

# Public Document Pack



<b>COMMITTEE:</b>	<b>DEVELOPMENT CONTROL COMMITTEE A</b>
<b>DATE:</b>	<b>WEDNESDAY, 7 DECEMBER 2022 9.30 AM</b>
<b>VENUE:</b>	<b>FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE</b>

<b>Councillors</b>	
<u>Conservative and Independent Group</u> Matthew Hicks (Chair) Barry Humphreys MBE (Vice-Chair) Richard Meyer Timothy Passmore	<u>Green and Liberal Democrat Group</u> Rachel Eburne Sarah Mansel John Matthissen John Field

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

## **AGENDA**

### **PART 1**

#### **MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

Page(s)

- 1 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**
- 2 **TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS**
- 3 **DECLARATIONS OF LOBBYING**
- 4 **DECLARATIONS OF PERSONAL SITE VISITS**
- 5 **NA/22/13 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 09 NOVEMBER 2022** 7 - 22
- 6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**
- 7 **NA/22/14 SCHEDULE OF PLANNING APPLICATIONS** 23 - 24

*Note: The Chairman may change the listed order of items to accommodate visiting Ward Members and members of the public.*

- a        **DC/22/04641 GATEWAY 14, LAND BETWEEN THE A1120 AND A14, CREETING ST PETER, STOWMARKET, SUFFOLK**    25 - 38
- b        **DC/22/01963 AND DC/22/01964 SWAN INN, SWAN ROAD, WORLINGWORTH, WOODBRIDGE, SUFFOLK, IP13 7HZ**    39 - 52
- c        **DC/22/04707 45 FALCONER AVENUE, OLD NEWTON, STOWMARKET, SUFFOLK, IP14 4JP**    53 - 60
- 8        **SITE INSPECTION**

**Notes:**

1. The Council has adopted a Charter on Public Speaking at Planning Committee. A link to the Charter is provided below:

[Charter on Public Speaking at Planning Committee](#)

Those persons wishing to speak on a particular application should arrive in the Council Chamber early and make themselves known to the Officers. They will then be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objectors
- Supporters
- The applicant or professional agent / representative

Public speakers in each capacity will normally be allowed 3 minutes to speak.

2. Ward Members attending meetings of Development Control Committees and Planning Referrals Committee may take the opportunity to exercise their speaking rights but are not entitled to vote on any matter which relates to his/her ward.

**Date and Time of next meeting**

Please note that the next meeting is scheduled for Wednesday, 18 January 2023 at 9.30 am.

**Webcasting/ Live Streaming**

This meeting will not be live streamed or video recorded.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Claire Philpot on: 01473 296376 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

### **Introduction to Public Meetings**

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

### **Domestic Arrangements:**

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

### **Evacuating the building in an emergency: Information for Visitors:**

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1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

## Mid Suffolk District Council

### Vision

**“We will work to ensure that the economy, environment and communities of Mid Suffolk continue to thrive and achieve their full potential.”**

### Strategic Priorities 2016 – 2020

#### 1. Economy and Environment

**Lead and shape the local economy by promoting and helping to deliver sustainable economic growth which is balanced with respect for wildlife, heritage and the natural and built environment**

#### 2. Housing

**Ensure that there are enough good quality, environmentally efficient and cost effective homes with the appropriate tenures and in the right locations**

#### 3. Strong and Healthy Communities

**Encourage and support individuals and communities to be self-sufficient, strong, healthy and safe**

### Strategic Outcomes

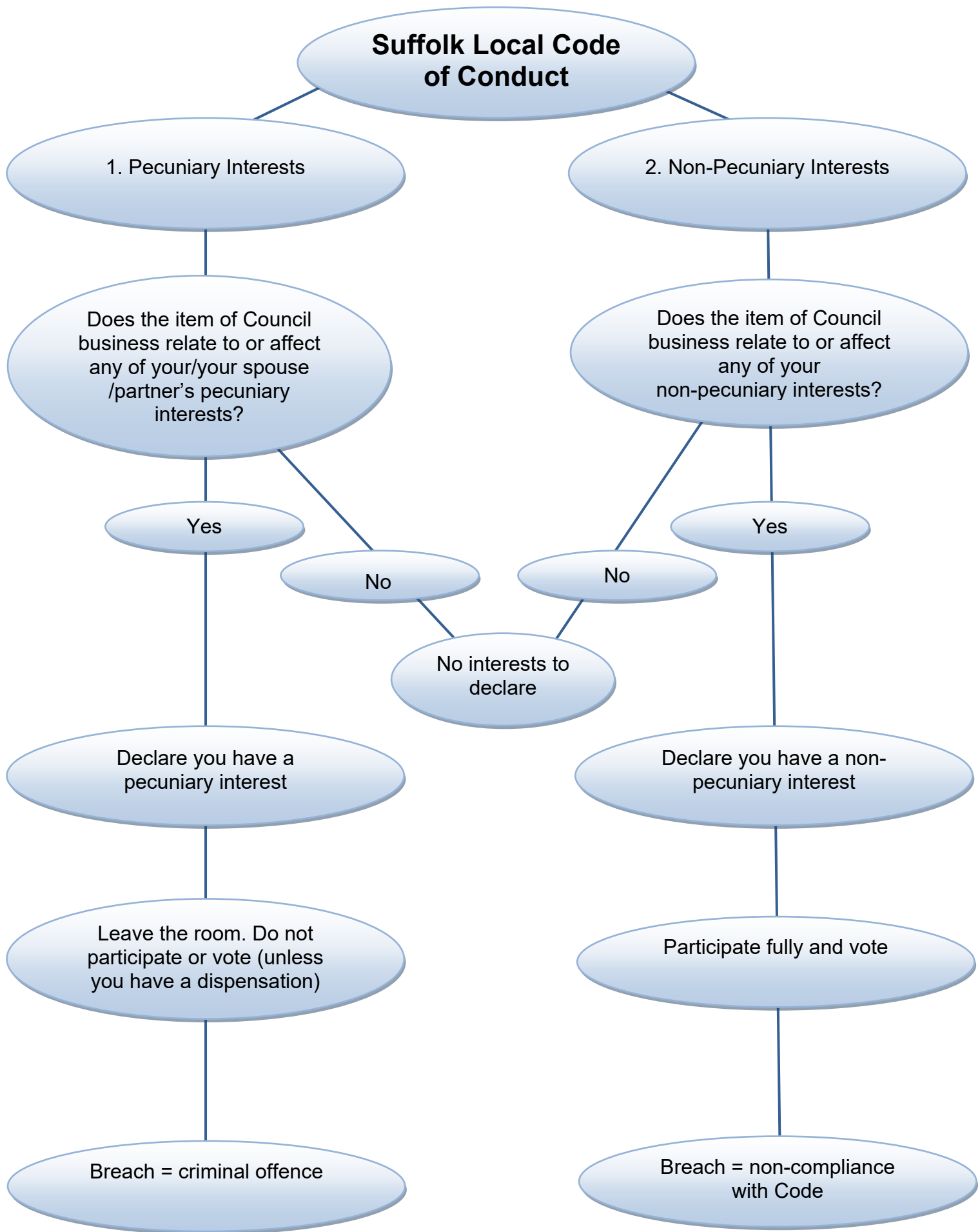
**Housing Delivery** – More of the right type of homes, of the right tenure in the right place

**Business growth and increased productivity** – Encourage development of employment sites and other business growth, of the right type, in the right place and encourage investment in infrastructure, skills and innovation in order to increase productivity

**Community capacity building and engagement** – All communities are thriving, growing, healthy, active and self-sufficient

**An enabled and efficient organisation** – The right people, doing the right things, in the right way, at the right time, for the right reasons

**Assets and investment** – Improved achievement of strategic priorities and greater income generation through use of new and existing assets ('Profit for Purpose')



# Agenda Item 5

## 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, 9 November 2022 at 09:30am

### **PRESENT:**

Councillor: Matthew Hicks (Chair)  
Barry Humphreys MBE (Vice-Chair)

Councillors: Rachel Eburne John Field  
Sarah Mansel John Matthissen  
Richard Meyer David Muller BA (Open) MCM  
RAFA (Councillor)

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

Councillors: Terence Carter  
John Whitehead  
Helen Geake

### **In attendance:**

Officers: Chief Planning Officer (PI)  
Area Planning Manager (GW)  
Planning Lawyer (IDP)  
Senior Transport Planning Engineer (BC)  
Sustainable Travel Officer (KD)  
Case Officers (BH/JW/HN)  
Lead Governance Officer – Planning and Development Control (CP)

## **46 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

46.1 Apologies were received from Councillor Tim Passmore.

46.2 Councillor Dave Muller substituted for Councillor Passmore.

## **47 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS**

47.1 Councillor Meyer declared an other non-registerable interest in respect of application numbers DC/22/03093 and DC/22/03231 as the Agent, James Bailey, was a resident of his Ward. However the item under discussion did not directly relate to the finances or wellbeing of that interest or affect the finances or wellbeing of that interest to a greater extent than the majority of inhabitants. Therefore, Councillor Meyer was not prevented from participating in the debate and vote in respect of this application.

- 47.2 Councillor Mansel declared an other registerable interest in respect of application number DC/22/03423 as a Member of Elmswell Parish Council and confirmed that she would speak on the application in her capacity as a Ward Member and then leave the room for the duration of the debate and vote.
- 47.3 Councillor Matthissen declared an other non-registerable interest in respect of application number DC/22/03423 as he was previously a Member of Elmswell Parish Council during the time the site was acquired. However the item under discussion did not directly relate to the finances or wellbeing of that interest or affect the finances or wellbeing of that interest to a greater extent than the majority of inhabitants. Therefore, Councillor Matthissen was not prevented from participating in the debate and vote in respect of this application.
- 47.4 Councillor Field declared an other registerable interest in respect of application numbers DC/22/03093 and DC/22/03231 as the applications sites are visible from his property and he was previously a County Councillor for the area. However the item under discussion did not directly relate to the finances or wellbeing of that interest or affect the finances or wellbeing of that interest to a greater extent than the majority of inhabitants. Therefore, Councillor Field was not prevented from participating in the debate and vote in respect of this application.
- 47.5 Councillor Humphreys MBE declared an other registerable interest in respect of application numbers DC/22/03093 and DC/22/03231 as a Member of Stowmarket Town Council Planning Committee, and confirmed that he had abstained from voting on either of the applications. The items under discussion did not directly relate to the finances or wellbeing of that interest or affect the finances or wellbeing of that interest to a greater extent than the majority of inhabitants. Therefore, Councillor Humphreys MBE was not prevented from participating in the debate and vote in respect of this application.
- 47.6 Councillor Muller declared an other registerable interest in respect of application numbers DC/22/03093 and DC/22/03231 as a Member of Stowmarket Town Council Planning Committee, and confirmed that he had abstained from voting on either of the applications. The items under discussion did not directly relate to the finances or wellbeing of that interest or affect the finances or wellbeing of that interest to a greater extent than the majority of inhabitants. Therefore, Councillor Muller was not prevented from participating in the debate and vote in respect of this application.

## **48 DECLARATIONS OF LOBBYING**

- 48.1 All Members declared that they had been lobbied in respect of application numbers DC/22/03093, DC03231 and DC/22/03423.



**49 DECLARATIONS OF PERSONAL SITE VISITS**

49.1 Councillor Meyer declared a personal site visit in respect of application number DC/22/03423.

**50 NA/22/11 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 12 OCTOBER 2022**

It was **RESOLVED**:

**That the minutes of the meeting held on 12 October 2022 be confirmed and signed as a true record.**

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

51.1 The Governance Officer confirmed that a valid petition had been received objecting to application number DC/22/03423. The petition had 39 valid signatures and no rejected signatures.

**52 NA/22/12 SCHEDULE OF PLANNING APPLICATIONS**

52.1 In accordance with the Councils procedures for public speaking on planning applications, representations were made as follows:

Application Number	Representations From
DC/21/03287	Richard Clews (Agent) Councillor Dave Muller (Ward Member) Councillor Terence Carter (Ward Member)
DC/22/03093	Mark Chapman (Applicant) Councillor John Whitehead (Ward Member)
DC/22/03231	Mark Chapman (Applicant) Councillor John Whitehead (Ward Member)
DC/22/03423	Peter Dow (Applicant) Councillor Helen Geake (Ward Member) Councillor Sarah Mansel (Ward Member)

**53 DC/21/03287 LAND NORTH WEST OF, STOWUPLAND ROAD, STOWMARKET, SUFFOLK, IP14 5AN**

53.1 Item 7A

Application Proposal	DC/21/03287 Full Planning Application – Residential Development of 258no. dwellings (91no. affordable) with new public open space, landscaping, access and associated infrastructure.
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Site Location           **STOWMARKET** – Land North West of, Stowupland Road, Stowmarket, Suffolk, IP14 5AN  
Applicant               Crest Nicholson Operations Limited & John Henry Diaper and.....

- 53.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the previous decision by Committee to defer the application on 29 September 2022, the location and layout of the site, the development brief including the concept plan, the proposed parking plan, the location of the affordable dwellings within the site, the proposed access plans including vehicular access, cycle paths and pedestrian crossings and the wider connectivity plan, the amended design for the proposed apartment block and dwellings at the northern boundary of the sit, the contents of the tabled papers, and the officer recommendation of approval.
- 53.3 The Case Officer read out a statement to Members from the Sustainability Officer which had been received after the publication of the agenda and tabled papers.
- 53.4 The Chief Planning Officer and the Case Officer responded to questions from Members on issues including: whether the issues raised at the previous committee meeting on 29 September 2022, including triple parking on site, the location of the apartment block, and the proposed heating types, had been addressed.
- 53.5 The Chief Planning Officer and the Case Officer responded to further questions from Members on issues including: the adoption of the design brief, the proposed number of bungalows on site, the density of the site, access to the site including the surface of the cycle paths, the location of the noise abatement fence, the details of the proposed heating types, the construction management plan, public transport provision to the site, the proposed landscaping plans including retention of existing trees and hedging, and electric vehicle charging provision.
- 53.6 Members considered the representation from Richard Clews who spoke as the Agent.
- 53.7 The Agent and Daniel Wilkinson (the Applicant), Andrew McManus (AES Sustainability Consultants) and Raymond Long (Richard Jackson Engineering Consultants and Chartered Building Surveyors), responded to questions from Members on issues including: whether purchasers would be given the option of having solar panels and air source heat pumps installed in properties, the expected timescales for the works to be complete and whether the dwellings would comply with future buildings regulations, whether any of the ground floor apartment would comply with M4(2) or M4(3) regulations, and sustainability issues including the proposed heating systems and the reasons why air source heat pumps were not being installed in all properties across the site, and the provision of solar panels and electric vehicle charging points.

- 53.8 Members considered the representation from Ward Member Councillor Carter who spoke against the application.
- 53.9 Members considered the representation from Ward Member Councillor Muller who spoke against the application.
- 53.10 Councillor Muller responded to questions from Members regarding whether the applicants had attended any Town Council meetings regarding the application.
- 53.11 A break was taken from 11:19am until 11:32am.
- 53.12 In response to a question from the Chief Planning Officer, the Agent advised the Committee that they would be happy to offer air source heat pumps as a purchase option, and for this to be conditioned should permission be granted.
- 53.13 Members debated the application in detail on issues including: the proposed heating system including the purchase option of installing air source heat pumps, sustainability issues, access to the site, the location of the apartment block and concerns over the noise and privacy of the dwellings in the block, the lack of community engagement, and the latest Government guidelines relating to sustainability and heating sources and the future impact to residents.
- 53.14 The Chief Planning Officer and the Sustainable Travel Officer provided clarification to Members regarding the proposed cycle connectivity plan and how the development would impact the feasibility of the plan.
- 53.15 The Chief Planning Officer commented on the development brief for the site and the density of the dwellings, and provided clarification regarding the privacy of the dwellings within the 3 storey building and the distance to this building from adjacent buildings.
- 53.16 Members continued to debate the application at length on issues including: the proposed parking plan including triple parking arrangements, the proposed pedestrian crossing, the absence of a final comment from the Sustainability Officer.
- 53.17 The Chief Planning Officer responded to a question regarding the absence of a final comment from the Sustainability Officer and confirmed that any requirements could be secured by the applications of conditions should permission be granted.
- 53.18 The Agent responded to a question regarding which building regulations would apply to the site, and whether the same regulation would apply across the whole site.
- 53.19 Councillor Humphreys MBE proposed that the application be approved as detailed in the Officer recommendation and with additional conditions.

53.20 Members continued to debate the application on issues including: the provision of units complying with M4(3) regulations, and the proposed play equipment.

53.21 Councillor Humphreys MBE agreed to the following additional conditions:

Delegate to the Chief Planning Officer that subject to

[a] the receipt of full SAP calculations to the satisfaction of the LPA for all the permutations of heating appliance and provision of photovoltaics so that absolute numbers relating to the CO2 emissions can be compared and to secure the optimum arrangement for carbon reduction across the scheme is in place and

[b] to seek design amendments of the ground floor flats in the flat block to be constructed to Part M4(3) standard to the satisfaction of the Chief Planning Officer

[c] to require by condition that the first purchaser to be offered the option to purchase air source heat pumps and that details including noise assessment of such units TBA. PV content to remain as proposed

[d] add condition to require SW drainage details in relation to the construction phase TBA

[e] play equipment TBA

[f] construction management plan to include measure to safeguard cyclists using cycle routes throughout the development

and subject to this as recommendation.

Omit duplicate reference to s.106 for TRO.

53.22 Councillor Meyer seconded the motion.

53.23 Members agreed that although there were no planning reasons to refuse the applicant, Committee were not happy with the proposal and did not feel that the proposal provided the best for the residents of Mid Suffolk District Council.

By a vote of 4 votes for and 3 against

**It was RESOLVED:**

**(1) That authority be delegated to the Chief Planning Officer to determine the application subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer, as summarised below and those as may be deemed necessary by the Chief Planning Officer including to secure:**

- **Affordable housing**

**35% on site provision (91no. units) in accordance with the agreed tenure**

split and accommodation mix.

- **Properties shall be built to current Housing Standards Technical requirements. All ground floor 1 bed flats to be fitted with level access showers, not baths.**
  - **The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets**
  - **All affordable units to be transferred freehold to one of the Council's preferred Registered providers.**
  - **Adequate parking provision is made for the affordable housing units including cycle storage for all units.**
  - **Commuted sum option available to be paid instead of on site provision should the LPA agree to such request.**
- 
- **Commitment to a completion of the spine road as shown on the submitted plans up to the boundary of the site with the adjacent Ashes Farm site within an agreed timeframe, to ensure that this element of the development is secured in accordance with the requirements of the adopted Development Plan with appropriate measures to safeguard the managed delivery of at least cycle and foot access to an appropriate standard through the whole SAAP allocation land in the event of delay in delivery of any part of that spine route.**
  - **Primary school new build @ £20 508 per pupil place - £1 148 448**
  - **Secondary school expansion @ £23 775 per pupil place - £808 350**
  - **Sixth form expansion @ £23 775 per pupil place - £190 200**
  - **Early Years new build contribution @ £20 508 per pupil place - £369 144**
  - **Libraries improvements @ £216 per dwelling - £55 728**
  - **Household Waste @ £113 per dwelling - £29 154**
  - **NHS contribution - £148 700**
  - **Bus Service contribution - £231 182**
  - **Traffic Regulation Order - £10 000**
  - **Communities' contribution – contribution towards facilities provision in Stowmarket :**
    - **Sports Halls - £125 427**
    - **Artificial Grass Pitches - £18 175 (if 3G) or £16 531 (if sand)**
    - **Indoor Bowls - £5 661**
  - **Contribution to Legal Order under Highways Acts to upgrade public Footpaths 6 and 8 to bridleway status - £10 000**
- 
- (2) **That the Chief Planning Officer be authorised to grant full Planning Permission upon completion of the above mentioned Section 106 planning obligation subject to conditions as summarised below and those as may be**

deemed necessary by the Chief Planning Officer:

- **Standard time limit**
- **Development to be carried out in accordance with Approved Plans and documents**
- **Phasing Condition**
- **External materials including hard landscaping to be agreed prior to commencement of development**
- **Revised Travel Plan to be agreed in accordance with the Transport Assessment prior to the commencement of development above ground floor slab level• Provision of an e-bicycle charging facility within the bicycle storage building serving the apartment block**
- **Provision of PV for all dwellings where reasonably practical.**
- **Details of the proposed access, and all off-site highway works to be submitted and approved**
- **Details of means of discharge of surface water from the development on to the highway to be submitted and approved.**
- **Details of the proposed off-site highway improvements to the B1115/A1120 junction to be submitted to and approved. To be provided prior to occupation of 75 dwellings across identified sites.**
- **Details of refuse and recycling areas to be submitted and approved.**
- **Details of estate roads and footpaths to be submitted and approved**
- **No dwelling to be occupied until carriageways and footways serving it have been constructed to at least Binder course or better**
- **The new estate road junction(s) must be substantially formed prior to any other works commencing including deliveries**
- **No development commenced until an estate road phasing and completion plan submitted and approved**
- **Loading, unloading, manoeuvring and parking spaces to be provided prior to use commencing**
- **Details of cycle storage (including electric assisted cycles) and electric vehicle charging infrastructure approved prior to commencement.**
- **Provision of 4.5 x 90m visibility splays at the site entrance, thereafter being retained**
- **Approval of a Construction Management Plan prior to the commencement of development.**
- **Archaeology conditions**
- **Provision of fire hydrants on site**
- **Submission of a scheme of hard and soft landscaping, SuDS and boundary treatment prior to the commencement of development**
- **Details of advance planting to mitigate visual impact prior to the**

**commencement of development on site**

- **No development commenced until submission and approval of a Landscape Management Plan**
- **Details of play space provision prior to the commencement of landscaping works**
- **Ecological mitigation to be in accordance with the submitted EIA and Biodiversity Enhancement Strategy**
- **Approval of a Construction Environmental Management Plan for Biodiversity prior to commencement**
- **Approval of a Landscape and Ecological Management Plan prior to commencement**
- **Approval of a wildlife-sensitive lighting scheme prior to occupation**
- **Conditions as recommended by the Environmental Health (Noise) officer – 16th July 2021 and Land Contamination officer**
- **Conditions as recommended by the Environmental Health (Sustainability)**
- **Conditions as recommended by SCC Lead Local Flood Authority**
- **Development carried out on accordance with the protection measures in the submitted Arboricultural Report.**

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

- **Proactive working statement**
- **SCC Highways and PROW Team notes**
- **Anglian Water informatives**

**(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 grounds**

**And the following additional conditions:**

**Delegate to the Chief Planning Officer that subject to**

**[a] the receipt of full SAP calculations to the satisfaction of the LPA for all the permutations of heating appliance and provision of photovoltaics so that absolute numbers relating to the CO2 emissions can be compared and to secure the optimum arrangement for carbon reduction**

across the scheme is in place and

[b] to seek design amendments of the ground floor flats in the flat block to be constructed to Part M4(3) standard to the satisfaction of the Chief Planning Officer

[c] to require by condition that the first purchaser to be offered the option to purchase air source heat pumps and that details including noise assessment of such units TBA. PV content to remain as proposed

[d] add condition to require SW drainage details in relation to the construction phase TBA

[e] play equipment TBA

[f] construction management plan to include measure to safeguard cyclists using cycle routes throughout the development

and subject to this as recommendation.

Omit duplicate reference to s.106 for TRO.

## 54 DC/22/03093 LAND NORTH WEST OF, CHURCH LANE, BARHAM, SUFFOLK

### 54.1 Item 7B

Application Proposal	DC/22/03093 Presentation of a draft Design Code for approval by Council, as local planning authority, as required by Schedule 3, Part 7 of the S106 Agreement dated 09.12.2021 that accompanies the hybrid planning permission that contains an outline planning permission element [hybrid] ref:1856/17, dated 7 January 2022 for development that includes: 'Phased development for the erection of up to 269 dwellings and affordable housing, together with associated access and spine road including works to Church Lane, doctor's surgery site, amenity space including an extension to Church grounds, reserved site for pre-school and primary school and all other works and infrastructure.'
Site Location	<b>BARHAM</b> – Land North-West of, Church Lane, Barham, Suffolk
Applicant	Taylor Wimpey



- 54.2 The Case Officer presented the draft Design Code to the Committee and confirmed to Members that the Design Code was required as part of the S106 Agreement accompanying the planning permission and was being presented to Members for transparency.
- 54.3 The Case Officer provided details to Members including: the location of the site, the consultation with local residents, how the principles of the design code had been applied, the purpose and content of the design code and how this applied to the application, and the officer recommendation of approval.
- 54.4 The Case Officer and the Chief Planning Officer responded to questions from Members on issues including: whether the design code included some land which was not part of the development site, which Parish Councils were consulted as part of the application, the technicalities of the design code and how these could be endorsed, and whether the design code would be legally binding.
- 54.5 Members considered the representation from Mark Chapman who spoke as the Applicant.
- 54.6 Councillor Humphreys left the meeting at 13:01pm.
- 54.7 The Applicants, Mark Chapman and Andrew Wright, responded to questions from Members on issues including: the materials to be used for the green screens, the architectural features and characteristics mentioned in the design code, whether the chimneys would be functioning, and which building regulations the applicants would be adhering to.
- 54.8 Members considered the representation from the Ward Member, Councillor Whitehead, who spoke in support of the application.
- 54.9 Members debated the application on issues including: the level of consultation with local residents, and the quality of the design guide.
- 54.10 Councillor Muller moved that the officer recommendation be approved as detailed in the report.
- 54.11 Councillor Field seconded the motion.

By a unanimous vote

**It was RESOLVED:**

**That the Design Code be endorsed as a material planning consideration in the determination of future Reserved Matters submission on this site.**

## **55 DC/22/03231 LAND NORTH WEST OF, CHURCH LANE, BARHAM, SUFFOLK**

- 55.1 Item 7C

Application Proposal	DC/22/03231 Application for Approval of Reserved Matters pursuant to condition 25 of the Outline Planning permission reference 1856/17, granted on 7 January 2022: Submission of details for Appearance, Layout, Strategic Landscaping and Scale for erection of 269 no. residential dwellings, public open space, and associated infrastructure. (Please note: Access and the estate spine road are not Reserved Matters these details having been approved as part of the outline planning permission.) and, Submission of details pursuant to the following conditions attached to outline planning permission reference 1856/17 conditions: 9 [surface water drainage scheme]; and 10 [implementation, maintenance and management scheme for surface water drainage], 40 [Market Housing Type]; and 48 [Noise Survey].
Site Location	<b>BARHAM</b> – Land North-West of, Church Lane, Barham, Suffolk
Applicant	Taylor Wimpey East Anglia

- 55.2 A break was taken from 13:12pm until 13:48pm, after application number DC/22/03093, and before the commencement of application number DC/22/03231.
- 55.3 The Case Office introduced the application to the Committee outlining the proposal before Members including: the layout and location of the site, the connectivity plans, the proposed parking plans, the open space provision within the site, the proposed heating system, and the officer recommendation of approval as detailed in the report.
- 55.4 The Case Officer responded to questions from Members on issues including: the noise assessment, the healthcare provision in the area, the existing public transport provision, ecology issues including hedgehog highways, whether the roads would be to an adoptable standard, the proposed housing mix, and the play area.
- 55.5 Members considered the representation from Mark Chapman who spoke as the Applicant.
- 55.6 The Applicant responded to questions from Members on issues including: whether the bungalows would comply with M(4) 2 regulations, the location of the cycle path and any proposed measures to prohibit parking on cycle lanes, who would have responsibility for the area of public open space, and the proposed plans for provision of electric vehicle charging points.
- 55.7 Members considered the representation from the Ward Member Councillor Whitehead.
- 55.8 The Case Officer responded to questions from Members regarding the

proposed housing mix at the site.

55.9 Members debated the application on issues including: the provision of open spaces, the proposed housing mix, and the level of engagement with the local community.

55.10 Councillor Muller proposed that the application be approved as detailed in the officer recommendation.

55.11 Councillor Mansel seconded the motion.

By a unanimous vote

**It was RESOLVED:**

**(1) That the amended Reserved Matters Details for APPEARANCE, LAYOUT, SCALE and STRATEGIC LANDSCAPING be APPROVED subject to conditions to include:**

- **Link to outline permission**
- **Approved drawings**
- **Requirement for a Parish Council Liaison Statement**
- **Further details of pumping station appearance**
- **Failing greenscreens to be replaced with 1.8m high brick walls only if greenscreen is not to be replaced**
- **Use of 100% air source heat pumps**
- **Requirement to offer a pv chargeable optional extra during build**
- **Ecology conditions**
- **Noise Testing of specified units to demonstrate theoretical levels of attenuation have been achieved**
- **Such conditions as the Chief Planning Officer considers reasonable and appropriate**

**Informative**

**The RM approval in terms of landscaping is for Structural Landscaping only in the form of a landscape masterplan. Condition 27 and 28 of the outline planning permission require the submission of full landscaping details.**

**Such details shall also provide full details of play equipment and social 'meeting' space infrastructure.**

**(2) DISCHARGE DETAILS submitted pursuant to conditions 9, 10 and 40 of the outline planning permission reference 1856/17.**

**(3) PART DISCHARGE DETAILS submitted pursuant to condition 48 of the outline planning permission reference 1856/17 subject to the proviso:**

- **that the developer undertakes noise reading tests on pre-agreed units prior to occupation of those units; and,**
- **that the results are submitted to the LPA for its approval**

- if the test reading results demonstrate the actual readings reflect the predicted noise attenuation levels thereby indicated the effectiveness of the mitigation measures to reduce noise to predicted levels then occupation of the specified units can occur. The Ipa will liaise with the Council Environmental Health Noise Team when determining the voracity of the test results
- if test results are not satisfactory further mitigation will be required the details of which must first be further agreed with the Council and then installed as further approved prior to occupation of the relevant units

**56 DC/22/03423 LAND ADJ 10 CROWN MILL, ELMSWELL, IP30 9GF**

56.1 Item 7D

Application Proposal	DC/22/03423 Application for Outline Planning Permission (Access to be considered) Erection of 1no 1.5 storey dwelling and construction of new vehicular access.
Site Location	<b>ELMSWELL</b> – Land Adj 10 Crown Mill, Elmswell, IP30 9GF
Applicant	Elmswell Parish Council

56.2 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location of the site, the reasons for the site being considered public open space, the current uses of the site by local residents, the requirements regarding open space detailed in the National Planning Policy Framework, alternative open space provision in the area, the visibility splay, the privacy provision for the existing dwelling adjacent to the site, and the officer recommendation of refusal.

56.3 The Case Officer responded to questions from Members on issues including: the ownership of the proposed development site.

56.4 The Chief Planning Officer and the Planning Lawyer provided clarification regarding a recent decision made by Mid Suffolk District Council Cabinet regarding development on an area of public open space in Elmswell, and advised that that decision would not have any effect on this application.

56.5 The Case Officer responded to further queries from Members on issues including: the previous plans by Elmswell Parish Council for a footbridge to be built on the land, whether the land had previously been designated as public open space, and the distance from the adjacent dwellings to the site.

56.6 Members considered the representation from Peter Dow who spoke on behalf of the applicant.

56.7 Members considered the representation from Ward Member Councillor Mansel who spoke in support of the application.

56.8 Members considered the representation from Ward Member Councillor

Geake who spoke in support of the application.

56.9 Councillor Mansel left the meeting at 15:08pm.

56.10 Members debated the application on issues including: whether the site was a designated public open space, and the alternative public open space provision in the area.

56.11 Councillor Eburne proposed that the application be approved.

56.12 The Area Planning Manager and the Planning Lawyer confirmed to Members that the site had been designated as open space, and provided clarification of the distance from the site to the existing dwellings and the privacy of the dwellings, and whether consideration should be given to the wider impact of the development.

56.13 Members continued to debate the application on issues including: the loss of open space, the existing use of the site by local residents, and the proximity of the site to existing dwellings.

56.14 Councillor Eburne withdrew her proposal of approval.

56.15 Councillor Meyer proposed that the application be refused as detailed in the officer recommendation.

56.16 Councillor Field seconded the motion.

56.17 The Chief Planning Officer provided clarification to Members regarding the principle of public open space and the requirements of paragraph 99 of the National Planning Policy Framework.

By a vote of 4 votes for and 1 against

**It was RESOLVED:**

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

**1. The site subject of this proposal is an existing area of open space and should only be built on if the local authority is satisfied the requirements of paragraph 99 of the NPPF have been met. Insufficient information has been provided to determine whether the proposal accords with the requirements of paragraph 99 of the NPPF. The open space is an intrinsically important amenity space for local residents and community, thereby contributing to their well-being. Its loss demonstrably adversely affects the character and appearance of the settlement and open space which provide important facilities or amenities for the local community. The proposed development is considered to contravene Mid Suffolk Local Plan (1998) Policies FC1, FC1.1, CS5, H3, H15, H16, SB2 and GP1 and paragraphs 8 and 99 of the NPPF.**

2. The application site, and in particular the private amenity space of the proposed dwelling would be overlooked by first floor windows of neighbouring properties, detrimental to the privacy and amenity of the future residents. It is not considered that this issue could be remedied within any subsequent reserved matters application. As such the proposal fails to provide a high standard of amenity for future users, contrary to paragraph 130(f) of the NPPF.

**57 SITE INSPECTION**

57.1 None requested.

The business of the meeting was concluded at 15:25pm.

.....  
Chair

# Agenda Item 7

## MID SUFFOLK DISTRICT COUNCIL

### DEVELOPMENT CONTROL COMMITTEE A

07 DECEMBER 2022

#### INDEX TO SCHEDULED ITEMS

<u>ITEM</u>	<u>REF. NO (and link to consultee comments)</u>	<u>SITE LOCATION</u>	<u>MEMBER/WARD</u>	<u>PRESENTING OFFICER</u>	<u>PAGE NO</u>
7A	<a href="#">DC/22/04641</a>	Gateway 14, Land Between The A1120 and A14, Creeting St Peter, Stowmarket, Suffolk	Councillor Terence Carter and Councillor Dave Muller / Stow Thorney	Averil Goudy	25 – 38
7B	<a href="#">DC/22/01963</a> and <a href="#">DC/22/01964</a>	Swan Inn, Swan Road, Worlingworth, Woodbridge, Suffolk, IP13 7HZ	Councillor Matthew Hicks / Hoxne and Worlingworth	Daniel Cameron	39-52
7C	<a href="#">DC/22/04707</a>	45 Falconer Ave, Old Newton, Stowmarket, Suffolk, IP14 4JP	Councillor Rachel Eburne and Councillor Keith Welham / Haughley, Stowupland and Wetherden	Lily Khan	53-60

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# Agenda Item 7a

## Committee Report

**Item No:** 7A

**Reference:** DC/22/04641

**Case Officer:** Averil Goudy

**Ward:** Stow Thorney.

**Ward Member/s:** Cllr Terence Carter. Cllr Dave Muller.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Full Planning Application - Construction of an emergency access and associated landscaping.

### **Location**

Gateway 14, Land Between The A1120 And A14, Creeting St Peter, Stowmarket, Suffolk

**Expiry Date:** 16/12/2022

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor All Other

**Applicant:** Gateway 14 Limited

**Agent:** Miss Hannah Walker

**Parish:** Stowmarket

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** No

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to Committee as the applicant is Gateway 14 Ltd, owned by the District Council.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

The Adopted Development Plan for Mid Suffolk District Council comprises the Mid Suffolk Core Strategy Focused Review (2012), the Mid Suffolk Core Strategy (2008) and the Mid Suffolk Local Plan (1998), specifically the live list of 'saved policies' (2007). The following are considered to be the most important for the determination of this Reserved Matters submission.

NPPF - National Planning Policy Framework

NPPG - National Planning Policy Guidance

Adopted Mid Suffolk Core Strategy (2008)

CS05 - Mid Suffolk's Environment

Adopted Mid Suffolk Core Strategy Focused Review (2012)

FC01 - Presumption In Favour Of Sustainable Development

FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development

Adopted Mid Suffolk Local Plan (1998)

GP01 - Design and layout of development

H16 - Protecting existing residential amenity

CL08 - Protecting wildlife habitats

CL09 - Recognised wildlife areas

E02 - Industrial uses on allocated sites

E12 - General principles for location, design and layout

T09 - Parking Standards

T10 - Highway Considerations in Development

T11 - Facilities for pedestrians and cyclists

Stowmarket Area Action Plan:

Policy 4.1 - Presumption in Favour of Sustainable Development

Policy 8.2 - A14 Trunk Road

Policy 9.1 - Biodiversity Measures

Draft Joint Local Plan Submission Document 2021 [Reg 22]

Policy LP12 - Employment Development

Policy LP18 - Biodiversity & Geodiversity

Policy LP19 - Landscape

Policy LP26 - Design and Residential Amenity

Policy LP32 - Safe, Sustainable and Active Transport

The Councils are working on the proposed modifications to the Joint Local Plan. The Inspectors have written to the Councils on 16 September 2022 with the latest update on the anticipated Examination schedule. The Council is expecting to proceed with a Part One Plan only with Part Two following in the future.

Depending on the outcome of further consultation [expected late Autumn 2022] the Examination hearings are likely to resume at some point in 2023.

Consequently, the Joint Local Plan currently carries limited weight as a material planning consideration.

The National Planning Policy Framework (NPPF)

The NPPF 2021 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Particularly relevant elements of the NPPF include:

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 6: Building a Strong, Competitive Economy  
Section 12: Achieving Well-Designed Places  
Section 15: Conserving and Enhancing the Natural Environment

#### The National Planning Practice Guidance (NPPG)

The NPPG provides guidance and advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.

#### Other Considerations

- The Mill Lane, Stowmarket (The Proposed Stowmarket Business and Enterprise Park) Development Brief - adopted as a supplementary planning document on 10th March 2014

#### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area, falling instead within the Stowmarket Area Action Plan as detailed above.

#### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Town/Parish Council (Appendix 3)**

###### **Stowmarket Town Council**

No objection.

###### **Creeping St Peter Parish Council**

No response received to date.

###### **Stowupland Parish Council**

No response received to date.

##### **County Council Responses (Appendix 4)**

###### **SCC - Highways**

No objection, subject to conditions.

###### **SCC - Fire & Rescue**

No objection.

##### **Internal Consultee Responses (Appendix 5)**

###### **Landscape - Place Services**

No objection, subject to condition.

***Officer comment:*** The recommended condition for an Arboricultural Method Statement is not deemed necessary; condition 70 of the hybrid consent requires that all works on site are undertaken in accordance with the measures outlined in the approved Arboricultural Report and the CEMP Landscape includes a

requirement to protect RPAs of retained trees and hedgerows with fencing in line with BS5837:2012. Thus, this offers the necessary protection for the remaining landscaping within the full application site area.

## **B: Representations**

At the time of writing this report no letters/emails/online comments have been received. A verbal update shall be provided as necessary.

## **PLANNING HISTORY**

<b>REF:</b> DC/21/00407	Hybrid Application for the phased employment-led redevelopment of Land at Mill Lane, Stowmarket (Gateway 14) including: Full Planning for site enabling works phase comprising, ground remodelling, utility diversions, installation of framework landscaping, creation of new footpath links, installation of primary substation, highways works including stopping up of Mill Lane, new all modes link from the A1120 Cedars Link to Mill Lane, new footway cycleway over the existing A1120 overbridge, installation of toucan crossing on the A1120 Cedars Link, footpath connection to the Gipping Valley Way, foul and surface water drainage infrastructure, outfalls and associated works: Outline Planning Permission (all matters reserved, except for access) for the erection of buildings comprising employment and commercial use, open space and landscaping, car and cycle parking, highway works, and other associated works(additional plans, documents and EIA information received 08/04/2021) and subsequent ES addendum letter received 17th June 2021.	<b>DECISION:</b> GTD 05.11.2021
<b>REF:</b> DC/21/06157	Discharge of conditions application for DC/21/00407 - Condition 70 (Method Statement for Shepherd's Needle), Condition 71 (Skylark Mitigation Strategy)	<b>DECISION:</b> GTD 14.12.2021
<b>REF:</b> DC/21/06624	Discharge of Conditions Application for DC/21/00407- Condition 58 (Phasing Plan)	<b>DECISION:</b> GTD 24.02.2022
<b>REF:</b> DC/21/06726	Discharge of Conditions Application for DC/21/00407- Condition 66 (CEMP Noise)	<b>DECISION:</b> GTD 18.03.2022
<b>REF:</b> DC/21/06727	Discharge of Conditions Application for DC/21/00407- Condition 67 (CEMP Landscape)	<b>DECISION:</b> GTD 22.02.2022

<b>REF:</b> DC/21/06728	Discharge of Conditions Application for DC/21/00407- Condition 68 (Construction Environmental Management Plan)	<b>DECISION:</b> GTD 17.03.2022
<b>REF:</b> DC/22/00146	Discharge of Conditions Application for DC/21/00407- Condition 64 (Construction Management Plan)	<b>DECISION:</b> GTD 22.02.2022
<b>REF:</b> DC/22/00191	Discharge of Conditions Application for DC/21/00407- Condition 62 (Construction Surface Water Management Plan)	<b>DECISION:</b> GTD 04.03.2022
<b>REF:</b> DC/22/00349	Application for Advertisement Consent - Erection of 2No illuminated totem signs.	<b>DECISION:</b> GTD 25.03.2022
<b>REF:</b> DC/22/00352	Discharge of Conditions Application for DC/21/00407- Condition 72 (Landscape Management Plan) and Condition 73 (Landscape and Ecological Management Plan)	<b>DECISION:</b> GTD 18.03.2022
<b>REF:</b> DC/22/00353	Discharge of Conditions Application for DC/21/00407- Condition 76 (Archaeological Scheme of Investigation)	<b>DECISION:</b> GTD 18.03.2022
<b>REF:</b> DC/22/00711	Discharge of Conditions Application for DC/21/00407- Condition 80 (Control of Pollution)	<b>DECISION:</b> GTD 24.02.2022
<b>REF:</b> DC/22/02583	Discharge of Conditions Application for DC/21/00407- Condition 26 (Method Statement for Shepherd's Needle)	<b>DECISION:</b> GTD 15.07.2022
<b>REF:</b> DC/22/03464	Application for Approval of Reserved Matters following grant of Outline Application DC/21/00407 Town and Country Planning Order 2015 - Hybrid Application for the phased employment-led redevelopment of Land at Mill Lane, Stowmarket (Gateway 14) including: Full Planning for site enabling works phase comprising, ground remodelling, utility diversions, installation of framework landscaping, creation of new footpath links, installation of primary substation, highways works including stopping up of Mill Lane, new all modes link from the A1120 Cedars Link to Mill Lane, new footway cycleway over the existing A1120 overbridge, installation of toucan crossing on the A1120 Cedars Link, footpath connection to the Gipping Valley Way, foul	<b>DECISION:</b> GTD 25.10.2022

and surface water drainage infrastructure, outfalls and associated works: Outline Planning Permission (all matters reserved, except for access) for the erection of buildings comprising employment and commercial use, open space and landscaping, car and cycle parking, highway works, and other associated works (additional plans, documents and EIA information received 08/04/2021) and subsequent ES addendum letter received 17th June 2021. Submission of Details for Appearance, Landscaping, Layout and Scale for Plot 4000 including updated Environmental Statement July 2022.

<b>REF:</b> DC/22/03703	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 19 (Construction Environmental Management Plan for Noise).	<b>DECISION:</b> PGR 28.10.2022
<b>REF:</b> DC/22/03704	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 21 (Construction Environmental Management Plan (Biodiversity))	<b>DECISION:</b> PGR 09.11.2022
<b>REF:</b> DC/22/03705	Discharge of Conditions Application for DC/21/00407- Condition 35 (Archaeological Investigation) and Condition 76 (Archaeological Scheme of Investigation)	<b>DECISION:</b> GTD 15.09.2022
<b>REF:</b> DC/22/03706	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 38 (Control of Pollution)	<b>DECISION:</b> GTD 15.09.2022
<b>REF:</b> DC/22/03707	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 42 (Scheme for Water Energy and Resource Efficiency during Construction)	<b>DECISION:</b> PGR 28.10.2022
<b>REF:</b> DC/22/03708	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 48 (Access).	<b>DECISION:</b> PGR 03.11.2022
<b>REF:</b> DC/22/03518	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000 - Condition	<b>DECISION:</b> PCO

4 (Phasing), Condition 6 (Design, Materials and Landscaping), Condition 9 (Cut and Fill Levels), Condition 10 (Finished Floor Level), Condition 14 (Surface Water Drainage Scheme), Condition 23 (Biodiversity Net Gain Design Stage Report ), Condition 25 (Skylark Mitigation Strategy), Condition 29 (Lighting Design Scheme), Condition 43 (Water Energy and Resource Efficiency), Condition 44 (BREEAM) and Condition 50 (Estate Roads and Footpaths)

<b>REF:</b> DC/22/03702	Discharge of Conditions Application for DC/21/00407- To be Part Discharged, to allow development on Plot 4000- Condition 17 (Construction Management Plan)	<b>DECISION:</b> PCO
<b>REF:</b> DC/22/03709	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 20 (CEMP Landscape)	<b>DECISION:</b> PCO
<b>REF:</b> DC/22/03786	Discharge of Conditions Application for DC/21/00407 - To be part discharged to allow development on Plot 4000 - Condition 27 (Landscape Management Plan) and Condition 28 (Landscape and Ecological Management Plan)	<b>DECISION:</b> PCO
<b>REF:</b> DC/22/04068	Application for a Non Material Amendment relating to DC/21/00407 - To allow changes to the landscaping, access and substation.	<b>DECISION:</b> PDE

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0 The Site and Surroundings**

- 1.1 The application site forms part of the Gateway 14 business and logistic park development located to the east of Stowmarket. The proposed emergency access for Plot 4000 (reserved matters approved in October 2022, referenced DC/22/03464) is located to the north-western boundary, adjacent to the A1120.

### **2.0 The Proposal**

- 2.1 The proposal seeks full planning permission for the construction of an emergency access and associated landscaping to serve Plot 4000.
- 2.2 The access would have a bellmouth length of 37.15m with an island to prevent right turns upon exit.

- 2.3 The emergency access would only be utilised in the unlikely event that the main site access from Gateway Boulevard became blocked. A set of locked timber gates (approx. 8 wide) will be constructed to prevent unauthorised use of this access.

### **3.0 The Principle Of Development**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

- 3.2 The Development Plan, which in this instance comprises saved Local Plan, Core Strategy, Focused Review and Stowmarket Area Action Plan documents, is therefore the starting point for the Council when determining such applications and so we must first consider the application in the light of the most relevant Development Plan policies.
- 3.3 The application site forms part of the site granted hybrid planning permission for employment purposes by reference DC/21/00407. Specifically, the site forms part of the boundary strategic landscaping.
- 3.4 The principle of development is therefore acceptable in principle having regard to the hybrid permission and policies of the Development Plan.

### **4.0 Site Access, Parking And Highway Safety Considerations**

- 4.1 Access considerations were made at outline stage where the following access/highways improvement works were secured:
- New access link from the A1120 to Mill Lane
  - Stopping up Mill Lane
  - New footway new footway cycleway over the existing A1120 overbridge
  - Toucan crossing on the A1120 Cedars Link
  - Footpath connection to the Gipping Valley Way
  - New footpath links
- 4.2 Members will remember that Plot 4000 is accessed from Gateway Boulevard. The site benefits from two main accesses, one for HGVs and one for cars and buses. All issues in relation to the safety of the accesses onto Gateway Boulevard were considered as part of the discharge of conditions application reference Condition 48 (DC/22/03708), in consultation with SCC Highways.
- 4.3 Suffolk County Council, as Highways Authority, have approved the use of this access on a temporary basis for construction purposes (albeit the specification may vary). At present, the access point is to be ‘made good’ upon completion of construction.
- 4.4 The Highways Authority have raised no objection to the proposal to retain this access for emergency purposes. Conditions are recommended for the submission of surface water drainage details, measures to prevent unauthorised use, and a management plan. A condition is also recommended to ensure the acceptable layout is implemented as agreed.
- 4.5 Given that the use of this access is on an emergency basis only, the development would not alter the anticipated trip generation resulting from Plot 4000 as already assessed.



- 4.6 The construction of the access (through the use of signage and an island) will ensure that vehicles turn left out of the emergency access (southwest) in the direction of the dual carriage way. The measures secured through the Plot 4000 reserved matters to alleviate traffic on Clamp Farm Barns and the Creetings would not be affected.
- 4.7 The use of the emergency access would not interfere with any highways access improvements previously secured. For example, the toucan crossing on the A1120 is some 40m to the northeast of the emergency access bellmouth.
- 4.8 SCC Fire and Rescue are satisfied on the basis of the emergency use and two existing accesses to the site; direct access remains available for fire vehicles if required.
- 4.9 On this basis, there is not considered to be any unacceptable highway safety impacts that would warrant refusal of this application.

## **5.0 Landscape Impact and Trees**

- 5.1 The hybrid application secured strategic landscaping to the boundaries, including in the location for this emergency access. The secured landscaping proposal in this location consisted of wildflower seeding and native and evergreen tree and shrub planting.
- 5.2 The application is accompanied by a detailed soft landscaping plan for the emergency access location. An amenity grass mix/carbon sequestering grass mix would be planted to the boundaries of the access, alongside a post and rail fence (to match existing provisions or as agreed with the Highways Authority).
- 5.3 Place Services Landscape have raised no objection to the proposal in principle; the location is deemed acceptable and visual mitigation planting on plot 4000 has already been secured to their satisfaction.
- 5.4 A condition is recommended by Place Services Landscaping to secure an arboricultural method statement to ensure proper protection measures are in place for the retained section of boundary vegetation. As noted above, this is not deemed necessary; condition 70 of the hybrid consent requires that all works on site are undertaken in accordance with the measures outlined in the approved Arboricultural Report and the CEMP Landscape includes a requirement to protect RPAs of retained trees and hedgerows with fencing in line with BS5837:2012. Thus, this offers the necessary protection for the remaining landscaping within the full application site area.
- 5.5 Members may recall that the most sensitive views of the development site, as a whole, are from the River Gipping, beyond Clamp Farm Barns and beyond the A14. Thus, the small loss of strategic landscaping in this location is not considered to have a detrimental impact on the amenity of Cedar's Park residents or users of the A1120.
- 5.6 Having regard to the advice from Place Services, there are not considered to be any unacceptable landscape or visual impacts arising from the development such as would warrant refusal of the application.

## **6.0 Heritage Issues**

- 6.1 The duty imposed by s.66(1) of the Listed Buildings Act 1990 sets a presumption against the grant of planning permission which causes harm to a heritage asset. The assessment of heritage harm is the subject of policy set out in the NPPF and Local Plan policies seeks to safeguard against harm.

A finding of harm, even less than substantial harm, to the setting of a listed building is an adverse material consideration to which the decision-maker must give “considerable importance and weight”.

- 6.2 The assessment at both hybrid and reserved matters (for Plot 4000) stage found a level of less than substantial harm arising from the impact of the development on the setting of nearby listed buildings. However, due to the scale of the public benefits arising, this harm was considered to be outweighed, in accordance with the provisions of paragraph 202 of the NPPF.
- 6.3 The Heritage Team have not been consulted on this proposal; the development is some 600m from the nearest listed building. By virtue of the distance afforded and the nature and scale of the development at hand, no impact on the setting or significance of the heritage assets is considered to result. The proposal is acceptable on this basis.

## **7.0 Impact on Residential and Local Amenity**

- 7.1 Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties.
- 7.2 The nearest residential properties are those that form Clamp Farm Barns, those at Badley Mill House to the south-east and Cedars Park to the north, across the A1120.
- 7.3 The controlled use of the emergency access would not affect the amenity of any neighbours to an extent to warrant refusal of the application.

## **8.0 Planning Obligations**

- 8.1 This permission does not generate the requirement for a new S106 Agreement or a Deed of Variation. The obligations secured (including for PROW works, Travel Plan, landscape management and recreational facilities/active travel and skylark mitigation) under the outline are not altered by this proposal.

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# **PART FOUR – CONCLUSION**

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## **9.0 Planning Balance and Conclusion**

- 9.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
- 9.2 The development plan includes the Core Strategy 2008, the Core Strategy Focused Review 2012, and saved policies in the Mid Suffolk Local Plan 1998, as well as the Stowmarket Area Action Plan (2013) and Adopted supplementary planning document Mill Lane Development Brief.
- 9.3 The proposed emergency access would meet an operational requirement of the future occupier, to ensure the site could be accessed and egressed in the unlikely event that the Gateway Boulevard entrances became blocked. This was not proposed as part of the original scheme, and is not necessary from a highway safety point of view, but offers an additional operational opportunity.

- 9.4 The layout and specification of the emergency access is to the satisfaction of the Highways Authority. Conditions are recommended, including to ensure unauthorised use is prohibited and access is managed appropriately.
- 9.5 The proposal is not considered to cause any harm to residential amenity, heritage, ecology or the landscape and character of the surrounding area.
- 9.6 The proposal is considered to be in conformity with both Local and National policy. The proposed development is acceptable, and the recommendation is approval.

## **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to GRANT planning permission with conditions:

**(1) That the Chief Planning Officer be authorised to GRANT planning permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Commencement time limit
- Approved Plans
- Highways - Access laid out and completed
- Highways - Surface water drainage details
- Highways - Measures to prevent unauthorised use
- Highways - Management Plan
- Timescale of landscaping

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

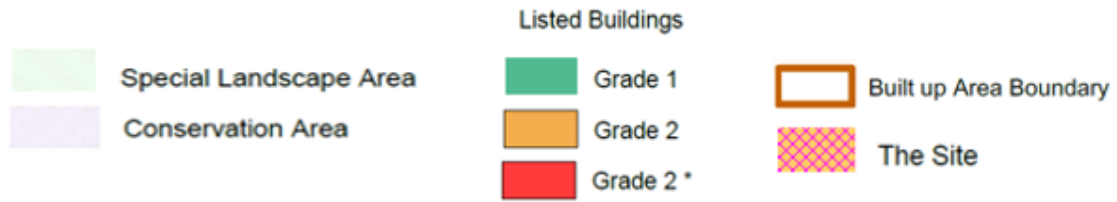
- Pro active working statement
- Highways (inc. requirement for S278 agreement)

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**Application No: DC/22/04641**

**Parish: Creeting St Peter**

**Location: Land Between The A1120 And A14**



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# Agenda Item 7b

## Committee Report

**Item No:** 7b

**Reference:** DC/22/01963 & DC/22/01964

**Case Officer:** Daniel Cameron

**Ward:** Hoxne & Worlingworth.

**Ward Member/s:** Cllr Matthew Hicks.

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION AND LISTED BUILDING CONSENT**

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### **Description of Development**

Full Application with linked Listed Building Consent - Erection of extension to Public House and alterations as per schedule of works within Heritage Statement (following part demolition of existing outbuilding), including part change of use to form farm shop.

### **Location**

Swan Inn, Swan Road, Worlingworth, Woodbridge Suffolk IP13 7HZ

**Expiry Date:** 20/08/2022

**Application Type:** FUL - Full Planning Application

**Development Type:** Change of Use

**Applicant:** Mr & Mrs T Royall

**Agent:** Hollins Architects Surveyors and Planning Consultants

**Parish:** Worlingworth

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** No

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

The Director of Planning & Building Control considers the application to be controversial having regard to the nature of the application.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance

#### **Core Strategy Focussed Review (2012)**

FC01 - Presumption in Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development

#### **Core Strategy (2008)**

CS01 – Settlement Hierarchy  
CS05 – Mid Suffolk’s Environment

#### **Local Plan (1998)**

GP01 - Design and layout of development  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
HB01 - Protection of historic buildings  
HB03 - Conversions and alterations to historic buildings  
HB04 - Extensions to Listed Buildings  
HB05 - Preserving historic buildings through alternative uses  
S07 – Provision of local shops  
CL08 - Protecting wildlife habitats  
T09 - Parking Standards  
T10 - Highway Considerations in Development

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Parish Council (Appendix 3)**

###### **Worlingworth Parish Council Comments Received – 20/05/2022**

The work will help the pub come back into service and meet current standards for accessibility and health and safety regulations. Worlingworth Parish Council wholehearted support the applications.

##### **National Consultee (Appendix 4)**

###### **Historic Buildings and Places (formerly Ancient Monument Society) Comments Received – 24/05/2022**

Restoration and refurbishment of the public house to bring it back into use is welcomed. Relatively few alterations to the historic portion of the building are proposed. However, concern is raised with regards to the new additions to the southern elevation which was the original main entrance for the public house. We understand that the building is to be reorientated to the north and while the new northern addition does not read as a modern addition, it cuts across and obscures most of the main building.



### **Initial Society for the Protection of Ancient Buildings (SPAB) Comments Received – 08/06/2022**

While the C19 portions of the building are not considered to be of particular merit, they obscure a portion of the original elevations and the replacement on the northern elevation is much larger. It is our opinion the proposed extensions would be of an incongruous design and scale and would compound harm already caused by the extensions already on the building forward of the building line.

In our view, the scale, massing and overall appearance of the extension is inappropriate and would cause an unacceptable level of harm to the special interest of the listed building.

### **Further SPAB Comments Received – 14/07/2022**

Revised drawings omitting the extension to the south but retaining the extension to the north elevation are noted. While the intent of the application, to bring the building back into use as a public house is welcomed, we remain concerned that the scale, positioning and form of the new additions will lead to harm. While the original building will be legible to the southern elevation, it will be obscured to the north. The response from the Council's Heritage Team sets out the additional information required, and revised plans should be sought.

### **Final SPAB Comments Received – 10/08/2022**

The rationale set out for the need for a function room is welcomed, as are the alternative locations for the northern extension. While the viability needs for the building, do not, in our view, justify harm to the special interests of the listed building, movement of the extension as shown in Option B might constitute a way forward as it would allow the greater part of the northern elevation to remain visible. While the application notes that locating the function room away from the originally proposed position may be functionally problematic due to its close proximity to the kitchens, however, given the main use of that part of the building would presumably be dining, it is not understood why proximity to the bar would be an overriding concern. Were Option B to be pursued, SPAB would feel able to support it.

### **County Council Responses (Appendix 5)**

#### **Archaeological Service Comments Received – 03/05/2022**

No grounds to consider refusal of planning permission provided conditions are applied to ensure that below ground heritage assets are preserved in situ. Conditions to achieve this end are suggested.

#### **Fire & Rescue Team Comments Received – 09/05/2022**

No additional water supplies for fire-fighting purposes is required in respect of this planning application. Other comments are noted, however, these pertain to Building Regulations.

#### **Initial Highways Comments Received – 18/05/2022**

Holding objection requiring visibility splays to be shown from the proposed access.

#### **Final Highways Comments Received – 24/06/2022**

Holding objection is lifted given the provision of suitable visibility splays. Conditions to ensure delivery of the access, visibility splays, parking, electric vehicle charging point and refuse and recycling collection from the site are noted.

### **Internal Consultee Responses (Appendix 6)**

#### **Initial Place Services Ecology Comments Received – 10/08/2022**

Holding objection due to insufficient information on European Protected Species (bats and Great Crested Newts) and Priority species (hedgehogs).

### Final Place Services Ecology Comments Received – 31/10/2022

No objection subject to securing biodiversity mitigation and enhancement measures.

### Initial Heritage Team Comments Received – 09/06/2022

While the principle of the development is welcomed and considered to be beneficial in principle, a medium to high level of less than substantial harm to the designated heritage asset is identified. as the proposed extensions would detract from the significance of the building due to their scale, location, articulation with the historic core of the building and complexity.

### Further Heritage Team Comments Received – 18/07/2022

Following amendments to the proposed development, a low to medium level of less than substantial harm is identified. The function room extension appears overly prominent due to its design and position as well as its connection to the existing lean-to extension.

### Final Heritage Team Comments Received – 12/08/2022

A low to medium level of less than substantial harm is noted. While the scheme would achieve some heritage benefits, including returning the building to its historic use, it is considered that insufficient justification for harm to the building has been provided.

### **B: Representations**

At the time of writing this report no letters/emails/online comments have been received. It is the officer opinion that no third-party representations have been received in response to either application. A verbal update shall be provided as necessary.

### **PLANNING HISTORY**

<b>REF:</b> DC/18/00787	Full Planning Application - Erection of 2No detached residential dwellings.	<b>DECISION:</b> REF 19.06.2018
<b>REF:</b> DC/18/04542	Planning Application - Erection of 2no detached residential dwellings.	<b>DECISION:</b> GTD 20.09.2019
<b>REF:</b> DC/20/05752	Application under S73 for removal or variation of a condition following grant of planning permission DC/18/04542. Town and Country Planning Act 1990. Planning (Listed Buildings and Conservation Areas) Act 1990 - To remove Condition 2 (approved plans and documents) to enable amended design scheme as per drawing PW1132-PL01revA.	<b>DECISION:</b> GTD 09.02.2021
<b>REF:</b> DC/21/00123	Application for works to Trees subject to a Tree Preservation Order MS332/T1 - Fell 1No Ash (due to Ash die back disease)	<b>DECISION:</b> GTD 12.02.2021
<b>REF:</b> DC/21/02427	Application under S73 for removal or variation of a condition following grant of planning permission DC/20/05752. Town and Country Planning Act 1990. Planning - Remove Condition Number 2 (approved	<b>DECISION:</b> GTD 09.06.2021

plans and documents) to enable amendments to the design of the dwellings and the site layout as shown on drawings PW1132-PL01revB and PW1132-PL02.

<b>REF:</b> DC/21/03997	Discharge of Conditions Application for DC/21/02427- Condition 3 (Materials), Condition 6 (Replacement Tree Planting), Condition 8 (Ecological Enhancement), Condition 10 (Surface Water Drainage) and Condition 11 (Bin Storage and Presentation)	<b>DECISION:</b> GTD 12.10.2021
<b>REF:</b> 2810/16	Reconstruction of single storey side extension to West elevation.	<b>DECISION:</b> GTD 25.08.2016
<b>REF:</b> 2808/16	Reconstruction of single storey extension to West elevation.	<b>DECISION:</b> GTD 25.08.2016
<b>REF:</b> 0269/16	Change of use of listed public house to residential use.	<b>DECISION:</b> REC
<b>REF:</b> 0283/16	Unauthorised works - demolition of outbuildings to west of main pub.	<b>DECISION:</b> REC
<b>REF:</b> 0630/13	Temporary caravan to house landlady with disability	<b>DECISION:</b> REC
<b>REF:</b> 1350/08	Extension to provide improved toilet and storage facilities. Removal of lean-to verandah on south elevation.	<b>DECISION:</b> GTD 29.09.2008
<b>REF:</b> 1349/08	Reconstruction and replacement of outbuildings to create two units of holiday letting accommodation and lock up retail unit.	<b>DECISION:</b> REF 03.10.2008
<b>REF:</b> 1206/08	Extension to provide improved toilet and storage facilities.	<b>DECISION:</b> GTD 29.09.2008
<b>REF:</b> 1205/08	Reconstruction and replacement of outbuildings to create two units of holiday letting accommodation and lock up retail unit.	<b>DECISION:</b> REF 03.10.2008

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

1.1 The Swan Inn is located on the western side of Swan Road, immediately adjacent to its junction with Church Road and Shop Street within the village of Worlingworth. The Swan Inn had been in

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use as a public house for some considerable time given that CAMRA records for the site note landlords on the site dating back until 1769. It had previously fallen out of use as a public house having closed to trade in 2015. It has since re-opened as a public house in September 2022.

- 1.2 The building itself is listed at Grade II. Historic England give the following list description for the building:

*Mid C16 parlour end and stack, the remainder probably earlier. C19 additions. Timber framed, mainly roughcast-rendered; at the front (facing south) the ground floor is cased or rebuilt in C19 red brick. Scalloped bargeboards. Thatched roof. 2 storeys and attic. 3-cell form. C19 casement windows, 3 to ground floor, 2 to first floor; all have a single horizontal glazing bar to each light. 2 mid C20 doors. Internal stack, the shaft rebuilt in white brick. External stack to right gable end. Single storey red brick and pantiled additions on each gable end; rear lean-to in colourwashed brick. Modernised interior, especially the ground floor. The earlier section, in 2 bays, has irregular, widely-spaced studding exposed on the upper floor; the roof appears to be of common-rafter form, once hipped over the service end. The parlour addition is slightly higher; there is a good intact roof with one row of clasped purlins and 2-way wind braces.*

- 1.3 At present the building sits within a good-sized site, rectangular and laid to grass. Hedges are noted to the northern boundary with Church Road/Shop Street. Access to the site is taken from Swan Road.

## **2. The Proposal**

- 2.1 This application seeks to refurbish and extend the existing public house with a view to reopening it as such. Part of the building is to be utilised as a farm shop and change of use is sought for that section of the building. Extension to the building to provide an eating space as well as toilets are proposed to the northern and western elevations, with the northern elevation proposed as glazing with oak timber framing and the western elevation proposed in render to match the public house.
- 2.2 During the course of the application, the proposed extensions were altered such that the originally proposed extension to the southern elevation of the building has now been omitted. As can be seen from the consultee responses to the application, the applicant has attempted to show that alternative designs to those submitted with this application have been fully considered but discounted. Members are advised that comments referring to alternative designs (such as Option B noted by SPAB) do not form part of this application and that the decision at hand with regards to these applications, must be based on the submitted drawings put forward by the applicant.

## **3. The Principle of Development**

- 3.1 The application site lies within the established settlement boundary of Worlingworth, a secondary village as designated by the adopted Core Strategy, unsuitable for growth but capable of taking appropriate residential infill development and development to meet local needs.
- 3.2 Until relatively recently The Swan Inn had been utilised as a public house, and in the intervening time no alternative use has been established within the building, therefore, there is no need to consider whether the reopening of The Swan as a public house requires planning permission, indeed, were no alterations or changes of use involved, planning permission would not be required.
- 3.3 With regards to the change of use of part of The Swan to provide a farm shop, Local Plan policy S7 states that within settlement boundaries proposals for new purpose-built shops, conversions and extensions of existing shops will be permitted where the proposal reflects the scale and appearance

of its surroundings, there is no significant loss of amenity for nearby residents and there is no environmental amenity impacts and local distinctiveness is maintained. New purpose-built shops are required to satisfy adopted parking standards. The NPPF is similarly supportive of the rural economy. Paragraph 84 requires planning decisions to enable the sustainable growth and expansion of all types of businesses in rural areas through conversion of existing buildings and creation of well-designed new buildings.

- 3.4 To this end, it is considered that both the extensions to the building and the change of use of part of the building to serve as a farm shop would accord with the requirements of both the adopted Local Plan and the NPPF. The principle of development with regards to the proposed development is accepted subject to the material considerations raised within the noted policies, but also with regards to the other material considerations that may be relevant to the application. In this case, notably the fact that The Swan Inn is a listed building and as such consideration regarding the impacts of the proposed works on the fabric and setting of the listed building are also key and are explored later within this report.

#### **4. Site Access, Parking and Highway Safety Considerations**

- 4.1 As noted above, access to the site remains from Swan Road. Consultation with the Highway Authority notes that the access point is suitable with sufficient visibility splays to ensure that vehicles can enter and leave the site in a safe and controlled manner. Assessment of the parking provision proposed within the site, is similarly acceptable, doubling the provision on site from 12 to 24. Of these, 18 parking spaces, including disabled spaces, are provided for the public house, while 6 are provided for the use of the proposed farm shop, the two are separate so there is no issue with users of the shop having to park on the road during times when parking at the public house is in high demand. This accords with the requirements of the Suffolk Parking Guidance for each proposed use and also with the requirements of policy T9.
- 4.2 Conditions suggested within the consultation responses are considered to be reasonable. They would secure the new access, its surfacing, visibility splays, parking provision, electric vehicle charging points, bicycle storage and refuse and recycling bin storage and presentation areas.

#### **5. Design and Layout**

- 5.1 The core of the historic public house would remain in place, with a primary extension positioned on the northern elevation to create a function room that would provide an additional dining area. It is single-storey and composed of a brick plinth supporting timber framing with glazing between and a tiled roof. The secondary extension, positioned to the west of the building provides space for the kitchen and toilets. This is again, a single-storey extension and is traditionally appointed with brick plinth, white render and a tiled roof. A short, link extension along the northern elevation is noted, flat roofed but with the same brick plinth and white render and would provide a corridor linking the building together. An existing room (28m<sup>2</sup>) within the historic portion of the building is proposed as the farm shop.
- 5.2 With regards to the need for the extensions, Members will be aware of the pressure of running a public house in the current economic climate and in the wake of the COVID pandemic. Public houses and their operators have come under pressure to ensure they can generate enough revenue to carry on running their business. Economic viability assessments of the sector are clear that public houses which only offer wet (drink) sales, or are heavily reliant upon it for their turnover, are struggling in the current market. Businesses which have a food offer and thus can rely on both wet and dry (food) sales are proving to be more resilient and are not coming under the same pressure to change use away from serving their community as a public house. Provision of the extension to

The Swan Inn would allow a dry sales offer to be delivered on site and make the business more viable as a result.

- 5.3. Similar conclusions are reached with regards to the provision of a farm shop within the building. This would increase the utility of the building, creating another revenue stream to ensure the viability of the business while also benefitting the local community through the creation of a service that at present is not available within the village itself.
- 5.4. With regards to these considerations no viability information has been submitted with the application, although the need to add a dining space is noted within the additional Heritage Statement provided by the applicant. Alternative locations for the northern extension are considered and rejected by the applicant owing to issues around how flexible the additional space needs to be for them and perceived issues around overseeing the area if moved further from the proposed bar area relating to the additional staffing costs that might be accrued.
- 5.5. Further consideration as to the design of the proposed extension is given below within the section dealing with heritage. Given The Swan Inn is a listed building, it is considered that this aspect of the design of the proposed extension is of central importance to this aspect of the application and is addressed and discussed there.

## **6. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 6.1. The site is prominent within the streetscene of Worlingworth and is located within a grassed area with some hedging to the boundaries. This is not proposed to be altered as a result of this application such that the Worlingworth streetscene would be unaltered, save for the additional extensions to the building.
- 6.2. The application is supported by an ecological survey and assessment. There is no evidence of bats or bat roosts within the building and while there is no standing water at the site it does fall within a risk zone for Great Crested Newts. A method statement for construction to ensure Great Crested Newt impacts are minimised would be required were the application to be approved. Similarly, conditions to ensure that the mitigation details set out within the survey and assessment were followed and that biodiversity enhancement were suggested and would be reasonable were the application to be approved.

## **7. Heritage Issues**

- 7.1. The Planning (Listed Buildings and Conservation Area) Act 1990 sets out that Local Planning Authorities, when considering planning applications and applications for listed building consent must give special regard to the desirability of preserving a listed building, its setting or any special features (architectural or historic) that it may possess. The duty imposed by s.66(1) of the aforementioned Act imposes a presumption against the grant of planning permission which causes harm to a heritage asset. Members should note that a finding of harm, even of “less than substantial harm”, to the significance of a listed building is a significant consideration in its own right and one to which the decision-maker must give “*considerable importance and weight*”. It is a consideration that should not be lightly set aside having regard to the statutory and policy duties to preserve the heritage asset.
- 7.2. Local Plan policy HB1, which forms part of the “development plan” in this instance, seeks to protect the character and appearance of all buildings of historic and architectural interest with particular attention to be paid to the setting of listed buildings. The NPPF reflects both of these requirements at paragraph 199 stating that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.3 Local Plan policies HB3, HB4 and HB5 are also of relevance to this application. HB3 deals with conversions and alterations of historic buildings stating that proposals will be supported where they would not detract from the architectural or historic character of the existing building or its setting. HB5 considered reserving historic buildings through alternative uses. Support is given to proposals where the change preserves the building and its setting without undue alteration.
- 7.4 The Council's Heritage Team along with the Society for the Protection of Ancient Buildings (SPAB) and Historic Buildings and Places were consulted on the application leading to its alteration, removing the extension originally proposed to its southern elevation. Re-consultation has occurred, but responses were only received from the Council's own Heritage Team and from SPAB.
- 7.5 Both respondents conclude that the proposed extension to the northern elevation of the building would lead to harm to the special interest of the building. Both consider that an alternative design, removing the proposed extension from the historic portion of the building and siting it off the extensions to the west of the building would be the most advantageous option, leaving a portion of the existing building unaltered and more visible from the streetscene. Comments also note that the form of the northern extension is problematic. The width of the extension does not mirror the traditional form expected and the exposed timber framing gives an overly prominent design to something that should be subservient to the main body of the listed public house. In particular, the arched braces are considered to be incongruous given they are seen as a medieval form of construction and The Swan Inn is a post-medieval building. As well as the harm identified as a result of the extension the Heritage Team identify further harmful elements which are proposed, which all add to the level of harm resulting from this proposal. These include the replacement of window W01 with a notice board, loss of window W02, loss of doors D14 and D16, loss of the existing west side extension and lack of information on door D12, with no information to conclude on the historic significance of this element. There is no clear or convincing justification of these works, contrary to the requirements of the NPPF.
- 7.6 In considering the level of harm created by the currently submitted plans, the Council's Heritage Team quantify a low to medium level of less than substantial harm would be caused to the special interest of the listed building. Paragraph 202 of the NPPF states that where development would lead to a less than substantial level of harm to a designated asset, that harm must be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset. None of the heritage consultees noted any issues with the principle of the development proposed, especially as the building would revert in the main to its historic use, however, it is considered that insufficient justification is provided regarding the location of the glazed extension in particular and for this reason, the Heritage Team, SPAB and other heritage consultees do not feel able to support the application in its current form. In their view additional justification is necessary to show that the form, size, scale, location, and design of the proposed extension and other works noted above is essential to the overall success of the project in order to justify the level of harm which would be caused to the listed building. Where it cannot be shown to be essential, it is their view that an alternative design which results in a lesser degree of harm should be considered. Given that the position of the extension could be amended to be located in a less harmful position and its form could be altered to create a less prominent addition, it is considered this is a reasonable requirement, especially given the great material weight that should be applied to the preservation of listed buildings and the special regard that should be applied to its preservation.

- 7.7 As to “public benefit” the applicant has provided heritage information including in an addenda regarding the proposal describing the floorspace and 75 covers which could be provided. The applicant submits that 50 covers and the condition of kitchen etc facilities would make it uneconomic to open in its current form pointing to the 2016 closure. There is no objectively assessed financial information accompanying the application to demonstrate that this proposal, as distinct from a less harmful design, would ensure the long-term viability of the building as is claimed. The public benefit contention is therefore considered speculative on the information to hand.

## **8. Impact on Residential Amenity**

- 8.1 Given the historic use of the site as a public house and the fact it could be reimplemented without the need for planning permission it is not necessarily considered that the reintroduction of that use would lead to adverse impacts on residential amenity for the neighbouring properties. No amplified music is proposed within the building and external illumination could be controlled via the use of planning conditions.

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## **PART FOUR – CONCLUSION**

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### **9. Planning Balance and Conclusion**

- 9.1 The re-use of The Swan Inn as a public house is of huge significance to both the village of Worlingworth and the surrounding area, provision of a farm shop within the site is also of note and would be locally significant. The fact that the re-opening of the public house requires the provision to be made to allow the sale of food from the site is not objectionable and in principle, no objection is noted with regards to the overall principle of the application as it currently stands.
- 9.2 Issue is noted with the specific form of the extensions and in particular their impact upon the historic interest of the building. The size, scale, location and form of the proposed extension to the northern elevation of the building is noted by both the Council’s Heritage Team and by external national heritage consultees. They note harm to the special interest of the building which is categorised as a low to medium level of less than substantial harm. The NPPF is clear at paragraph 202 where it states that less than substantial levels of harm to a designated heritage asset must be balanced by the positive public benefits that the application brings. When considering this application, it is not held by any of the heritage consultees that sufficient justification for the harm posed by the extension has been provided. Your officers consider this a reasonable conclusion.
- 9.3 In explicit terms, there may be public benefit associated with the application. The public house would be brought back into use, although it is noted that this has already happened as a result of reopening the building for wet sales. The addition of a farm shop and option to incorporate dry sales into the mix would help to steer the building into an optimal viable use and provide a useful facility for the village, although no evidence has been submitted to demonstrate the overall viability of the business as a result of these works. Finally, the application could deliver benefits in terms of creating local employment, although again it is not held that sufficient evidence has been provided to quantify this in terms of the benefit provided.
- 9.4 Paragraph 200 of the NPPF requires that harm to a listed building be clearly and convincingly justified and paragraph 199 requires that great weight be given to the conservation of a designated heritage asset. It is the contention of the Council’s Heritage Team as well as SPAB and the Historic Buildings and Places consultees that the harm to The Swan Inn has not been clearly and



convincingly justified and that a different design approach would be able to better deliver the benefits offered by this application, without the need for harm to be done to the listed building.

- 9.5 Whilst the re-opening of the public and its potential use to provide a food and drink offer are acknowledged in principle it is considered that the application does not substantiate that in robust terms and such public benefit as has been described is aspirational and unquantified. Having considered the issues it is considered that the duty to preserve the heritage assets attracts weight in this decision on a proposal where the design will cause harm to the significance of this listed building, contrary to the NPPF.

## **RECOMMENDATION**

**That the Chief Planning Officer be authorised to refuse both the Planning Permission and Listed Building Consent for the following reason and such other reasons as he may think fit:**

The proposed northern extension to The Swan Inn, a Grade II listed building, would result in a low to medium level of less than substantial harm to the designated heritage asset, because the proposed function room and other elements of the proposal would detract from the significance of the Swan Inn. The proposed extension would by virtue of its size, scale, location and appearance detract from the special interest of the appearance of the building and would obscure a large portion of the original northern elevation.

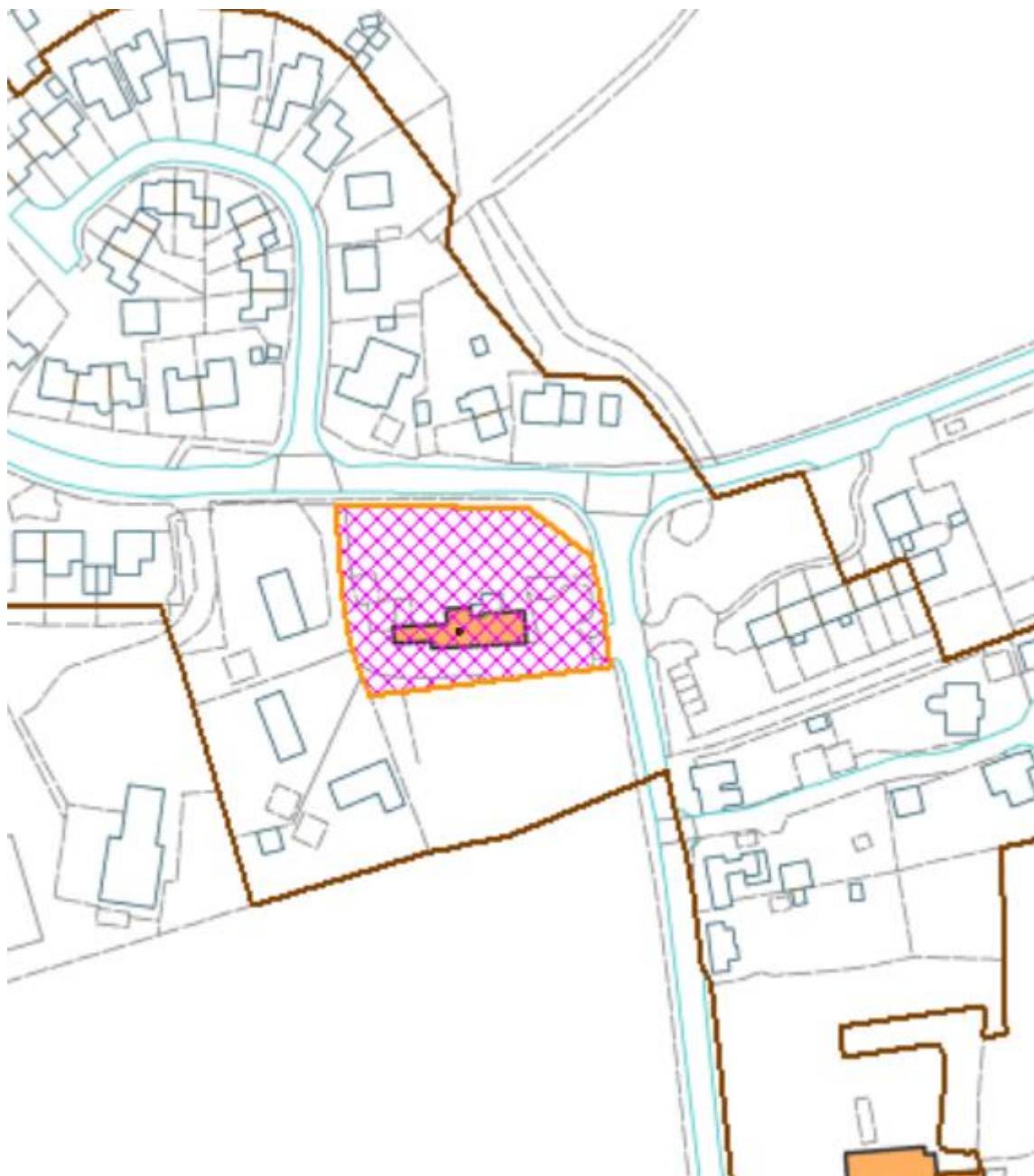
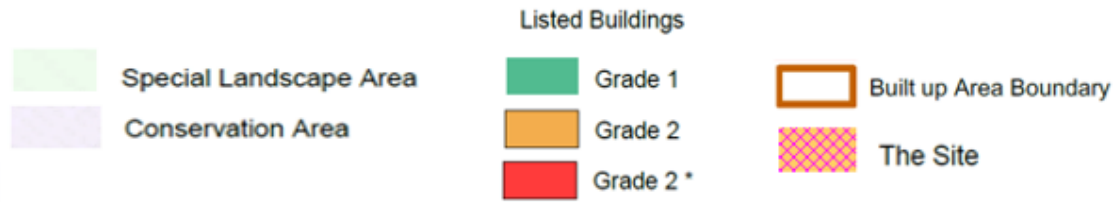
Whilst public benefits include returning the building to its historic use and offering this additional facility within Worlingworth it is noted that the pub has re-opened in September 2022, such that both the necessity for the proposed works and subsequent benefit to the building are limited, although it is accepted that they support the overall business. However, on balance these benefits are considered to be limited, and not considered to have any demonstrable public benefits beyond the re-opening of the public house, which has already been secured, that could be considered to outweigh the harm caused by the inappropriate nature and position of the proposed extension. As such the proposal is contrary to the aims of Policies HB1, HB3, HB4 and HB5 Mid Suffolk Local Plan (1998) and Paragraphs 199, 200 and 202 of the NPPF.

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Application No: DC/22/01963

Parish: Worlingworth

Location: Swan Inn, Swan Road



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# Agenda Item 7c

## Committee Report

**Item No:** 7C

**Reference:** DC/22/04707

**Case Officer:** Lily Khan

**Ward:** Haughley, Stowupland & Wetherden.

**Ward Member/s:** Cllr Keith Welham. Cllr Rachel Eburne.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Householder Application - Erection of outbuilding

### **Location**

45 Falconer Avenue, Old Newton, Stowmarket, Suffolk IP14 4JP

**Expiry Date:** 22/11/2022

**Application Type:** HSE - Householder Planning Application

**Development Type:** Householder

**Applicant:** Mr Mark Clements

**Parish:** Old Newton With Dagworth

**Site Area:** 650sqm

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** No

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

The application site is owned by Mid Suffolk District Council

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

#### **Mid Suffolk Local Plan [2008]**

GP01 - Design and layout of development

H16 - Protecting existing residential amenity

H17 - Keeping residential development away from pollution

## **Mid Suffolk Core Strategy [2008]**

CS01 – Settlement Hierarchy  
CS05 - Mid Suffolk's Environment

## **Mid Suffolk Core Strategy Focused Review [2012]**

FC1 - Presumption In Favour Of Sustainable Development  
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development

## **The National Planning Policy Framework (NPPF)**

Particularly relevant elements of the NPPF include:

Chapter 4: Decision-Making  
Chapter 12: Achieving Well-Designed Places

## **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at Stage 1: Designated neighbourhood area. Accordingly, the Neighbourhood Plan has little weight in the decision-making process at this time.

## **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

### **A: Summary of Consultations**

#### **Town/Parish Council (Appendix 3)**

**Old Newton With Dagworth And Gipping Parish Clerk**  
Application approved at Parish Council level.

#### **Internal Consultee Responses (Appendix 6)**

##### **Contract and Asset Management**

No comment made in relation to this application.

### **B: Representations**

At the time of writing this report at least 2 online comments have been received. It is the officer opinion that this represents 2 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Overlooking
- Noise

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

None

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The application site is a 650sqm area which hosts a semi-detached bungalow located in an established residential area. The sites nearest neighbours include 47 Falconer Avenue which stands to the west of the site and Four gables, which neighbours the site to the south (rear).
- 1.2. The building is not listed, the site is not located in a conservation area, nor designated landscape area, nor has any trees with preservation orders on them.
- 1.3. The site is located within Flood Zone 1 and is not vulnerable to pluvial or fluvial flooding.

### **2. The Proposal**

- 2.1. The proposal seeks permission for the erection of an outbuilding located in the rear garden. The outbuilding would be used as a workshop and for storage of mobility scooter and tools
- 2.2. The proposal would lie approximately 1m from the southern boundary, approximately 1.7m from the eastern boundary and approximately 17m from the main dwelling. The proposed outbuilding would be a simplistic rectangular form with a dual pitched roof. The outbuilding would measure at approximately 4.8m x 4m with an eaves height of approx. 2.2m and a maximum ridge height of approx. 2.8m.
- 2.3. The proposed materials include treated timber walls with a green mineral felt roof with an acrylic sheet window and timber double doors to the northern elevation of the outbuilding.

### **3. The Principle Of Development**

- 3.1. Policies H16 and GP01 of the Mid-Suffolk Local Plan 1998; policies FC01 and FC01.1 of the Core Strategy Focused Review 2012, and CS01 and CS05 of the Mid-Suffolk Core Strategy 2008 are the most relevant policies for assessing this application. Full weight is given to these policies as they are consistent with the aims of the National Planning Policy Framework 2021 in terms of achieving sustainable development.
- 3.2. Key considerations will be the design of the proposed outbuilding and its impact on the landscape and residential amenity of neighbouring properties. The policies seek ensure residential amenity is maintained with consideration to the existing design of the local area.

3.3. Subject to compliance with the details of these policies the proposal is considered acceptable in principle.

#### **4. Design And Layout**

4.1. NPPF paragraph 130(c) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

4.2. Mid-Suffolk Local Plan Policy GP1 states that proposals should maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development. Furthermore, materials and finishes should be traditional, or compatible with traditional materials and finishes and should respect local architectural styles where appropriate.

4.3. As the proposal would be located to the rear, it does not impact the street scene. The rear garden has sufficient space to accommodate an outbuilding. Although the proposal is close to the southern neighbouring boundary, it is modest in size and scale. The proposed design, materials, form and scale are considered to respect the character of the surrounding area, not constitute over development of the plot nor harm local distinctiveness. The proposal therefore accords with policy GP01 of the Local Plan.

#### **5. Impact On Residential Amenity**

5.1. With regard to Mid-Suffolk Local Plan Policy H16, it is crucial that development does not detrimentally affect residential amenity. The proposed outbuilding would be erected to the rear of the site with views of the proposal being limited from the public highway.

5.2. It is considered that this proposal does not give rise to any concerns of loss of neighbour amenity by reason of its single storey design and presence of existing boundary treatment to the southern boundary.

5.3. The positioning of the proposed window would face the main dwelling which would not result in detrimental harm to neighbouring amenity in terms of overlooking and privacy issues which accords with policy H16 of the Local Plan.

5.4. As the outbuilding is proposed to be used as storage space and a workshop, officers recommend applying a condition to ensure potential noise levels generated from the usage of power tools do not harm neighbouring resident's amenity.

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## **PART FOUR – CONCLUSION**

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#### **6. Planning Balance and Conclusion**

6.1. Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.



- 6.2. The basket of policies identified hold full weight, of specific importance and relevance are Core Strategy policies CS5, FC1 and FC1.1 and Local Plan policies GP1 and H16. The proposal for the erection of an outbuilding is considered acceptable with no adverse impacts to the character of the surrounding area, residential amenity or flood risk.
- 6.3. There are no design concerns or residential amenity concerns sufficient to warrant the refusal of the application. The proposal would allow occupants to use the outbuilding for the purposes incidental to the principal dwelling.
- 6.4. It should be noted that the proposal only exceeds the limits set out in the General Permitted Development Order 2015, Schedule 2, Part 1 by 0.2m in height. The application also accords with relevant development plan policies and national planning guidance, therefore, permission should be granted with the added safeguards provided by the recommended conditions.

## **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to GRANT PLANNING PERMISSION.

**(1) That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

### Conditions:

- Standard 3-year time limit to implement permission
- Approved Plans
- Use restriction
- Close door when operating powered equipment

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Application No: DC/22/04707

Parish: Old Newton

Location: 45 Falconer Avenue



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