

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE B** held in the Cedars Park Community Centre, Pintail Road, Stowmarket, IP14 5FP on Wednesday, 3 August 2022 at 09:30am

PRESENT:

Councillor: Kathie Guthrie (Chair)
David Muller BA (Open) MCMI RAFA (Councillor) (Vice-Chair)

Councillors: Peter Gould Barry Humphreys MBE
Andrew Mellen Mike Norris
Andrew Stringer Rowland Warboys

Ward Member(s):

Councillors: Sarah Mansel

In attendance:

Officers: Area Planning Manager (GW)
Planning Lawyer (IDP)
Planning Officers (AG / MK)
Governance Officer (AN)

Apologies:

Councillors: James Caston

22 APOLOGIES AND SUBSTITUTIONS

22.1 Apologies were received from Councillor James Caston

22.2 Councillor Barry Humphreys substituted for Councillor James Caston

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

23.1 None declared.

24 DECLARATIONS OF LOBBYING

24.1 Councillors Guthrie, Muller, Gould, Mellen, Norris, Warboys and Stringer declared that they had been lobbied on application DC/21/06379.

25 DECLARATIONS OF PERSONAL SITE VISITS

25.1 None declared.

26 SA/22/5 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 6 JULY 2022

26.1 It was resolved that the minutes of the meeting held on 6 July 2022 were confirmed and signed as a true record.

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

27.1 The Governance Officer reported that one petition had been received regarding application number DC/21/06825 (Item 7A) with 102 valid signatures supporting the following statement:

We, the undersigned petition the Council to oppose the development of a photovoltaic solar array, battery storage, and ancillary structure at Land to the South of Suggenhall Farm, Church Lane, Rickinghall, IP22 1LL

28 SA/22/6 SCHEDULE OF PLANNING APPLICATIONS

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

Application Number	Representations From
DC/21/06825	Richard Baldwin (Objector) Tom Roseblade (Agent) Councillor Jessica Fleming (Ward Member – Statement)
DC/21/06379	Peter Dow (Elmswell Parish Council) Phil Cobbold (Agent) Councillor Sarah Mansel (Ward Member) Councillor Helen Geake (Ward Member – Statement)

29 DC/21/06825 LAND TO THE SOUTH OF SUGGENHALL FARM, CHURCH LANE, RICKINGHALL, IP22 1LL

29.1 Item 7A

Application Proposal	DC/21/06825 Full Planning Application – Development of a photovoltaic solar array, battery storage and ancillary infrastructure
Site Location	Land To The South Of Suggenhall Farm, Church Lane, Rickinghall, IP22 1LL
Applicant	RNA Energy Ltd

29.2 The Case Officer presented the application to the Committee outlining the proposal before Members including the updated consultation response from

Place Services Ecology, the site location plan, the proximity of the site to other local solar proposals, the agricultural land classification survey, the amount of best and most versatile (BMV) land on the site, the constraints of the site, the proximity of the site to nearby residential properties, the superseded and amended proposed block plan, the proposed landscaping strategy, the proposed ancillary infrastructure, the proposed elevations, and the Officer recommendation for approval.

- 29.3 The Case Officer responded to questions from Members on issues including: the Heritage and Historic England consultation response, the cumulative impact of all solar farm proposals in the nearby region, the agricultural value of the land, the landscaping strategy, and the impact of surrounding trees on solar panel productivity.
- 29.4 Members considered the representation from Mr. Richard Baldwin who spoke as an Objector.
- 29.5 The Objector responded to questions from Members on issues including: the solar proposals in proximity to the site, the impact of solar panels on nearby properties, and the potential yield of wheat from the area of land used for the site proposal.
- 29.6 Members considered the representation from Mr. Tom Roseblade who spoke as the Agent.
- 29.7 The Agent responded to questions from Members on issues including: whether farming operations could still occur on the field if the proposed solar panels were installed, the fire risk on the site and the fire strategy, and the intended use for the southern section of the site.
- 29.8 The Governance Officer read out a statement from Councillor Jessica Fleming who spoke as the Ward Member.
- 29.9 Members debated the application on issues including: the validated petition in objection to the application, the use of land for agricultural purposes, how we assess the value of agricultural land, the Ward Member's request for refusal, food and energy security, industrialisation within the countryside, whether there are more suitable sites for the proposal, the visual impact on the countryside, the potential impact on the heritage assets surrounding the site, the fire risk on the site, and whether the land could be used for both agricultural and energy production purposes.
- 29.10 Councillor Humphreys proposed that the application be refused.
- 29.11 Councillor Muller seconded the proposal.

By a vote of 5 For and 3 Against

It was RESOLVED:

That the application be refused for the following reasons:

1) REASON FOR REFUSAL – HERITAGE HARM

The proposed solar array would result in development of agricultural land within the setting of Grade I listed St Marys Church which would impact the views across the open landscape to the south of Grade II listed Suggenhall Farmhouse, obscuring its legibility and understanding as part of the farmstead. In doing so, it is considered to result in less than substantial harm to the designated heritage assets by reason of its impact on the setting and significance of the listed buildings. In accordance with the provisions of the NPPF, the public benefits generated by virtue of the proposal's contribution to climate change and energy security are not considered to outweigh the harm to the aforementioned heritage assets.

The application does not meet the requirements of s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor the historic environment principles of the NPPF or the heritage policies of the Development Plan.

2) REASON FOR REFUSAL – LANDSCAPE AND VISUAL IMPACT

The immediate area is a relatively flat, open landscape offering broad views. The proposed development would alter this character and result in a loss of visual amenity and harm to the landscape character.

The long-term visual impact would conflict with Policy CS5 of the Core Strategy and Policy FC1.1 of the Core Strategy Focused Review which seeks to maintain, enhance, and retain the local distinctiveness of the area. The impact is not considered to be acceptable, nor can it be mitigated by provision of additional landscape screening to make it acceptable, as required by the NPPF.

30 DC/21/06379 LAND EAST OF, ASHFIELD ROAD, ELMSWELL, SUFFOLK

30.1 Item 7B

Application Proposal	DC/21/06379 Full Planning Application - Erection of 19No dwellings (including 6No Affordable) and construction of new vehicular accesses.
Site Location	Land East Of, Ashfield Road, Elmswell, Suffolk
Applicant	Hartog Hutton Ltd

30.2 A short break was taken between 11:14am and 11:22am before the commencement of application number DC/21/06379

30.3 Councillor Mellen declared himself at the Suffolk County Council Member for Elmswell.

30.4 The Case Officer presented the application to the Committee outlining the

proposal before Members including the location of the site, the constraints of the site, the location of the site in context to Elmswell, the site layout plan, the proposed elevations, and the Officer recommendation for refusal.

- 30.5 The Case Officer responded to questions from Members on issues including: the proximity of Grove Farm to the proposed site.
- 30.6 Members considered the representation from Mr. Peter Dow who spoke on behalf of Elmswell Parish Council.
- 30.7 Members considered the representation from Mr. Phil Cobbold who spoke as the Agent.
- 30.8 Members considered the representation from Councillor Sarah Mansel who spoke as the Ward Member.
- 30.9 Councillor Mansel read out a statement from Councillor Helen Geake who also spoke as the Ward Member.
- 30.10 Members debated the application on issues including: the lack of footpath connectivity to the site, the current housing supply, developments on the outskirts of settlement boundaries, the Parish Council's comments, and the design of the proposal.
- 30.11 Councillor Muller proposed that the application be refused as detailed in the Officer recommendation.
- 30.12 Councillor Warboys seconded the proposal.

By a unanimous vote

It was RESOLVED:

(1) That the Chief Planning Officer be authorised to REFUSE Planning Permission based on the following reasons and such other reasons as he considers fit:

- 1. The proposal is in a countryside location where the development of these new dwellings would not materially enhance or maintain the vitality of the rural community. Future occupants will, moreover, be likely to be reliant upon the private car to access services, facilities, and employment. The District Council has an evidenced supply of land for housing in excess of 9 years and has taken steps to significantly boost the supply of homes in sustainable locations.**

On this basis the proposal would not promote sustainable development and would be contrary to the adopted policies of the development plan which seek to direct the majority of new development to towns and key service centres listed in the Core Strategy 2008 with some provision to meet local needs in primary and secondary villages under policy

CS1. In the countryside development is to be directed to more sustainable locations having regard to policy CS2 and it is considered that in the circumstances of this application the direction of new housing development to more sustainable locations is of greater weight than the delivery of these additional dwellings in a less sustainable location. Having regard to the significant supply of land for homes in the District it is considered that the objectives of paragraph 60 of the NPPF are being secured and that on the considerations of this application the objective to significantly boost the supply of homes should be given reduced weight.

It is considered that the development of this site would cause adverse impacts to the proper planning of the District having regard to the above mentioned development plan objectives which are consistent for the purposes of this application with the objectives of the NPPF to secure planned development in more sustainable locations rather than piecemeal development in less sustainable locations. Those adverse and unacceptable impacts would significantly and demonstrably outweigh the limited benefits of this development.

On this basis the proposal is not acceptable in principle, being contrary to paragraphs 8 and 11 of the NPPF (2021), saved Policy H7 of the Mid Suffolk Local Plan (1998), Policies CS1 and CS2 of the Core Strategy (2008) and Policy FC1 and FC1.1 of the Core Strategy Focused Review (2012).

- 2. The site is an uncultivated grassed surrounded by hedges and being situated in the junction of Ashfield Rd and Grove Lane, it occupies a prominent position in the locality, therefore although it does not bear any significant vegetation or contains any mature trees, its openness together with its positioning immediately adjacent to the open playing field to the east, contributes positively to the natural landscape character and local distinctiveness of the area. The undeveloped area also marks the gradual transition into the open countryside and the fields beyond, the proposed development would close this gap and would have a significant urbanising impact upon semi-rural character of the site.**

The negative visual harm upon the street scene would be significant, and the open character and attendant rural sense of place would be lost, and on this basis the proposal fails to protect or conserve intrinsic character of the countryside. As such the proposal would fail to comply with the requirements of Policy CL8, T9, T10, GP1 of the adopted Mid Suffolk Local Plan (1998), Policy CS5 of the Mid Suffolk Core Strategy (2008), and chapter 15 of the NPPF (2018).

- 3. The application site is within Flood Zone 1 and partly within an area identified as at risk of surface water flooding. The submitted Flood Risk Assessment fails to adequately demonstrate the extent of flood risk affecting the site. Furthermore, the NPPF requires for all flood sources**

that a sequential approach to development is taken, whereby it must be demonstrated that there is no reasonably available alternative land at lower risk of flooding that could accommodate the development instead of the site proposed. The Council considers that there are reasonably available alternative sites across the district and there are no reasonable planning reasons to reduce the search area to this area or just the site. On this basis the sequential test has been failed.

Pursuant to the AMR data and recent permissions within Countryside Villages (as defined in Mid Suffolk Local Plan Policy CS1), the Council consider that there are reasonably available alternative sites as defined by the NPPF. On this basis the sequential test has been failed.

The proposal is contrary to Mid Suffolk's Core Strategy Focused Review (2012) policies FC1 and FC1.1, Core Strategy (2008) policy CS4 and paragraphs 159, 167 and 168 of the NPPF.

4. The proposal fails to provide a safe and secure access onto highways. Furthermore, the details provided fail to provide suitable visibility splays required to meet current highway standards/guidance. Suitable visibility splays that can be secured are essential to avoid significant risk of highway danger. No evidence has been submitted to demonstrate that reduced visibility splays can be accepted. On this basis there is a risk to highway safety and the proposal fails to meet policy T10 of the Local Plan 1998 and provisions of the NPPF in this regard.
5. The proposed development would cause less than substantial harm to Grove Farmhouse a Grade II Listed Building and its appreciation and the setting of Buttonhaugh Green. On that basis the application would fail to enhance and preserve the significance of a designated heritage asset when great weight should be given to the asset's conservation in accordance with paragraphs 196, 197, 199 and 202 and contrary to policies HB1 of the adopted Local Plan 1998 and CS5 of the adopted Core Strategy 2008.

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

- Proactive working statement

31 SITE INSPECTION

31.1 None declared

The business of the meeting was concluded at 11:45am.

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Chair