

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the Meeting of the **MID SUFFOLK DEVELOPMENT CONTROL COMMITTEE B** held at the Council Chamber, Mid Suffolk District Council Offices, High Street, Needham Market on Wednesday, 9 August 2017

### **PRESENT:**

Councillor Kathie Guthrie – Chairman

Councillors:	Roy Barker	Michael Burke
	Julie Flatman	Barry Humphreys MBE
	Wendy Marchant	Derek Osborne
	Jane Storey	Keith Welham

### **Ward Members:**

Councillors: Dave Muller  
John Levantis  
Sarah Mansel

### **In attendance:**

Corporate Manager – Planning and Sustainable Growth (PI)  
Development Management Planning Officer (RB/JP)  
Legal Business Partner (IdeP)  
Governance Support Officer (VL/RC)

#### 10 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

Apologies were received from Councillor Jessica Fleming.

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

Councillors Roy Barker and Jane Storey declared a non-pecuniary interest in application 4909/16 as they both knew the land owner and Councillor Storey was also the County Councillor for the area.

#### 12 **DECLARATIONS OF LOBBYING**

It was noted that Members had been lobbied on application 4909/16 when it had been before the Committee on 12 July 2017.

#### 13 **DECLARATIONS OF PERSONAL SITE VISITS**

It was noted that Councillors Keith Welham and Derek Osborne had undertaken personal site visits on application 4555/16.

#### 14 **SA/17/6 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 12**

## **JULY 2017**

The minutes of the meeting held on the 12 July 2017 were confirmed as a correct record.

### 15 **SA/17/7 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 19 JULY 2017**

The minutes of the meeting held on the 19 July 2017 were confirmed as a correct record subject to an amendment to page 3 paragraph 6 to replace "Community Investment Levy" with "Community Infrastructure Levy."

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

None received.

### 17 **SA/17/8 SCHEDULE OF PLANNING APPLICATIONS**

#### **Schedule of Planning Applications**

<b>Application Number</b>	<b>Representations from</b>
4555/16	Martin Ingham (Applicant)
0195/16	Ray Studd (Stowupland Parish Council) Jackie Ward (Objector)
5024/16	Ray Studd (Stowupland Parish Council) Jackie Ward (Objector)
4909/16	Peter Dow (Elmswell Parish Council) Paul Peachey (Objector) Nicky Parsons (Applicant) Rob Evans (Transport Consultant)

#### Item 1

Application	4555/16
Proposal	Erection of 143 dwellings and 15 Class B1 units
Site Location	<b>STOWMARKET</b> – Phases 3A &3C Cedars Park, Land South of Gun Cotton Way, Stowmarket
Applicant	Mr Haydon

The Case Officer notified Members that the independent noise assessment submitted in the tabled papers took into account the application on the adjacent site and that the Environmental Health Officer had no further concerns. She also confirmed that the car parking provision was in excess of the adopted parking standards requirement and that the applicant was Lansbury Developments Ltd and not as stated in the report. It was noted that the recommended conditions were amended to remove 'Submission of Reserved Matters' as it was a Full planning application.

In response to Members' questions she advised:

- Site 3(a) density 34 per hectare / Site 3 (b) density 22 per hectare
- Proposed affordable housing provision – 19.5%
- Acoustic fencing had no breaks
- Odour assessment diagram showed 3 years data.

Martin Ingham, the applicant advised that as there was potentially a noise source from the adjoining Tomo Industrial Estate an acoustic fence would be erected along the entire boundary with no breaks. The second odour pattern diagram started the dark contour at odour rating 10, which was 'bad odour' and this was where the commercial units would be sited. He clarified that the two sites had been included in one application as it was a variation from previous approved employment use as although efforts had been made to over a number of years it had proved difficult to attract tenants. A combination of commercial and residential was now seen as the best and most sustainable use for the sites.

Councillor Barry Humphreys MBE, Ward Member, said he appreciated that market trends changed and he would support the change of use to residential if the site was elsewhere but he had grave concerns regarding the odour nuisance suffered in that location. The predominant wind was south westerly and the odour model over three years gave no indication of weather patterns and he felt it was necessary to see this in order to get a real model of the odour pattern. There had been many complaints from local residents to Anglian Water about the sewage treatment plant but little had been done to rectify the problem.

Councillor Dave Muller, Ward Member, said that he lived on the estate and was aware that the smell was worse than ever before and complaints were being received from further away than before. He would have been able to support the change of use to residential if not for this but he felt that occupiers would not be able to open windows or sit in the garden due to the bad odour.

Members felt the proposal was generally acceptable regarding layout and design but expressed concerns regarding the proposed three storey building in the odour zone, which was also extremely close to the industrial estate. It was felt that further modelling of the odour pattern to include weather patterns was required to help establish the effect on residential amenity. A motion to defer the application for further information was proposed and seconded.

By a unanimous vote

**Decision** – Defer application to seek further information to ensure that the proposed dwellings would not experience an unacceptable level of residential amenity having regard to potential odour issues from the adjacent sewage works to include prediction of the odour plume pattern with relevant development in Phase 3B modelled

Item 2

Application	0195/16
Proposal	Outline application for residential development of up to 58 dwellings and a new vehicular access off the B1115. All matters to be reserved with the exception of the main site

Site Location	access <b>STOWUPLAND</b> – Land West of Thorney Green Road, Stowupland
Applicant	New Hall Properties (Eastern) Ltd

The Case Officer advised that reference to a consultation response from Suffolk Constabulary in the report related to application 5024/16. In response to Members' questions he confirmed that the Gladman Developments site in the village was providing 35% affordable housing, the site was high quality agricultural land and this site was closer to Stowmarket than application 5024/16.

Ray Studd, said that the Parish Council objections were documented in the consultation response. The two major concerns were the potential overwhelming increase in population and the closing of the gap between the village and Stowmarket. The Gladman Developments site would increase the population by 20% and if this application was approved this would rise to 26%, with approval of other proposals in the pipeline seeing a 40% rise. Although the village accepted development would happen this needed to be in a planned way as this increase would totally change the village. If this site was developed the gap between the village and Stowmarket would be closed and Stowupland would lose its separation and identity. The Planning Inspector's report re the Gladman site had stressed the importance of the separation and the countryside position of the village giving it a separate identity. The views across the Gipping Valley would also be lost. Further concerns were the access to the B1115 which would be on a gradient and crossed a designated pedestrian/cycle route to the school.

Jackie Ward, an objector said that the responses to the Neighbourhood Plan questionnaires showed how strongly the village nature was treasured and the separation maintained. Residents were not against development, but against badly located development, and it was essential that this site remained open field to maintain the village identity and character. The Stowmarket Area Action Plan (SAAP) had recognised the importance of the character of villages and the need for the separation by open farmland from Stowmarket. Further concerns were the loss of the view across the valley, impact on infrastructure, removal of trees and hedgerow, adverse impact of the access, increased traffic and the impact on existing junctions, access to the B1115, safety of pedestrians using the route to school and loss of Grade 2 agricultural land.

Councillor Keith Welham, Ward Member, said that there were many reasons to refuse the application as outlined by the Parish Council and the objector. Although the Council did not have a five year land supply the relevant Local Plan policies should be given the same weight as if it did and paragraph 642 of the SAAP stressed the importance of maintaining separation. Sustainability was an issue as residents would be likely to use a car to access facilities in Stowmarket and also their employment as bus services were to be cut. He raised concerns that the local health provision and schools would be unable to cope with the influx of new homes. The access/egress from the site was across a pedestrian/cycle route which was heavily used by residents and pupils at the local schools. There was a heavy flow of traffic on the B1115 with queues forming at existing junctions which would also be the case at the access. He advised that the Planning Inspector who had considered

the Gladman Developments appeal had noted the existing traffic was already as bad as it was expected to be on completion of the development. The additional traffic would lead to vehicles using unsuitable village roads to avoid queues at junctions. A wider view of traffic was needed with the cumulative transport effects of proposed developments considered. It was important to maintain the separation from Stowmarket and the sense of arriving somewhere different. The proposed layout and design were urban and not suited to a rural area and the affordable housing provision was too low.

Members considered that the open buffer around Stowmarket between neighbouring villages was important and should be maintained to ensure that villages retained their own character. The loss of Grade 2 agricultural land was also of concern as was the impact on the listed buildings, which although not substantially harmed were not enhanced by the proposal. It was also considered that the proposed 20% affordable housing provision did not meet Local Plan policy which sought 35%. Furthermore the design was not appropriate for a rural setting and the proposal did not represent sustainable development.

A motion for refusal was proposed and seconded.

By 7 votes to 1

#### **Decision – Refuse Planning Permission**

The proposal would cause moderate harm to the designated heritage assets of 28 Thorney Green Road and Oak Farmhouse (30 Thorney Green Road). In applying the test within paragraph 134 NPPF it is noted that the development would fail to deliver close to 35% affordable housing sought within saved policy Altered H4 of the Local Plan. It is considered that the level of affordable housing provided here are not sufficient public benefits to outweigh the harm to heritage asset. On this basis the proposal would be unacceptable having regard to paragraphs 131 to 134 of the NPPF

The proposed development would unacceptably compromise an acceptable level of separation between the built up area of Stowmarket and the village of Stowupland which would materially harm the character and appearance of Stowupland and represent poor design. The open farmland which separates the village from Stowmarket makes an important contribution to the character of the village and the development of this land would undermine the separate character and appearance of the village from the town of Stowmarket. The importance of these aspects is acknowledged within paragraphs 6.38 and 6.42 of the SAAP. The development would moreover develop best and most versatile Grade 2 agricultural land contrary to policy CL11 of the saved Local Plan

On this basis the proposal would be contrary to the principles of policy FC1.1 of the Core Strategy Focused Review 2012 and would neither conserve nor enhance the local character of this part of the District nor would the development be compliant with policy CS5 of the Core Strategy 2008 which requires development to maintain and enhance the environment and retain the local distinctiveness of the area. The development would be contrary to the principles of good design and core planning

principles in paragraphs 14 and 56 NPPF which require development to recognise the intrinsic character of the countryside and contribute positively to making places better for people. The development would not represent sustainable development when assessed against the policies in the NPPF taken as a whole which fails to deliver a level of affordable housing close to the 35% required within the saved policy Local Plan Policy Altered H4 which causes harm to designated heritage assets

Item 3

Application	5024/16
Proposal	Outline application with all matters reserved for the erection of up to 85 dwellings with associated parking, landscaping, open space and surface water attenuation.
Site Location	<b>STOWUPLAND</b> – Land West of Thorney Green, Stowupland
Applicant	New Hall Properties (Eastern) Ltd

The Corporate Manager – Planning and Sustainable Growth advised Members that it was necessary to be consistent with the previous decision and as there was now no access to the site, as this was through the site refused permission, they should therefore now only consider Recommendation (4). Members should also consider all the issues raised during consideration of the previous application and decide if they also applied to this application.

Ray Studd advised that the Parish Council comments were as for application 0195/16. In addition it was not acceptable for the access road to cross the open field to reach the development.

Jackie Ward, objector also commented that the access across the field was not acceptable. Further, the high density of the scheme, proximity to the listed buildings and no provision of green space except from the attenuation pond were not satisfactory.

Councillor Keith Welham, Ward Member, said that his objections to this proposal were the same as for 0195/16 but with the addition of the access road across an open field, the high density and the impact on the listed buildings.

Members agreed that the reasons for refusal of application 0195/26 also applied to this proposal except that loss of agricultural land should also include Grade 3 land.

A motion for refusal was proposed and seconded.

**Decision** – Refuse Planning Permission

The proposal would cause moderate harm to the designated heritage assets of 28 Thorney Green Road and Oak Farmhouse (30 Thorney Green Road). In applying the test within paragraph 134 of the NPPF it is noted that the development would fail to deliver close to 35% affordable housing sought within saved policy Altered H4 of the Local Plan. It is considered that the level of affordable housing provided here are not sufficient public benefits to outweigh the harm to heritage asset. On this basis

the proposal would be unacceptable having regard to paragraphs 131 to 134 of the NPPF

The proposed development would unacceptably compromise an acceptable level of separation between the built up area of Stowmarket and the village of Stowupland which would materially harm the character and appearance of Stowupland and represent poor design. The open farmland which separates the village from Stowmarket makes an important contribution to the character of the village and the development of this land would undermine the separate character and appearance of the village from the town of Stowmarket. The importance of these aspects is acknowledged within paragraphs 6.38 and 6.42 of the SAAP. The development would moreover develop best and most versatile Grade 2 and Grade 3(a) agricultural land contrary to policy CL11 of the saved Local Plan

The proposed access is provided by an extended access road from the south. The introduction of an access arrangement of this length across an undeveloped parcel of open agricultural land would be of an unacceptably poor design, detrimental to the character and appearance of the area and rural landscape. The proposal is thereby contrary to policy CS5 of the Core Strategy, policies H13, H15 and GP1 of the Local Plan and paragraph 56 of the NPPF

On this basis the proposal would be contrary to the principles of policy FC1.1 of the Core Strategy Focused Review 2012 and would neither conserve nor enhance the local character of this part of the District nor would the development be compliant with policy CS5 of the Core Strategy 2008 which requires development to maintain and enhance the environment and retain the local distinctiveness of the area. The development would be contrary to the principles of good design and core planning principles in paragraphs 14 and 56 NPPF which require development to recognise the intrinsic character of the countryside and contribute positively to making places better for people. The development would not represent sustainable development when assessed against the policies in the NPPF taken as a whole which fails to deliver a level of affordable housing close to the 35% required within the saved policy Local Plan Policy Altered H4 and which thereby fails to provide public benefits that outweigh the harm to designated heritage assets

Item 4

Application	4909/16
Proposal	Outline Planning Permission sought for the erection of up to 38 dwellings with associated vehicular and pedestrian access.
Site Location	<b>ELMSWELL</b> - Land East of Warren Lane and West of Cresmedow Way, Elmswell
Applicant	Endurance Estates Strategic Ltd

The Planning Officer presented the application and responded to Members' questions including clarification of pedestrian facilities, visibility splays and the proposed improvements to Warren Lane.

Peter Dow, speaking for the Parish Council said the benefits from the proposal did not outweigh the adverse impacts. There would be a major impact on the highway,

particularly with the cumulative effect of a scheme for 240 houses which had been agreed further up the road. The staggered junction which was on an HGV route was already difficult to cross and could not accommodate more cars. Warren Lane was unsuitable for additional traffic and the passing places were not suitable for what would become an urban highway. He advised that a letter had been sent to the Secretary of State requesting that the application be called in as a strategic overview of all proposed developments needed to be taken.

Paul Peachey, an objector, said although this was a small application in comparison to others the feeling in the village was 'why Elmswell again?' During the last 15 years five large estates had been built with 630 dwellings given the green light. Warren Lane had been narrowed five years previously following an earlier development and he did not believe it was possible to construct additional passing places. The crossroads junction was already very dangerous with many accidents and the situation would be made worse by the increased traffic. Other concerns were the congested railway crossing, the approach roads to the village and insufficient capacity at the school. Elmswell did not have the infrastructure to cope with the additional new residents.

Nicky Parsons, the applicant and Rob Evans, Independent Highway Consultant shared the allotted speaking time. Nicky Parsons said the Council's lack of a five year land supply meant that paragraph 14 of the NPPF took precedence, meaning a presumption in favour of sustainable development unless the adverse impacts significantly outweighed the benefits. Officers had assessed the application and were satisfied that any existing impacts had been mitigated sufficiently. The development was consistent with the surrounding area, provided in excess of the recommended open space and also much needed local homes. The proposed new permissive footpath would create a new opportunity for walking in the village. It was a sustainable site in accordance with local and national policy.

Rob Evans, said the proposal would bring safety improvements to the crossroads, a reduction in speed on other roads and new passing places on Warren Lane. SCC Highways, having assessed the cumulative impact of developments were satisfied with the approach and had not requested further road widening.

Councillor Sarah Mansel, Ward Member, said that although the site appeared logical for development, being almost surrounded by development she found the access unacceptable. The Council should not be forced to accept an application with contrived access arrangements until a better arrangement had been brought forward. A better access would be from Cresmeadow Way but it appeared this could not be arranged due to landowner issues. She did not feel the proposed mitigation measures were sufficient; Warren Lane was a cut through used by many and the passing bays were not working now and the situation would worsen with additional traffic. To the north of the proposed access the road narrowed and there was no proposal to change this. She also felt the proposed permissive footpath should be a proper right of way.

Councillor John Levantis, Ward Member, said that this application followed 240 dwellings approved in July and other large proposals were also expected to come forward. Although the site filled an open space surrounded by houses, the

development was low density and the affordable housing would be welcome he had concerns regarding the access onto Warren Lane, which was a narrow road not suitable for vehicles without the use of passing places. He was concerned that even with additional passing places the situation was unacceptable and he asked the Committee to examine the highways mitigation measures closely.

Member opinion was divided. Some Members felt that SCC Highways Authority was the expert on such matters and as it was satisfied the proposed mitigation was acceptable their expertise should be relied upon. An alternative vehicle access was not possible so could not be considered but it was felt that pedestrian access from both Warren Lane, and to the south to link with the existing footpath to create a safe circular route should be secured by planning obligation.

Others considered that the adverse impact of increased traffic was not satisfactorily mitigated to ensure highway safety. Further concern was expressed regarding the cumulative impact of proposed developments and the site being outside the settlement boundary.

A motion to approve the recommendations subject to additional conditions regarding pedestrian access was proposed and seconded.

By 5 votes to 3 with 1 abstention

**Decision –**

(1) That the Corporate Manager – Growth and Sustainable Planning be authorised to secure a planning obligation to under Section 106 of the Town and Country Planning Act 1990 to provide:

- 35% Affordable housing
- Secure public access via pedestrian route to Warren Lane
- Secure public access via pedestrian route to the south

(2) That, subject to the completion of the Planning Obligation in Resolution (1) above, and expiry of the period of advertisement, the Corporate Manager – Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including:

- Time limit for reserved matters (standard)
- Definition of reserved matters
- Approved plans
- Quantum of residential development to a maximum of 38 no dwellings
- Details of surface water drainage scheme
- Details of implementation, maintenance and management of surface water drainage scheme
- Details of sustainable urban drainage system components and piped networks
- Details of construction surface water management
- Programme of archaeological investigation and post investigation

assessment

- Energy statement
- External lighting details
- Fire hydrant provision details
- Details of ecology enhancement measures
- Development to be completed in accordance with ecology details
- Proposed levels and finished floor levels
- Details of external facing materials details
- Hard landscaping scheme (including boundary treatments and screen/fencing details)
- Soft landscaping scheme (including identification of existing trees and planting and protection measures)
- Details of provision, future management and maintenance of open space, including public open space
- Junction improvements to Warren Lane with Church Road/Cross Street
- Provision of passing places on Warren Lane
- Improvements to Warren Lane
- Details of the estate roads and footpaths
- Parking, manoeuvring and cycle storage details
- Details of a construction management plan
- Details of the areas to be provided for storage of refuse/recycling
- Provision of visibility splays
- Construction of carriageways and footways prior to occupation
- Restriction on hours of noise intrusive work during construction
- Details of a Construction Method Statement

(3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Corporate manager – Planning and Sustainable Growth be authorised to refuse Planning permission for reason(s) including:

- Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy