

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MSDC PLANNING** held in the Frink Room (Elisabeth) - Endeavour House on Wednesday, 6 December 2023 at 09:30am.

PRESENT:

Councillor: Sarah Mansel (Chair)
Lavinia Hadingham (Vice-Chair)

Councillors: Austin Davies Lucy Elkin
Nicholas Hardingham Adrienne Marriott
John Matthissen Rowland Warboys

Ward Member(s):

Councillors: Anders Linder

In attendance:

Officers: Chief Planning Officer (PI)
Area Planning Manager (GW)
Planning Lawyer (IDP)
Case Officer (BH/IS/JW)
Governance Officer (JW)

80 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

80.1 Apologies were received from Councillor Terry Lawrence.

80.2 Councillor Adrienne Marriott substituted for Councillor Lawrence.

81 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS

81.2 There were no declarations of Interests.

82 DECLARATIONS OF LOBBYING

82.1 There were no declarations of lobbying.

83 DECLARATIONS OF PERSONAL SITE VISITS

83.1 There were no declarations of personal site visits.

84 MPL/23/18 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2023

It was **RESOLVED**:

That the minutes of the meeting held on 8 November 2023 were confirmed and signed as a correct record.

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

85.1 None received.

86 MPL/23/19 SCHEDULE OF PLANNING APPLICATIONS

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

Application Number	Representations From
DC/20/05126	Odile Wladon (Stradbroke Parish Council) David Whipps (Objector) Billy Clements (Applicant) Councillor Anders Linder (Ward Member)
DC/22/02971	Odile Wladon (Stradbroke Parish Council) James Tanner (Agent) Councillor Anders Linder (Ward Member)
DC/22/01530	Fenella Blyth (Supporter) Michelle Howley (Applicant)

87 DC/20/05126 LAND SOUTH OF, MILL LANE, STRADBROKE, SUFFOLK

87.1 Item 7A

Application	DC/20/05126
Proposal	Outline planning application (all matters reserved, access to be considered) Residential development of up to 80No dwellings (including affordable dwellings), provision of a new school car park and bus drop off area, land for a new pre-school facility, public open space, upgrades to Mill Lane and associated works.
Site Location	Land South of, Mill Lane, Stradbroke, Suffolk
Applicant	Earlswood Homes

87.2 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location and constraints of the site, the site boundary, the adopted Stradbroke Neighbourhood Plan, the proposed

site layout and parameter plan, potential noise and odour pollution issues from the adjacent factory, the proposed highway improvements to Mill Lane, the contents of the tabled papers including the additional proposed condition, the late representation received from Suffolk County Council Highways, and the Officer recommendation of approval.

- 87.3 The Case Officer responded to questions from Members on issues including: whether the view of church was designated a protected view in the Neighbourhood Plan, other large developments in the surrounding area, the odour mitigation plans, conditions to secure the provision of the car park, ownership and maintenance of the car park, the suitability of the pavements for wheelchair users, the location and size of the early years setting, and the proposed landscaping scheme.
- 87.4 The Area Planning Manager provided clarification to Members regarding the requirements for S106 agreements and Community Infrastructure Levy (CIL) contributions in relation to the application.
- 87.5 The Case Officer and the Chief Planning Officer responded to further questions from Members on issues including: the proposed SuDS, the potential flood risks, foot and cycle path widths and location, the pedestrian access to the Early Years provision, the timing requirements for the Highway improvements, the provision of accessible dwellings, the market housing mix, and the hierarchy of settlements in the newly adopted Joint Local Plan Part 1.
- 87.6 Members considered the representation from Odile Vladon who spoke on behalf of Stradbroke Parish Council.
- 87.8 The Parish Council representative responded to questions from Members on issues including: the safety of the pedestrian access to the Early Years provision, and any suitable alternative locations for public footpaths.
- 87.8 Members considered the representation from David Whipps who spoke as an Objector.
- 87.9 The Objector responded to questions from Members on issues including: access to the adjacent factory site, and any complaints received regarding noise from existing residents close to the site.
- 87.10 Members considered the representation from Billy Clements who spoke as the Applicant.
- 87.11 The Applicant responded to questions from Members on issues including: the inclusion of accessible market dwellings, the proposed noise mitigation scheme, the pavement widths, the market housing mix, the proposed parking plan, the environmental sustainability features of the development, and the implications of the late representation received from Suffolk County Highways.

- 87.12 Members considered the representation from Councillor Anders Linder who spoke as the Ward Member.
- 87.13 A break was taken from 11:05am until 11:11pm.
- 87.14 Councillor Hadingham commented on the car parking provision and proposed that the application be accepted as detailed in the Officer recommendation and with the additional condition contained in the tabled papers.
- 87.15 Councillor Davies seconded the proposal, and proposed an additional condition in respect of the minimum pavement width along Mill Lane.
- 87.16 The Case Officer clarified that the additional proposed condition would be included within the existing proposed conditions.
- 87.17 Members debated the application on issues including: the potential accumulative impact of developments in the surrounding area, the proposed odour and noise mitigation plans, the support from the Parish Council and the Neighbourhood Plan, the access into the Early Years site, potential traffic congestion, the market housing mix, parking along the public transport route and adjacent to the factory site, and the proposed landscaping plan.
- 87.18 Councillor Hadingham and Councillor Davies agreed to the following amendments and additional conditions and informative notes:
- Amended S106 contributions as per Suffolk County Council Letter
 - Additional condition as tabled papers for parameter plan
 - Amendment to Final Noise Assessment condition: penultimate bullet to 'not later than the submission of the first reserved matter'
 - Informative Note for access through school to Early Years for pedestrian access
 - Encourage provision of bungalows and compliance with M4(2).

By a unanimous vote

It was RESOLVED:

- (1) Subject to 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 to secure:**
- **Affordable housing – note this reflects the acceptance that a 20% (16no. units) is justified in this case through viability assessment. Other requirements for affordable housing:**
 - **Affordable homes should be integrated within the scheme and avoid clustering in one area of the site. This provides for a more integrated cohesive community environment.**
 - **All properties must be built to current Nationally Described Space standards as published March 2015 and meet Building**

Regulations Part M 4 Category 2.

- All ground floor 1 bed flats/houses to be installed with level access shower instead of a bath.
- The Council is granted 100% nomination rights to all the affordable units on all first lets and that all allocations for rented units are made through the Choice based lettings system known as Gateway to Homechoice and for shared ownership via the Help to Buy Agents process
- Adequate parking provision is made for the affordable housing units and inclusion of cycle storage/sheds.
- Standard triggers points as set out below to be included in the S106:-

(a) Not Occupy or permit Occupation of more than fifty per cent (50%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until fifty per cent (50%) of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider; and

(b) Not Occupy or permit Occupation of more than eight per cent (80%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until all of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider

Other S106 Agreement requirements

- On site open space and includes management of the space to be agreed and requirement for public access at all times.
- Provision of the LAP as shown on the submitted illustrative plan
- Use of the proposed car park by the public
- Bond to be utilised by the Council in the event of justified odour mitigation - £65 000
- Early Years contribution - £152 418 as requested by Suffolk County Council as education authority
- Land for Early Years development – 537.7 square metres area – as requested by Suffolk County Council as education authority

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

- Standard time limit (Outline/Full for means of access)
- Approved Plans (Plans submitted that form this application)
- Layout of Reserved Matters submission to be substantially in accordance with the Illustrative Masterplan submitted with the outline planning application

- **Phasing Condition**
- **Market housing mix prior to or concurrent with reserved matters to be agreed**
- **Approval of a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development**
- **Submission of a landscaping scheme and landscape management plan**
- **Tree Constraints Plan used to inform the Reserved Matters and submission of Reserved Matters accompanied by detailed Arboricultural Impact Assessment/Method Statement**
- **Details of on-site children's play space provision**
- **Ecological mitigation measures carried out in accordance with submitted reports as identified**
- **Approval of a Biodiversity Net Gain Design Stage Report**
- **Approval of a Landscape and Ecological Management Plan**
- **Approval of a Wildlife Sensitive Lighting Design Scheme**
- **Approval of a Final Noise Assessment and Noise Mitigation Strategy not later than the submission of the first reserved matter**
- **Construction hours restriction as recommended by the Environmental Health officer**
- **Access visibility condition**
- **Details of the access and associated works to be submitted and approved**
- **Details and construction of footways on Mill Lane between site access and Queen Street, and site access and PROW footpath FP2**
- **Reserved Matters proposal to include a pedestrian link from the north-western corner of the site on to Footpath No. 2 Stradbroke**
- **Prior to the occupation of the development, a footpath link from the site to the school hardstanding (as shown on the submitted indicative plan) be provided in accordance with details and a timescale previously agreed with the Local Planning Authority**
- **Details and construction of improvements to footway on Queen Street to the bus stops**
- **Details of estate roads and footpaths**
- **Parking details, electric vehicle charging points and secure cycle storage in accordance with Suffolk Parking Standards**
- **Details of storage/presentation of refuse and recycling facilities**
- **Submission of a Construction Management Plan**
- **Provision of Fire Hydrants**
- **Archaeological Written Scheme of Investigation and post investigation assessment conditions**
- **Conditions as recommended by SCC as Lead Local Flood Authority**
- **Development capable of accommodating a 32 tonne Refuse Collection Vehicle**
- **Investigation/Assessment/Remediation of contaminated land**

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

- **Proactive working statement**
- **SCC Highways notes**
- **Anglian Water Informatives**
- **LLFA Informatives**
- **Land contamination advisory note**

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) 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 amendments to conditions and additional conditions and informative notes as agreed by Committee:

- **Amended S106 as per Suffolk County Council letter**
- **Additional condition requiring details shown on reserved matters submissions to be in accordance with the Parameter Plan (drawing no. EH-1000) and the layout to accord with the stand off zone and residential building line specified thereon**
- **Informative note for access through school to Early Years for pedestrian access**
- **Informative note to encourage provision of bungalows and compliance with M4(2)**

88 DC/22/02971 ROGER SKINNER LTD, QUEEN STREET, STRADBROKE, IP21 5HL

88.1 Item 7B

Application	DC/22/02971
Proposal	Planning Application - Erection of extension to existing factory facility to provide additional packing and storage space
Site Location	Roger Skinner Ltd, Queen Street, Stradbroke, IP21 5HL
Applicant	Roger Skinner Ltd

88.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the site location, the proposed site layout, the proposed parking plan, the plans and elevations of the proposed extension, and the Officer recommendation of approval as detailed in the report.

- 88.3 The Case Officer responded to questions from Members on issues including: the location of the proposed storage unit, any consideration given to the use of the roof space for power generation, and the proposed condition relating to a restriction in operating hours and which area of the site this related to.
- 88.4 Members considered the representation from Odile Wladon who spoke on behalf of Stradbroke Parish Council.
- 88.5 Members considered the representation from James Tanner who spoke as the Agent.
- 88.6 The Agent, and the Mr Skinner, the Applicant, responded to questions from Members on issues including: the attenuation basin and bund and whether it was raised above existing ground level, the installation of solar panels, any consideration given to the use of the roof space for power generation, potential flooding, and whether there would be any increase in production at the site following the expansion.
- 88.7 The Case Officer and the Chief Planning Officer responded to further questions from Members relating to the proposed limit to operating hours.
- 88.8 Members considered the representation from Councillor Anders Linder who spoke as the Ward Member.
- 88.9 Members debated the application on issues including: the condition relating to the restriction in operating hours, and the potential reduction in traffic movement.
- 88.10 Councillor Matthissen proposed that the application be approved with an amendment to the condition relating to working hours to apply to the application building and extended yard facility only.
- 88.11 Councillor Hadingham seconded the proposal.

By a unanimous vote

It was RESOLVED:

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:

- **Standard time limit.**
- **Approved Plans (Plans submitted that form this application).**
- **Use of the approved extension for storage and packing purposes only.**
- **Development to be undertaken in accordance with the ecological appraisal.**
- **Approval of a Biodiversity Enhancement Strategy.**
- **Approval of a Wildlife Sensitive Lighting Design Scheme.**
- **Approval of soft and hard landscaping schemes.**

- Approval of a Landscape Management Plan.
- Development implemented in accordance with the Flood Risk Assessment
- Submission of Drainage Verification Report
- Approval of Construction Surface Water Management Plan
- Approval for on-site foul water drainage works
- Agreement of a Construction Management Plan
- Control over the hours of construction of the development
- No plant and equipment installed on the application site without acoustic specification being previously approved by the LPA.
- Control over hours of activities and operations within the application building and working within the extended yard facility
- Mobile plant to be fitted with noise attenuated reversing alarms.
- Level of illumination of external lighting to be controlled.
- Conditions as may be recommended by Environmental Health Noise/Odour/Light/Smoke.
- Loading/Unloading/Manoeuvring/Parking areas and infrastructure to be provided before development brought into use.
- Construction Management Plan to be agreed.
- Provision of EV charging points and cycle parking to be agreed

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

- Proactive working statement
- SCC Highways notes
- Environmental Health Land Contamination
- Rights of way informatives
- Lead Local Flood Authority informatives
- Anglian Water Authority informatives

89 DC/22/01530 LAND AT WOODLANDS FARM, STOWMARKET ROAD, BADLEY, SUFFOLK

89.1 Item 7C

Application	DC/22/01530
Proposal	Full Planning Application - Installation of a solar array, associated infrastructure and construction of new vehicular access
Site Location	Land at Woodlands Farm, Stowmarket Road, Badley, Suffolk
Applicant	Elgin Energy EsCo Ltd

89.2 A break was taken from 12.17pm until 12.25pm, after application number DC/22/02971 and before the commencement of application number DC/22/01530.

- 89.3 The case officer introduced the application to the committee outlining the proposal before Members including: the location of the site, the site constraints, the location of the surrounding heritage assets, the agricultural land classification of the site, the indicative site layout, the proposed landscaping plans and the landscaping character assessment, the design and dimensions of the various solar farm equipment, the location of the existing public rights of way, and the officer recommendation of refusal as detailed in the report.
- 89.4 It was noted that the application site was partly in Onehouse Ward. As Ward Member for Onehouse, Councillor Matthissen advised he would take no further part in the debate and vote on the application, and did not participate in the rest of the meeting as a Member.
- 89.5 The Case Officer responded to questions from Members on issues including: the ancient monument, the proposed landscape mitigations plans, the public benefit of the application, the heritage harm, any guidance received from central government regarding the use of agricultural land for food and energy, and the lack of a noise assessment and whether this could be conditioned.
- 89.6 Members considered the representation from Fenella Blyth who spoke as a Supporter.
- 89.7 The Supporter responded to questions from Members on issues including: the area of land remaining as agricultural use, the proposed plans for screening of the panels, and the potential heritage harm.
- 89.8 Members considered the representation from Michelle Howley who spoke as the Applicant.
- 89.9 The Applicant responded to questions from Members on issues including: the advice received from Place Services and whether there was any scope to further reduce the distance between the panels and the heritage assets and the conservation area, the proposed landscaping plans, and the lack of a noise assessment.
- 89.10 The Case Officer provided clarification to Members that a completed noise assessment would be required prior to determination of the application to enable noise mitigation conditions to be applied.
- 89.11 Members debated the application on issues including: the lack of a noise assessment, the potential harm to the heritage assets and local landscape, the visual impact of the solar panels on the heritage assets, the number of objections from local residents and the Parish Council, the agricultural classification of the land, and the proposed plans for mitigation of potential heritage harm.
- 89.12 The Planning Lawyer and the Case Officer provided confirmation to Members of the determination of assessment of heritage harm.

89.13 Councillor Davies proposed the application be refused as detailed in the Officer recommendation.

89.14 Councillor Hardingham seconded the proposal.

By a vote of 6 votes for and 1 against

It was RESOLVED:

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

REASON(S) FOR REFUSAL – AMENITY

The proposal is contrary to Babergh and Mid Suffolk Joint Local Plan (2023) policies LP24 and LP25 and paragraph 130 of the NPPF as insufficient information has been submitted in respect of noise impacts.

The Local Planning Authority adopt a precautionary approach as insufficient information has been submitted to demonstrate that there would not be an unacceptable noise impact on residential amenity arising from ancillary equipment associated with solar PV panels. No noise assessment has been submitted to evidence and demonstrate that there would not be an unacceptable impact. In the absence of such noise assessment, it cannot be demonstrated that the proposal would not have a significant impact on the current residential amenity of neighbouring properties. Moreover, this matter cannot be dealt with via condition as the results of such assessment could result in an unimplementable permission.

REASON(S) FOR REFUSAL - HERITAGE HARM

The proposal is contrary to Babergh and Mid Suffolk Joint Local Plan (2023) policies LP19 and LP25 and paragraph 202 of the NPPF as the proposal would cause a medium to high level of less than substantial harm to the nearby designated heritage assets, notably those contained within the Badley Hall complex. This harm is not considered to be outweighed by sufficient public benefit. The proposed solar array would result in development of agricultural land within the setting of Grade I listed Church of St Mary's, Grade II* listed Badley Hall, Grade II listed Woodland Farmhouse and the Badley Conservation Area which contains Grade I Listed Church of St Mary, the Grade II* Listed Dovecote, Grade II* Listed barn, Grade II Listed Bakehouse, and the site of the Chantry, a Scheduled Ancient Monument. The proposal would detrimentally alter the undeveloped agrarian landscape which contributes to the significance of the aforementioned designated heritage assets. The proposal would harm the significance of the assets arising from development within their setting, and would alter the way they are experienced from the Public Rights of Way network. In accordance with paragraph 202 of the NPPF, the proposal offers significant public benefits when viewed in the wider context of the district. The Council has permitted other solar schemes which generate substantially more solar power and are less harmful to fewer designated

heritage assets than this proposal. The proposal's contribution to reducing carbon emissions, mitigating climate change and improving energy security is not considered to be substantial enough to outweigh the medium to high level of less than substantial harm to the numerous aforementioned designated heritage assets.

Note (20.12.2023): The reason noted above was as presented to Members but was later confirmed to include an inaccuracy. The Council cannot determine solar schemes larger than 49.9mW. The reason was amended, in agreement with the Chief Planning Officer, prior to issue as follows:

In accordance with paragraph 202 of the NPPF, the proposal offers significant public benefits when viewed in the wider context of the district. The Council has permitted other solar schemes which are less harmful to fewer designated heritage assets than this proposal. The proposal's contribution to reducing carbon emissions, mitigating climate change, and improving energy security is not considered to be substantial enough to outweigh the medium to high level of less than substantial harm to the numerous aforementioned designated heritage assets.

90 SITE INSPECTION

90.1 There were no requests for site inspections.

The business of the meeting was concluded at 1.24 pm.

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Chair