

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MID SUFFOLK PLANNING REFERRALS COMMITTEE** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Wednesday, 11 April 2018 -14:30

### **PRESENT:**

Councillor: Matthew Hicks (Chair)

Councillors:	Roy Barker	Gerard Brewster
	Michael Burke	David Burn
	John Field	Julie Flatman
	Jessica Fleming	Kathie Guthrie
	Lavinia Hadingham	Diana Kearsley
	Anne Killet	Sarah Mansel
	Wendy Marchant	Lesley Mayes
	Derek Osborne	Jane Storey
	Keith Welham	David Whybrow

### **Ward Members:**

Councillors: James Caston  
John Whitehead

### **In attendance:**

Area Planning Manager (JPG)

Corporate Manager- Growth and Sustainable Planning (PI)

Planning Lawyer (IDP)

Governance Support Officer (RC)

### **71 APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

None received

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

Councillor David Whybrow declared a non-pecuniary interest in applications 4489/16 and 4491/16 as he was associated with some of the construction consultation advice linked to Suffolk County Council.

Councillor John Field declared a non-pecuniary interest in application DC/17/03074 as the County Councillor for the area.

Councillor Field also declared that he had been involved with an enquiry associated with a previous application related to DC/17/03074 and chose to not take part in the proceedings of said application.

**73 DECLARATIONS OF LOBBYING**

All Members declared that they had been lobbied on all of the applications before the committee.

**74 DECLARATIONS OF PERSONAL SITE VISITS**

Councillors Kathie Guthrie and David Burn declared personal site visits to application DC/17/03074.

**75 RF/17/15 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 14 MARCH 2018**

It was resolved that the Minutes of the meeting from 14 March 2018 were confirmed and signed as a true record.

**76 NOTIFICATION OF PETITIONS**

None received

**77 RF/17/16 SCHEDULE OF APPLICATIONS**

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

<b>Application Number</b>	<b>Representations From</b>
DC/17/03074	Rod Caird (Parish Council) Sue Cosford (Objector) Claire Smith (Supporter) Neil Ward (Agent) Roy Hammond (Applicant)
4489/16	John Guyler (Parish Council) Helen Geake (Objector) Nick Fairman (Applicant)
4491/16	John Guyler (Parish Council)

**77.1 Item 1**

Application Proposal	DC/17/03074 Planning Application- Change of use of existing public house to residential dwelling including removal of part of existing car park (revised application following refusal of Application 3349/15).
Site Location	The Cross Keys Inn, Main Road, Henley, Ipswich, Suffolk, IP6 0QP
Applicant	Fernwick Ltd

77.2 Councillor John Field left the meeting before the commencement of application DC/17/03074.

77.3 The Corporate Manager – Growth and Sustainable Planning outlined the history of previous planning applications, decisions, Planning Inspectorate appeals, Tribunal ruling and the weight of the aforementioned material considerations. The Corporate Manager and Planning lawyer clarified to the Committee the impact of the ruling and the Planning Inspectorate’s decision.

77.4 The Case Officer presented the application to the Committee.

77.5 The Case Officer and Corporate Manager responded to Members’ questions including: the sustainability of the proposal, their interpretation of NPPF policies and the listing of the pub as an Asset of Community Value (ACV) and the subsequent removal of said listing.

77.6 Members considered the representations from the Parish Council, Objector, Supporter, Agent, Applicant and Ward Members.

77.7 Public speakers responded to Members questions including: the marketing of the property, possible diversity of business within the establishment, and previous planning applications on the site.

77.8 Members debated the application on the issues including: the possibility of a viable business and that many public houses were closing.

77.9 Councillor Diana Kearsley proposed that the application be refused.

77.10 Councillor David Whybrow proposed that the application be approved as detailed in the Officer Recommendation. Councillor Michael Burke Seconded the proposal for approval from David Whybrow.

77.11 By 5 votes to 12

77.12 The Motion for approval was lost.

77.13 Councillor Diana Kearsley proposed that the application be refused and was seconded by Councillor Roy Barker.

77.14 By 12 votes to 5

77.15 **RESOLVED**

**Refuse planning permission contrary to officer recommendation:  
Notwithstanding the extended period of marketing, the reduction in price and the removal of the asset from the list of Assets of Community Value it is considered that the use as a public house has the potential to be a valued local facility which would be able to meet the day to day and future needs of the community including future housing growth in the locality. Notwithstanding the previous appeal decision and tribunal findings the local**

planning authority do not consider that reasonable efforts have been taken to maintain a viable business. On that basis the proposed change of use would be contrary to the principles of paragraph 28 and 70 of the National Planning Policy Framework and contrary to the principles of paragraph 5.4 of the adopted Supplementary Planning Guidance for the Retention of Shops, Post Offices and Public Houses in Villages having regard to the continued strong evidence of community support for the retention of the use and would accordingly be contrary to policy E6 of the adopted 1998 Mid Suffolk Local Plan.

77.16 Item 2

Application Proposal	4489/16 Application for Outline Planning Permission with all matters reserved, except for access, for the erection of up to 79 dwellings.
Site Location Applicant	Land North of Old Stowmarket Road, Woolpit, IP30 9QS New Hall Properties (Eastern) Ltd

77.17 Councillor John Field and Councillor Gerard Brewster joined the meeting after the conclusion of application DC/17/03074 and before the commencement of 4489/16.

77.18 Councillor Diana Kearsley left the meeting after the conclusion of application DC/17/03074 at 16:40.

77.19 The Case Officer presented the application to the Committee and outlining the contents of the late papers including a response from Mid Suffolk District Councils Environmental Health Team stating that they did not object.

77.20 The Case Officer responded to Members questions on issues including: the proposed 3 metre fencing, the red line plan of the site and the principle of the development being linked to application 4491/16.

77.21 Members considered the representations from the Parish Council, Objector, Applicant and Ward Member. The Public speakers responded to Members questions including: the importance of the scheduled ancient monument of Lady's well, the grading of the land, and the proximity to a nearby container haulage site.

77.22 Members debated the application on the issues including: the density of the proposal, the proposed number of houses, the late paper response from environmental health, the proximity to the scheduled ancient monument.

77.23 Councillor Jessica Fleming proposed that the application be refused and was seconded by Councillor Sarah Mansel.

77.24 By 16 votes to 0 with 1 abstention.

77.25 **RESOLVED**

**1. The proposed development would deliver up to 79 dwellings in a suburban form and disposition as seen against the western edge of arable land and on the eastern edge of the village. The development would adversely affect the significance of the church and the Scheduled Ancient Monument (SAM). The development would cause less than substantial harm to the setting of the Grade 1 listed church and the adjacent Conservation Area at a “low to moderate” level of harm. The development would cause less than substantial harm to the SAM at a “moderate to high” level of harm.**

**Notwithstanding the delivery of up to 79 dwellings it is considered that the less than substantial harm to these heritage assets is of such concern that the potential public benefit in delivery of new homes would not outweigh that consideration. It is moreover considered that a development of up to 79 dwellings would represent an unacceptable overdevelopment on the land at an inappropriate density.**

**On this basis the proposal would be unacceptable having regard to the National Planning Policy Framework paragraphs 131,132 and 133. The development would moreover fail to conserve and enhance the local character of this part of the District or safeguard local distinctiveness contrary to policy FC1.1 of the Core Strategy Focused Review and contrary to policy CS5 of the adopted Core Strategy.**

**2. Having regard to the relationship of the site to the adjacent commercial property to the north, it is considered that the development will fail to safeguard a good standard of amenity for future occupants. On that basis the proposed development would be unacceptable having regard to paragraph 17 NPPF and contrary to policy FC1.1 of the CSFR in 2012 to improve environmental conditions for those future residents.**

77.26 Item 3

Application	4491/16
Proposal	Change of use from agriculture to open space including a surface water management scheme and wildlife enhancement area.
Site Location	Land North of Old Stowmarket Road, Woolpit, IP30 9QS
Applicant	New Hall Properties (Eastern) Ltd

77.27 Councillor Keith Welham left the meeting at 18:36 after the conclusion of application 4489/16 and before the commencement of application 4431/16.

77.28 The Case Officer presented the application to the Committee.

77.29 The Case Officer responded to Members questions on issues including: the heritage concerns regarding the scheduled ancient monument, and the proposed sites for ponds.

77.30 Members considered the representations from the Parish Council and Ward Member.

77.31 Members debated the application on the issues including: the impact on the scheduled ancient monument, the proposal for the public open space being incongruous to the area and concerns on the possible hydrology impacts on the Lady's Well.

77.32 Councillor Kathie Guthrie proposed that the application be refused and was seconded by Councillor Jessica Fleming.

77.33 By 15 votes to 1

**77.34 RESOLVED**

**The proposed open space would not constitute a positive creation of open space and would undermine the relative isolation of the Scheduled Ancient Monument (SAM) at the edge of the village in a rural agricultural landscape, moreover creating inappropriate water features, which would cause less than substantial harm to the SAM at a moderate to high level of harm. Notwithstanding the delivery of open space associated with an adjacent residential development it is considered that the less than substantial harm is not outweighed by any potential public benefit. The scheme moreover fails to provide appropriate hydrological details in order to properly evaluate the physical impact upon the SAM of changes in hydrology by the creation of surface water management areas. On this basis the proposal would be unacceptable having regard to NPPF paragraph 13, 132 and 133 and contrary to policy FC1.1 of the Core Strategy Focused Review and CS 5 of the Core Strategy by reason of failing to conserve or enhance the locality.**

The business of the meeting was concluded at 6.53 pm.

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Chairman