

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING REFERRALS COMMITTEE** held in the Virtual Teams Meeting on Wednesday, 27 January 2021 – 09:30

PRESENT:

Councillor: Kathie Guthrie (Chair)

Councillors:	James Caston	Rachel Eburne
	John Field	Barry Humphreys MBE
	Sarah Mansel	John Matthissen
	Andrew Mellen	Richard Meyer
	David Muller BA (Open) MCMI	Mike Norris
	RAFA (Councillor)	
	Andrew Stringer	Rowland Warboys

Ward Member(s):

Councillors: John Whitehead

In attendance:

Officers: Chief Planning Officer (PI)
Principal Planning Officer (JH)
Planning Lawyer (IDP)
Governance Officer (RC)

1 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

Apologies for absence were received from Councillors Peter Gould, Matthew Hicks, and Tim Passmore.

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

Councillor James Caston declared a Local Non-Pecuniary interest in application 1856/17 as he knew the landowner as a friend and in the interests of transparency would not be take part in the consideration of the application.

Councillor Andrew Mellen declared a Local Non-Pecuniary interest in application DC/18/00861 as he was a Church Warden for the diocese making who owned the land. The Planning Lawyer advised Councillor Mellen that this would not prohibit him from taking part in the decision making process.

Councillor John Field declared a Local Non-Pecuniary interest in applications 1856/17 and DC/18/00861 as he was the County Councillor for the area and as a

Trustee of the Felix Thornley Cobbold Agricultural Trust.

Councillor Sarah Mansel declared a Local Non-Pecuniary interest as she had undertaken informal discussions regarding the sustainability of the proposed dwellings.

3 DECLARATIONS OF LOBBYING

Councillors Eburne, Caston, Matthissen, Warboys, Muller, Guthrie, Mellen and Mansel declared that they had been lobbied on application 1856/17

Councillors Norris and Field declared that they had been lobbied on application 1856/17 & DC/18/00861.

4 DECLARATIONS OF PERSONAL SITE VISITS

Councillor Sarah Mansel declared a personal site visit for application DC/18/00861 and the surrounding area.

Councillor John Field declared that he had visited applications 1856/17 and DC/18/00861 in his role as the County Councillor.

Councillor James Caston declared a personal site visit for application DC/18/00861.

5 RF/20/1 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 12 AUGUST 2020

It was Resolved that the minutes of the meeting held on the 12 August 2020 were confirmed as a true record.

6 RF/20/2 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2020

It was Resolved that the Minutes of the meeting held on the 16 September 2020 were confirmed as a true record.

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

None received.

8 RF/20/3 SCHEDULE OF PLANNING APPLICATIONS

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

Application Number	Representations From
1856/17	Chris Pattison (Parish Council) Jeremey Lea (Objector) Simon Butler-Finbow (Agent) Cllr Tim Passmore (Ward Member) via email Cllr John Whitehead (Ward Member)
DC/18/00861	Richard Scott (Agent)

9 1856/17 LAND NORTH WEST OF, CHURCH LANE, BARHAM, SUFFOLK

9.1 Item 8A

Application Proposal	1856/17 Outline planning application (with all matters reserved except for access and spine road) for 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, doctors surgery site, amenity space including an extension to the church grounds, reserved site for pre-school and primary school and all other works and infrastructure (amended description).
Site Location Applicant	BARHAM- Land North West of, Church Lane, Barham, Suffolk Pigeon investment management Ltd and Mr John Cutting

9.2 Prior to the commencement of the application Councillor James Caston left the meeting for application 1856/17 only.

9.3 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, the previous resolution of the committee, the contents of the tabled papers, and the officer recommendation of approval.

9.4 It was noted during the Case Officers presentation that a two minutes silence was observed at 11:00 for Holocaust Memorial Day.

9.5 A short comfort break was taken between 11:09- 11:14.

9.6 The Case Officer and Senior Development Management officer responded to Members' questions on issues including: the proposed highways changes, any possible congestion created by the development, and the Transport assessment for the proposal.

9.7 The Development Contributions Manager responded to Members' questions on issues including: the schooling requirement in the area and the level of growth that had been identified in the area.

9.8 The Case Officer responded to further questions from Members on issues including: the access points for the site and the associated visibility splays, and any loss of hedgerow as a result, the storey height of any proposed dwellings,

cycling provision and pathways in the area, CIL funding that would be generated from the proposal, that the meadow was not public land but that there would not be a physical boundary or fence surrounding it, and the correspondence with the Church.

- 9.9 Members considered the representation from Chris Pattison of Barham Parish Council.
- 9.10 The Parish Council representative responded to Members' questions on issues including: the proposed meadow, whether any other sites in the parish had been considered, the number of dwellings in the parish, and the results of a household survey that had been conducted.
- 9.11 Members considered the representation from Jeremy Lea who spoke as an objector.
- 9.12 The Objector responded to Members' questions on issues including the response received from the Church, and proposed funds allocated in the S106 agreement.
- 9.13 Members considered the representation from Simon Butler-Finbow who spoke as the Agent.
- 9.14 The Agent responded to Members questions on issues including: the pre-school and primary school site, the market mix of proposed housing, pedestrian and cycle links to the site, the attenuation pond, the proposed meadow, and the detailed design of the buildings being submitted through reserved matters.
- 9.15 Members considered the written representation from Councillor Tim Passmore which was read out by the Chair.
- 9.16 Members considered the representation from Councillor John Whitehead, Ward Member, who spoke against the application.
- 9.17 The Chief Planning Officer, Case Officer and Professional Lead – Key Sites and Infrastructure Delivery Manager responded to Members' questions on issues including: that the Council had received advice from the Clinical Commissioning Group (CCG) and that Community Infrastructure Levy (CIL) bids were a Cabinet Decision.
- 9.18 Members debated the application on the issues including: the representation from the parish council, the village green, the ecology response and impact including the proposed meadow, the allocation in the Draft Joint Local Plan, the sustainability of the site, public transport links, archaeological issues, the impact on the A14 junction, the orientation of the proposed dwellings, the loss of existing hedges and vegetation, and the links for the pedestrians and cyclists.
- 9.19 Members continued to debate the application on the issues including: the

impact on healthcare provision, the proposed use of the land including for schooling provision, and the impact of the development on the local community.

9.20 Councillor Dave Muller proposed that the application be approved as detailed in the officer recommendation with the additional condition as follows:

Design Code S106 obligation

- Prior to the submission of the first Reserved Matter a Design Code shall be submitted to the Local Planning Authority (LPA) for agreement.
- Prior to the submission of the design code a programme of community engagement on that Code which shall itself have been the subject of consultation with Claydon and Barham's Parish Council's shall be submitted to the LPA for agreement.
- The Design Code shall demonstrate the foreseeable reduction in Carbon emissions which the proposed design will enable and the measures which are expected to optimise opportunities for sustainable travel including walking, cycling and public transport.
- The Design Code shall establish a design approach for the site and the Reserved Matters having regard to the expectation for good design and planning for climate change in the NPPF 2019 and in particular those measures taken to ensure that development delivers sustainable development, create better places in which to live and work and help make the development acceptable to present and future communities.
- Secure cycle parking in S106 agreement for car park proposed within church grounds extension.
- Ensure proposed market housing mix condition includes requirement for market housing mix to be in broad compliance with the indicative housing mix set out in paragraph 9.4 of the committee report, unless housing market needs evidence is submitted to indicate otherwise.

9.21 Councillor Barry Humphreys seconded the motion.

9.22 By 8 votes to 4.

9.23 **RESOLVED**

That the application is GRANTED planning permission and includes the following conditions:-

(1) 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 to secure:

- Affordable housing

- o This shall include not less than 35% of total dwellings
- o Properties must be built to current Homes England requirements and NDSS 2015 and Lifetime-Homes standards
- o The council is granted 100% nomination rights to all the affordable units on first lets and 75% on subsequent lets.
- o The affordable units will be built out in phases across the development to be agreed at Reserved Matters stage if the outline application is approved. The indicative plan showing the location of the affordable homes is seen as acceptable with dwellings distributed across the site.
- o Shared Ownership units to a maximum initial share purchase threshold to be agreed through S106
- o Affordable housing units must be transferred freehold to an approved RP or to the district Council.
- o Where there are more than 15 affordable units, they should not be located in clusters of more than 15 units.
- o Adequate parking provision is made for the affordable housing units

- On site open space and includes management of the space to be agreed and requirement for public access at all times.

- Providing land and contribution to Church within their extended grounds - £60,000 (for info provisions of laying of carpark, access route to/from church, footpath link relating to archaeology will be covered by planning condition)

- Recreational Access Disturbance Mitigation Strategy contribution - £121.89 per dwelling

- Primary school build cost - £1,353,528

- Primary school land contribution - £77,682

- Securing site for primary school

- Improvements to Church Lane Claydon/Norwich Road junction and Station Road/Norwich Road junction; Financial contribution toward transport improvements in the village to encourage walking and cycling, safer routes to school and improve safety for pedestrians and cyclists; and Norwich Road extension of Speed Limit on Norwich Road. The total cost of these works are estimated at £98,250 to be apportioned between this and Norwich Road application (reference 18/00861).

- Travel Plan Travel Plan Evaluation and Support Contribution - £1,000 per annum from occupation of the 100th dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is the longest duration.

- Public Rights of Way improvements £115,500

- Protect land for potential doctor's surgery/community use for period of time before releasing to other uses (i.e. residential) if not successfully taken up

(2) That the Chief Planning Officer be authorised to APPROVE 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:

- Reduced outline time limit
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL).
- Design code
- Market housing mix prior to or concurrent with reserved matters to be agreed
- Landscaping conditions including advance planting (before commencement of construction), landscape management plan and landscaping scheme
- Tree protection
- SuDS implementation, management and maintenance plans
- Ecology protection, mitigation and enhancement measures including follow-up badger survey, Skylark mitigation, wildlife sensitive lighting scheme, Swift boxes and hedgehog fencing
- Level access to enable wheelchair access for all dwellings/buildings
- Used Water Sewerage Network – phasing plan, foul water strategy and Surface Water Disposal (Anglian Water)
- Access route to/from church and footpath link
- Programme of archaeological works
- Management Plan for the Preservation of Archaeological Features in specified area – no dig/build up and no ground disturbance. No groundworks (including ploughing, site stripping, landscaping, planting, services, fencing, attenuation or machinery movement) to protect in-situ archaeological remains
- Highways conditions including; Visibility splays, Travel Plan, Road Safety Audits, manoeuvring and parking details (including electric vehicle charging points and cycle storage), details of estate roads, surface water disposal from highway, refuse/recycling bin details, Construction Environment Management Plan
- Landscaping including proposed tree planting and landscaping, including locations and root management (relating to highways)
- Surface water drainage scheme including maintenance and management, construction surface water management plan and inclusion of SuDS components on Lead Local Flood Authority's Flood Risk Asset Register
- Noise mitigation from A14
- Hours of use and deliveries for class E and D2 uses
- Details of any plant, equipment or machinery on non-residential uses
- Land contamination
- Service ducting for broadband
- Fire hydrants
- Energy and renewable integration scheme
- Rainwater harvesting
- Land contamination investigation and remediation
- Arboricultural method statement and tree protection plan
- Minerals extraction recording

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

- Pro active working statement
- SCC Highways: offence to carry out works in public highway
- SCC Highways: Section 38 agreement required relating to construction and adoption of Estate Roads.
- SCC Highways: existing street lighting system, contact SCC
- Public Rights of Way - notes reminding of legal requirements protecting rights of way - Anglian Water assets
- Connection to public sewer requires consent under S106 of the Water Industry Act 1991 - Works to a water course may require consent under the Land Drainage Act - Discharge to a watercourse or groundwater needs to comply with Water Environment (Water Framework Directive) Regulations 2003
- Discharge to watercourse that drains into an Internal Drainage Board catchment may require a contribution

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

Additional Conditions:

Design Code S106 obligation

- Prior to the submission of the first Reserved Matter a Design Code shall be submitted to the Local Planning Authority (LPA) for agreement.
- Prior to the submission of the design code a programme of community engagement on that Code which shall itself have been the subject of consultation with Claydon and Barham's Parish Council's shall be submitted to the LPA for agreement.
- The Design Code shall demonstrate the foreseeable reduction in Carbon emissions which the proposed design will enable and the measures which are expected to optimise opportunities for sustainable travel including walking, cycling and public transport.
- The Design Code shall establish a design approach for the site and the Reserved Matters having regard to the expectation for good design and planning for climate change in the NPPF 2019 and in particular those measures taken to ensure that development delivers sustainable development, create better places in which to live and work and help make the development acceptable to present and future communities.
- Secure cycle parking in S106 agreement for car park proposed within church grounds extension.

Ensure proposed market housing mix condition includes requirement for

market housing mix to be in broad compliance with the indicative housing mix set out in paragraph 9.4 of the committee report, unless housing market needs evidence is submitted to indicate otherwise.

10 DC/18/00861 LAND TO THE EAST OF, ELY ROAD, CLAYDON, SUFFOLK

10.1 A lunch break was taken between 13:50- 14:20 after the completion of 1856/17 but before the commencement of DC/18/00861.

10.2 It was noted that during the break Councillor Andrew Stringer left the meeting and Councillor James Caston re-joined the Committee following the completion of application 1856/17.

10.3 Item 8B

Application	DC/18/00861
Proposal	Outline Planning Application (with means of access to be considered) – erection of up to 73 dwellings, public open space and supporting site infrastructure including access.
Site Location	Land to the East of, Ely Road, Claydon, Suffolk
Applicant	M.Scott Properties Ltd, The St Edmundsbury & Ipswich Diocese

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

10.5 The Case Officer responded to Members' questions on issues including: the proposed parameter plan and the pedestrian access to the site, the vehicular access to the site, and that strategic housing had been consulted, that the housing mix could be secured.

10.6 Councillor John Field declared a Local Non-Pecuniary interest in the application under discussion as he was a Governor at Claydon Primary School.

10.7 The Case Officer responded to further questions from Members on issues including: the surface of the slade pathway, the access on Ely road, street parking in the surrounding area, whether the height of dwellings could be restricted, the accessibility of the dwellings, landscaping on site, the impact on neighbourhood amenity for existing residents, the allocation of the site within the Draft Joint Local Plan, and that construction traffic would use Ely Road.

10.8 Members considered the representation from Richard Scott who spoke as the Applicant.

10.9 The Applicant responded to Members questions on issues including: the number of proposed bungalows on site.

10.10 Members considered the representation from the Ward Member, Councillor John Whitehead who spoke against the application.

- 10.11 The Ward Member responded to Members questions on issues including: the routes of vehicles from the proposed estate to the nearest shops and wider transport connections, that the village did not have a neighbourhood plan and that the walkway across the site was not a public right of way.
- 10.12 Members debated the application on the issues including: the number of proposed dwellings on site, the access to the site, the housing mix on the site, the proposed landscape buffer, the traffic issues that would be caused by the site, and the route of construction traffic.
- 10.13 The Chief Planning Officer responded to a question raised earlier from Cllr Matthissen regarding M4(2) and M4(3) buildings and that the district was moving towards the Joint Local Plan which would require 50% being of that class however there was not any policy to support this but that a scheme for the provision of accessible and adaptable dwellings under M4(2) to be submitted with the reserved matters.
- 10.14 Members continued to debate the application on the issues including: the accessibility of local facilities and shops, the restriction of deliveries to be outside of school hours, the pedestrian connectivity of the proposal, and the levels of the site compared to the immediate area, and the density of the site.
- 10.15 The Chief Planning Officer advised Members that if there were concerns regarding the application then unacceptable harm would need to be identified for any defensible refusal.
- 10.16 Members continued to debate the application on the issues including: the land ownership of the site, the weight of the Draft Joint Local Plan.
- 10.17 The Chief Planning Officer advised Members that access to the proposed site and the options that were available to the committee as well as its impact on residential amenity and ecology.
- 10.18 Councillor John Matthissen proposed that the application be refused for the reasons as follows:
- H16 Loss of amenity and the effect on local residents through noise activity and disturbance and traffic fumes
 - Harm to the landscape character.
- 10.19 Councillor Rowland Warboys seconded the motion.
- 10.20 The Case Officer responded to Members questions on the response from Place Services that there was no objection from them and then provided information on the density of the site in the surrounding area.
- 10.21 A short break was taken to allow the Chief Planning Officer and Case Officer to confirm wording for the refusal as proposed.
- 10.22 The Chief Planning Officer advised the proposer and seconder of the following wording as follows:

- That the proposed development would not represent good design and result in short term construction traffic and long term traffic associated with future residential occupation of the site. This traffic which will be reliant upon the access through existing road network within the adjacent residential area would have a material detrimental impact upon that adjacent residential area reducing its amenity by reason of noise, activity and traffic fumes contrary to the Local Plan policy H16 of the 1998 Local Plan and paragraphs 124 and 127 of the NPPF (2019) which requires a high standard of amenity for existing and future users.

10.23 The Proposer and seconder agreed with the wording as read out by the Chief Planning Officer.

10.24 Members continued to debate the application on the issues including: the Draft Joint Local Plan and its allocation, the safety of future residents, the number of accesses to the allocation site.

10.25 The Case Officer provided further information to the Committee on an approved site to the south of the current application.

10.26 Members debated the possibility of a minded to refuse decision taking into account the new information of the southern site and the density of the site.

10.27 Following debate on the benefits of this the proposer, in agreement with the seconder agreed to change their proposal as follows:

That the Committee are minded to refuse application DC/18/00861 for the following reason:

That the proposed development would not represent good design and result in short term construction traffic and long term traffic associated with future residential occupation of the site. This traffic which will be reliant upon the access through existing road network within the adjacent residential area would have a material detrimental impact upon that adjacent residential area reducing its amenity by reason of noise, activity and traffic fumes contrary to the Local Plan policy H16 of the 1998 Local Plan and paragraphs 124 and 127 of the NPPF (2019) which requires a high standard of amenity for existing and future users.

And

That the Committee instruct officers to negotiate a lesser density of development.

10.28 Members continued to debate the application on the issues including: the allocation in the Draft Joint Local Plan, the information on the approved site to the south of the proposal, and the loss of residential amenity through overlooking, the proposed landscape buffer.

10.29 By 10 votes to 0 with 1 abstention.

10.30 **RESOLVED**

That the Committee are minded to refuse application DC/18/00861 for the following reason:

That the proposed development would not represent good design and result in short term construction traffic and long term traffic associated with future residential occupation of the site. This traffic which will be reliant upon the access through existing road network within the adjacent residential area would have a material detrimental impact upon that adjacent residential area reducing its amenity by reason of noise, activity and traffic fumes contrary to the Local Plan policy H16 of the 1998 Local Plan and paragraphs 124 and 127 of the NPPF (2019) which requires a high standard of amenity for existing and future users.

And

That the Committee instruct officers to negotiate a lesser density of development.

The business of the meeting was concluded at 5.15 pm.

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Chair