

93.6 Members considered the representation from Ben Moore and Andrea Scott who spoke as the Agent and Applicant respectively.

93.7 The Agent and Applicant responded to Members' questions on issues including: that the proposal had been accepted by the Ecological Consultee and Suffolk County Council's Highways Department as being acceptable.

93.8 Members considered the representations from the Ward Members, Councillors Helen Geake and Sarah Mansel.

93.9 The Ward Members responded to Members' questions on issues including: the importance of the hedgerow.

93.10 Members debated the application on the issues including: the amount of hedgerow that was proposed to be removed, whether there had been any serious accidents on Drinkstone Road, the proposed Ecological mitigation, and the number of houses on site.

93.11 Councillor Lavinia Hadingham proposed that the application be approved as detailed in the officer recommendation with the addition that:

- The Section 106 Agreement for ecological meadow area shall be in perpetuity.

93.12 Councillor Dave Muller seconded the motion.

93.13 Members continued to debate the application on the issues including: that the application was not plan led as detailed in the National Planning Policy Framework, the securing of the meadow area, and the weight of the Draft Joint Local Plan and the Woolpit Neighbourhood Plan.

93.14 It was noted that Councillor John Matthissen could not vote on the item as he arrived after the commencement of application DC/19/02688 but took part in all subsequent items.

93.15 By 5 votes to 1

93.16 **RESOLVED**

**That authority be delegated to the Chief Planning Officer to Grant Outline Planning Permission:**

**(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:**

- **The implementation and retention of the ecology compensation as recommended that sit outside of the red line plan and that is shall be in perpetuity.**
- **The improvements to Drinkstone Road.**

**(2) That the Chief Planning Officer be authorised to Grant Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- **Standard time limit (3yrs for implementation of scheme and 1 years to**

**submit Reserved Matters application)**

- **Approved Plans (Plans submitted that form this application)**
- **Reserved Matters**
- **Swfit/Owl/Bat Boxes and Hedgehog fencing scheme to be agreed •**
- **SuDs conditions as recommended**
- **Market housing mix prior to or concurrent with reserved matters to be agreed**
- **Energy and renewal integration scheme to be agreed**
- **Rainwater harvesting to be agreed**
- **Construction Plan Management to be agreed.**
- **Level access to enable wheelchair access for all dwellings/buildings.**
- **All conditions recommended by the SCC highway's authority All Conditions recommended by the Ecology Place Services on their response received on the 7 Jan 2020.**
- **Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)**

**(3) And the following informative notes as summarised and those as may be deemed necessary:**

**Pro active working statement**

- **SCC Highways notes**
- **Support for sustainable development principles**
- **Further landscaping consideration along the west boundary to be considered as part of a reserved matters scheme.**

**(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate ground**

**[5] In the event that the application has not been determined at the time that [a] the Neighbourhood Plan (NP) Examiners report is published and [b] that report recommends the designation / allocation of the application site as green space as proposed within the draft NP then the application be reported back to Committee having regard to such change in material policy considerations**

**94 DC/19/04553 ANCHOR STORAGE, EYE ROAD, KENTON, STOWMARKET, SUFFOLK, IP14 6JJ**

94.1 Item E

Application	DC/19/04553
Proposal	Outline Planning Application (some matters reserved – access to be considered) – erection of up to 32No dwellings (existing buildings to be demolished).
Site Location	<b>KENTON</b> – Anchor Storage, Eye Road, Kenton, Stowmarket, Suffolk, IP14 6JJ
Applicant	Anchor Storage Ltd

94.1 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, and the officer recommendation of refusal.

94.2 The Case Officer responded to Members' questions on issues including: that the floor space was too large to be a Class Q application, that the development of the site would be in Flood Zone 1, the response from the Heritage Team, recent Appeal decisions in the area, the response from Suffolk County Councils Highways Department.

94.3 Members considered the representation from Chris Goldsmith of Kenton Parish Meeting who spoke against the application.

94.4 The Parish Council representative responded to Members' questions on issues including: the increase in housing in the village, the response from the Parish Council, the amount of traffic that would be generated from the site, and the change from HGV use.

94.5 Members considered the representation from Philip Cobbold who spoke as the Agent.

94.6 The Agent responded to Members' questions on issues including: the intention to relocate the business to a location with better transport links, the decontamination of the site, and the detail required by the floods team.

94.7 Members considered the representation from the Ward Member, Councillor Kathie Guthrie.

94.8 Members debated the application on the issues including: the sustainability of the proposal, that the community did not now support the application, and the distance to the nearest school.

94.9 Councillor Dave Muller proposed that the application be refused as detailed in the officer recommendation. Councillor John Matthissen seconded the motion.

94.10 By 7 votes to 1.

#### 94.11 RESOLVED

That the application is **REFUSED** planning permission for the following reasons:

1. The proposed development, remote from local services and lacking accessible sustainable transport modes, will result in a high level of car dependency for future occupants. The density and scale of the development would result in landscape harm. The identified adverse impacts outweigh the scheme's public benefits, and therefore the proposal does not constitute sustainable development, contrary to Policies FC1 and FC1\_1 of the Core Strategy Focused Review 2012 and the National Planning Policy Framework 2019.
2. The proposal would also lead to the loss of employment land, with no significant benefit or alternative schemes provided, contrary to the directions of Saved Local Plan policy E4 and E6. Similarly, the area has not been shown to be one in high demand for housing such that the employment uses present on site should be replaced in line with the provisions of paragraph 121 of the NPPF.
3. While it is acknowledged that the removal of the existing buildings from the site would be read as a benefit to the setting of Sycamore Farmhouse, the replacement of these buildings would still result in harm to its setting. This harm has been identified as being less than substantial when read against the NPPF and the public benefits offered by the site are insufficient to counter this harm due to the adverse impacts arising from the location of the scheme. This runs contrary to paragraph 196 of the NPPF and to the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The application fails to demonstrate that the site is suitable for housing in the context of land contamination and cannot demonstrate that the remediation of the entirety of the site would result in land that was considered suitable for residential uses. This runs contrary to the requirements of paragraphs 178 and 180 of the National Planning Policy Framework 2019 which seeks to avoid development on sites which may reasonably pose a health risk to its end user.
5. Paragraph 165 of the National Planning Policy Framework 2019 requires major developments to incorporate sustainable drainage systems, including taking advice from the lead local flood authority. The application fails to take account the advice from the lead local flood authority, contrary to paragraph 165 of the National Planning Policy Framework 2019.

**95 DC/19/04429 LAND NORTH OF WILLOW HALL, NORWICH ROAD, THWAITE, IP23 7ED**

95.1 A short comfort break was taken between 11:30-11:37 after the completion of application DC/19/04429 but before the commencement of DC/19/04273.

95.2 Item B

Application	DC/19/04429
Proposal	Outline Planning Application (Access to be considered, all other matters reserved) – Erection of 1No attached dwelling.
Site Location	<b>THWAITE-</b> Land North of Willow Hall, Norwich Road, Thwaite, IP23 7ED
Applicant	Messrs M. and O. Passmore

95.3 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, the previous applications on the site, and the officer recommendation of refusal with the updated recommendation regarding policy numbers.

95.4 The Case Officer responded to Members' questions on issues including: the response from Suffolk County Council's Highways Department, and previous applications on the site.

95.5 Members considered the representation from Philip Cobbold who spoke as the Agent.

95.6 Members considered the written representation from Councillor David Burn which was read out by the Chair.

95.7 Members debated the application on the issues including: previous applications that had been approved on site that had not been implemented, the access to the site from the highway, the reports on crashmap that showed traffic incidents in the area.

95.8 Councillor John Field proposed that the application be refused as detailed in the officer recommendation. Councillor John Matthissen seconded the motion.

95.9 By a unanimous vote.

95.10 **RESOLVED**

**That the application is REFUSED planning permission/ for the following reasons:-**

- 1. This application seeks outline planning permission with access only for the erection of a detached dwelling and is considered to represent unsustainable development in a countryside location, contrary to the provisions of polices CS01, CS02 and H07 of the adopted Development**



**Plan.**

**Whilst paragraph 11 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and it is further considered that the unsustainable location in relation to its connectivity to services and facilities which results in a heavy reliance on a motor vehicle and encroaching built form into the open countryside. This harm significantly and demonstrably outweighs the benefits of the development when considered against the Framework as a whole.**

- 2. Development on the application site would make Willow Hall (Grade II listed building) part of a row of modern dwellings, rather than being on the edge of modern development. This would reduce its prominence and erode what remains of its historic open rural setting, as well as diminish its connection to the countryside to the north. This impact is contrary to policies GP1, H15 and HB01 which seek to protect the character of the surrounding area and setting of a listed building.**

**Great weight is given to this as per paragraph 193 of the NPPF. As a result of the proposal being defined as unsustainable development and in the presence of a 5 year land supply there are no public benefits that would significantly and demonstrably outweigh the identified harm to the listed building.**

**As a result, the proposal is contrary to Policies GP1, H15 and HB01 of the Mid Suffolk Local Plan (1998) and the NPPF (2019) and is hereby refused.**

**96 DC/19/04273 LAND WEST OF WATTISFIELD ROAD, WALSHAM LE WILLOWS, SUFFOLK**

**96.1 Item C**

Application	DC/19/04273
Proposal	Submission of details under Outline Planning Application 1352/17 – Appearance, landscaping, layout and scale for erection of up to 60 no. dwellings
Site Location	<b>WALSHAM LE WILLOWS-</b> Land West of, Wattisfield Road, Walsham Le Willows, Suffolk
Applicant	Lovell Partnerships

- 96.2 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, and the officer recommendation of approval which had been updated to remove the third**

bullet point regarding sustainability as this was incorrect.

96.3 The Case Officer responded to Members' questions on issues including: that the sustainability condition could have had to have been applied at the outline stage of the proposal, that the proposals conformed with National Space Standards.

96.4 Members considered the representation from Sam Sinclair who spoke as the Agent.

96.5 The Agent responded to Members' questions on issues including: the proposed orientation of the buildings, links to the public right of way, and the sustainability of the proposal.

96.6 Members debated the application on the issues including: the orientation of the buildings, the lack of sustainability measures.

96.7 Councillor Andrew Stringer proposed that the application be refused for the reason as follows:

- NPPF para 153 and FC01.

96.8 Councillor John Matthissen seconded the motion.

96.9 By 4 votes to 4. The Chair used his casting vote against the motion.

96.10 The motion fell.

96.11 Councillor Lavinia Hadingham proposed that the application be approved as detailed in the officer recommendation. Councillor Kathie Guthrie seconded the motion.

96.12 By 4 votes to 4. The Chair used his casting vote for the motion.

96.13 **RESOLVED**

**That authority be delegated to the Chief Planning Officer - Growth & Sustainable Planning to Grant reserved matters, subject to the following conditions:**

- **Approved Plans and Documents;**
- **Landscape Management Plan, as recommended by Council Landscape Consultants;**
- **Those already imposed as part of Outline Planning Permission Ref: 1352/17.**

**97 DC/19/04796 LAND OPPOSITE, BROAD MEADOW, WALSHAM LE WILLOWS, SUFFOLK**

97.1 A lunch break was taken between 12:45-13:19 after the completion of DC/19/04273 but before the commencement of DC/19/04796.

97.2 Item D

Application	DC/19/04796
Proposal	Application under Section 73 of the Town and Country Planning Act. DC/17/02783 (Erection of up to 22 dwellings) as amended by DC/18/04327 without compliance with condition 21 (Ecology) and Condition 27 (Ecology).
Site Location	<b>WALSHAM LE WILLOWS-</b> Land Opposite, Broad Meadow, Walsham Le Willows, Suffolk
Applicant	Sunnyside Farms

97.3 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site and the officer recommendation of approval to amend the conditions.

97.4 The Case Officer responded to Members questions on issues including: the footpath, the protection of the trees, and the reasoning behind the 15m was a committee decision.

97.5 Members considered the representation from Susannah Sanlon who spoke as the Applicant.

97.6 The Applicant responded to Members questions on issues including: when the works would begin, and that the lighting scheme would tie in with the application.

97.7 Councillor Kathie Guthrie proposed that the application be approved as detailed in the officer recommendation.

97.8 Councillor John Field seconded the motion.

97.9 By a unanimous vote.

97.19 **RESOLVED**

**That the application to vary Conditions 21 and 27 of Outline Planning Permission ref: DC/17/02783 is GRANTED and includes the following conditions:-**

**That authority be delegated to the Chief Planning Officer to Grant Permission:**

**(1) Subject to the prior agreement of a legal agreement on appropriate terms to the satisfaction of the Chief Planning Officer to secure:**

- Planning obligations previously secured under the Section 106 agreement, associated with host planning permission ref: DC/17/02783, being:
  - o Onsite provision of 35% Affordable Housing
  - o School Transportation Contribution

**(2) That the Chief Planning Officer be authorised to Grant Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- 1) Standard time limit for submission of reserved matters application and commencement (as per timescales previously imposed by way of host Outline Permission ref: DC/17/02783);
- 2) Approval of reserved matters;
- 3) Approval of location and phasing of affordable Housing;
- 4) Agreement of Materials;
- 5) No alterations to unmarked Track to north of site;
- 6) Archaeology Written Scheme of Investigation;
- 7) Archaeology analysis, publication and dissemination of result and archive deposition;
- 8) Play Space Provision;
- 9) Refuse Bins and collection areas;
- 10) Construction Hours;
- 11) Local Water Authority adoption agreement;
- 12) Provision of Footway linking site to existing footway at Mill Close;
- 13) Access details prior to commencement;
- 14) Details of locations for storage of Refuse and Recycle Bins;
- 15) Details of Estate Roads and Footpaths;
- 16) Highway Carriageways and Footways to at least binder course level prior to occupation;
- 17) Construction deliveries management plan;
- 18) Details of on-site manoeuvring and Parking prior to commencement;
- 19) Highways Access Visibility Splays;
- 20) Fire Hydrant details;
- 21) Compliance with recommendations of Ecology Report (Varied as per current proposal);
- 22) Lighting Scheme;
- 23) Surface Water Drainage Scheme;
- 24) Surface Water Drainage Flow Paths;
- 25) Sustainable Urban Drainage System;
- 26) Construction Surface Water Management Plan;
- 27) Ecology Buffer (Varied as per current proposal);
- 28) Bat Boxes
- 29) Construction Management Plan;

**(3) And the following informative notes as summarised and those as may be deemed necessary:**

- Pro-active working statement
- SCC Highways notes
- Public Utility apparatus

- **Street lighting system**
- **Land Contamination Note**
- **Watercourse of groundwater discharge**

**(4) That in the event of the Legal Agreement, Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate ground(s).**

**98 DC/18/04695 BY-PASS NURSERIES, BRAMFORD ROAD, BRAMFORD, SUFFOLK**

98.1 Item F

Application	DC/18/04695
Proposal	Submission of details under Outline Planning Permission 0408/17 Appearance, Landscaping, Layout and Scale to be considered for 20 No. dwellings. 5 No. to include live/work units 7.No to be Affordable Housing.
Site Location	<b>BRAMFORD-</b> By-Pass Nurseries, Bramford Road, Bramford, Suffolk
Applicant	M.C.C Developments Ltd

98.2 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, the contents of the tabled papers, and the officer recommendation of approval with conditions.

98.3 The Case Officer and Area Planning Manager responded to Members' questions on issues including: the proposed shared employment use, the affordable housing provision, Permitted Development rights.

98.4 Members considered the email representation from Councillor James Caston which was read out by the Chair.

98.5 Councillor John Field proposed that the application be approved as detailed in the officer recommendation with the additional note as detailed below:

- Note – removal of PD condition refers to outbuilding associated only.

98.6 Councillor Andrew Stringer seconded the motion.

98.7 By a unanimous vote

**98.8 RESOLVED**

**That authority be delegated to Chief Planning Officer to**

- (1) That the Chief Planning Officer be authorised to Approve Planning Permission subject to conditions as summarised below and those as**

may be deemed necessary by the Chief Planning Officer:

- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- Removal of pd rights on live/work units

(2) And the following informative notes as summarised and those as may be deemed necessary by the Chief Planning Officer:

- Pro-active working statement
  - Support for sustainable development principles

**99 SITE INSPECTION**

99.1 None requested.

The business of the meeting was concluded at 1.58 pm.

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Chair