

MID SUFFOLK DISTRICT COUNCIL

Minutes of the Meeting of the **MID SUFFOLK PLANNING REFERRALS COMMITTEE** held at the MSDC Council Chamber, MSDC Offices, Needham Market - Council Offices, High Street, Needham Market on Wednesday, 4 October 2017

PRESENT:

Councillor Matthew Hicks - Chairman

Councillors:	Michael Burke	David Burn
	Julie Flatman	Lavinia Hadingham
	Sarah Mansel	Wendy Marchant
	Lesley Mayes	Derek Osborne
	Keith Welham	

Ward Member: Councillor Suzie Morley

In attendance:

Senior Development Management Planning Officer – (JPG)
Development Management Planning Officer – (KO)
Planning Lawyer – (IDP)
Governance Support Officer – (RC)

46 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

Apologies were received from Councillors Roy Barker, Gerard Brewster, John Field, Jessica Fleming, Kathie Guthrie, Barry Humphreys MBE, Diana Kearsley, Anne Killet, David Whybrow and Jane Storey.

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

Councillor Suzie Morley declared a non-pecuniary interest in application 3150/15 that she had attended Parish Liaison meetings with Stonham Barns

Councillor Matthew Hicks declared a non-pecuniary interest in application 3150/15 as the County Councillor and that he had helped set up the Parish Liaison meetings with Stonham Barns.

48 **DECLARATIONS OF LOBBYING**

None declared

49 **DECLARATIONS OF PERSONAL SITE VISITS**

None declared

RF/17/6 SCHEDULE OF PLANNING APPLICATIONS

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

Planning Application Number	Representations from
3150/15	Jean Timms (Stonham Aspal Parish Council) Phil Cobbold (Agent)

Item 1

Application Number: **3150/15**
 Proposal: Hybrid application for full planning permission and outline planning permission –

- I. Variation of condition 2 of planning permission 655/02 to enable the existing showground (area outlined in yellow on the submitted plan) to operate between the hours permitted by the Licence granted by the Council on 10 October 2014.
- II. Outline planning application for the erection of new building to be used as an indoor children play area (Class D2) on land adjacent to building No 24.
- III. Retention of erection of a single storey extension to Unit 11 (Class A1);
- IV. Retention of retail pods (Class A1/A2/B1) located in market square (buildings labelled "A", "B", "C", "D", "E", "PC7(G)", "PC5(E)", "PC4(D)", "PC1,2,3,4,5,6,7 (A,B,C)" and "PCF6(F)" on the submitted plan;
- V. Use of land for the stationing of 51 static caravans for holiday use on land adjacent to west of dog training area (Identified as R1 to R51 on the submitted drawing)
- VI. Use of land for the stationing of 34 static caravans for holiday use (owner occupied) subject to restriction preventing occupation for one month of the year, on land to the west of Meerkat enclosure (identified as units 0 to 33 on the submitted plan);
- VII. Continued use of land for touring caravans (area outlined as orange on the submitted plan);
- VIII. Continued use of land as an extension to the existing showground and/or for use as touring caravan site;
- IX. Continued use of land for car boot sales on Sundays (taking place at Car Park "A", car Park "B" or the showground);
- X. Repositioning of earth bund on northern side of existing fishing lake No 1;
- XI. Use of land adjacent for the stationing of 76 holiday lodges (owner occupied) subject to restriction preventing occupation for one month of the year (identified as L01 to L045 and L057 to L086 on the submitted plan);
- XII. Use of land for stationing of 11 holiday lodges for rental (Lodges L046 to L056);
- XIII. Retention of alterations to existing field shelters to form stables;
- XIV. Use of land as Car Parks A and B and extension to hardstanding;
- XV. Retention of alterations and extension to permanent marquee on the showground to form events barn;
- XVI. Landscaping

Site Location: **STONHAM ASPAL** – Stonham Barns, Pettaugh Road,
Stonham Aspal, IP14 6AT
Applicant: Stonham Barns LTD

The Case Officer presented the application to the Committee noting that there were 16 items before the committee on this application, all being retrospective apart from 2 elements.

The Case Officer responded to Members' questions regarding:

- The number of occupants in the static caravans and the tenure of occupancy
- The amount of harm caused to the tree at unit 11
- The cumulative impact of the site.
- The allowed time for car boot sales to take place
- The retention of trees and hedges
- The foul water drainage scheme
- The current license agreement on the site
- The height of the roof of the proposed indoor play area
- The lowering of the speed limit to 30MPH along the A1120 in proximity to the site.
- That if Planning Permission was granted permitted development rights would be allowed for the siting for amenities and caravans in conformity with the license
- Traffic movements on the A1120
- That each event would count as one event

The Team Leader, Heritage and Planning Compliance, clarified that residency of the property could be checked against Council Tax records and the Electoral Role to identify any breach of conditions and that enforcement action could be taken if any such breach was confirmed.

The Senior Development Management Planning Officer clarified to Members that the Neighbourhood Planning Act 2017 was in force with the result that any pre-commencement planning condition other than outline permission required the agreement of the Applicant going forward.

Jean Timms, Stonham Aspal Parish Council, said that Stonham Barns had been at the top of every Parish Council meeting agenda for every meeting and acknowledged that their concerns were set out comprehensively in the report before Members. She said that the increase in the number of touring caravans, static caravans and lodges would increase the population of the village by 76% and that the facilities would not cope with the unsustainable development that did not respect the character of the Suffolk Countryside. She said that there were concerns about traffic problems occurring at various locations in the village with cars being parked on the verges.

The Parish Council representative responded to Members' questions stating that residents used the Doctors surgeries in Debenham, Mendlesham and Needham Market, that the events on the application site caused wide traffic disruption, but that noise issues had improved over time.

Phil Cobbold, Agent, said that the site was the largest tourist attraction in Mid Suffolk which provided benefits to the local economy. He said that the site did not have good public transport links but would have part of its power needs provided from Photo Voltaic panels, with water being provided from a Bore Hole. He said that the applicant had worked closely with the Parish Council to try and limit noise, and had received no recent noise complaints. He explained that the events barn is licensed up to 300 people to attend and that parking was controlled by Marshalls. He concluded that the lodges and static caravans were not advertised as being available for 365 days a year and that people were aware that occupancy would be restricted.

The Agent responded to Members' questions regarding the masterplan of the site, the fact was that the applicant had progressed with some of the work without planning permission and that new buildings had been built since the application was submitted and that some of the static caravans and lodges had already been purchased.

The Chairman read out an email from Councillor Tim Passmore, adjoining Ward Member, citing that there were legitimate concerns on the levels of noise from activities late at night as well as the occupancy requirements of the static caravans and light pollution as the site was in the countryside. He concluded the email by saying that MSDC should be encouraging economic development, wealth generation, employment and an increase in their tax base provided that it fits with the overall strategic objectives.

Councillor Suzie Morley, Ward Member, said that there had been a marked improvement in with Stonham Barns over the last 5 years but that there was an issue with the large number of caravans. She said that there would need to be policing of the Holiday clauses as there are currently 9 people registered on the electoral roll at Stonham Barns. She said that there were severe levels of traffic and noise disruptions from the site with events taking place late in the evening. She concluded by saying that the site had lapsed on its promise that the congestion of 2016 events would not be repeated which had a significant impact on the local community.

The Ward Member, responding to Member's questions, said that a gridlock ensued from the site onto the A1120 roughly once a month and that the community would prefer one main access to the site.

Members' debated the application noting the economic benefits of the site, the proposed increase in the number of static homes, the congestion on the A1120, the internal roads on the site, the visual impact on the landscape, the masterplan of the site with developments being built without permission and the proposed change in the speed limit to 30MPH in proximity to the site.

The Senior Development Management Planning Officer advised Members that a Management Plan could be the subject of conditions and could include requirements as to the locations where entry money was taken so as to alleviate traffic congestion.

Councillor Lesley Mayes proposed that the application be approved as per the recommendations with the added condition that a Management Plan be agreed and was seconded by Councillor Wendy Marchant.

The Proposer and Secunder agreed that further conditions be added to restrict the times of the car boot sales, that a scheme of pedestrian lighting be agreed and that further landscaping conditions be added for boundary treatment and tree protection.

Some Members felt that the application included too many static caravans on the site and that the cumulative impact of the site would have a detrimental impact on the local community.

By 6 votes to 4

Decision –

(1) That a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990, be secured to the satisfaction of the Corporate Manager – Growth and Sustainable Planning to provide:

- A sum to be agreed (estimated to be £75,000) towards the provision of a footway between the village of Stonham Aspal and the northwest corner of the site and/or a footway through the site.
- £20,000 to the County Highway Authority in order to consider and promote a pedestrian access strategy which shall include a Traffic Regulation Order to reduce the speed limit outside the site to 50MPH (or 30mph if agreed by the Highway Authority).
- £15,000 to improve the two bus stops closest to the site and a shelter (sum to be waived if applicant has entered into a S278 agreement to provide the works and pay for them by his means).
- That, in relation the elements of the application [i] variation of condition 2 to permission 655/02; [v] 51 static caravans; and [vi] 34 static caravans, the owner/applicant undertakes within 14 days of consent being granted to only use the land as permitted by the planning permission granted, and not as permitted by the older planning permissions (655/02 granted by appeal on 23rd October 2003; 0058/98 granted by appeal on 3rd September 1998; & 0612/01 granted 8th September 2001) unless such use falls within what is expressly permitted by the planning permission to be granted (for the avoidance of doubt this is not intended as a revocation or modification, or any other action for which compensation is payable, but will not prejudice the use of the land pursuant to any later planning permission that may be granted).
- Such other obligation or amendment the Corporate Manager – Growth and Sustainable Planning considers appropriate where consistent with the recommendation agreed by members.

(2) That, subject to the completion of the Planning Obligation in Resolution (1) above on terms to the satisfaction of the Corporate Manager – Growth and Sustainable Planning, that he be authorised to grant planning permission subject to the imposition of any conditions that Officers consider appropriate

and which may include the following:

FULL PLANNING PERMISSION

1. Listing of approved plans
2. Activities in connection with herein authorised uses to only use main access (unless in emergency or where a specific pedestrian access has been otherwise agreed with the LPA) (as per 1998 condition for showground)
3. Conditions restricting retail units to A1/A2/B1 uses only
4. Details of any hard surfacing car parks A and B to be submitted prior to installation
5. No car wash approved – excluded from plans
6. Touring caravan use to only operate within orange line on plan and subject to 28 day on 28 day off restriction with register of bookings.
7. How ground use to only operate within yellow line on plan
8. Prior to 21:00 on any day the LAeqT of the amplified sound or music based entertainment noise generated within the area within the yellow line (as shown on drawing number 0416/051/01 received 20th February 2017 shall not exceed by more than 10dB (A) the representative background noise LA90 (without entertainment noise) at 1 metre from the façade of any neighbouring noise sensitive dwelling or premises and shall not exceed 52 dB LAeqT at the western boundary of the site. Time period T will be 15 minutes.
9. After 21:00 hrs in the evening The LAeqT of the amplified sound or music based entertainment noise generated within the area within the yellow line (as shown on drawing number 0146/051/01 received 20th February 2017 shall not be exceeded by more than 5dB (A) the representative background noise LA90 (without entertainment noise) at 1 metre from the façade of any neighbouring noise sensitive dwelling or premises and shall not exceed 52dB LAeqT as measured at any point on the western boundary of the site. Time period T will be 15 minutes
10. Amplified sound or music based entertainment noise shall only be generated within the yellow line (as shown on drawing number 0146/051/01 received 20th February 2017 between 09:00 hours and 23:00 hours daily and there shall be no such noise generated outside of these hours except in the following instances unless otherwise submitted to and agreed in writing with the Local Planning Authority:
 - a. Christmas Eve – the hours of use shall be 08:00am to 00:00 (midnight)
 - b. Saturday and Sunday of a bank holiday weekend – the hours of use shall be 08:00 to 00:00 (midnight)
 - c. New Years Eve – the hours of use shall be 08:00 am to 01:30am.
11. Number and location of static caravans to be sited only be in accordance with plans
12. Number and location of static lodges to be sited to only be in accordance with plans
13. Occupancy of all touring and static caravans and lodges to be limited to holiday use only, not to be main or sole residence, with break in use 31st Jan to 1st March and register of bookings to be kept.
14. The use of land for stationing of lodges numbered LO1 to L80 and use of land for car boot sales and car parking hereby permitted shall cease and all equipment, lodges and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one

- of the requirements set out in (i) to (iv) below:-
- (i) Within six months of the date of this decision a landscaping scheme which confirms retention or replacement of the hedgerow to southern boundary of field, improvements to hedgerow to north of field and Car Parks A and B in order to provide additional visual screening, additional landscape planting to the bund shown on the approved plans and additional landscaping to visually screen lodges LO23 to LO80 together with confirmation of proposed ecological mitigation (including location of bird and bat boxes), trees to be retained and their protection and all areas within the site east of the main access road/driving range shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period of an appeal shall have been made to, and accepted as valid by, the Secretary of State.
 - (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.
15. Use of lodges LO1 to L80 to cease if within three months of failure to: submit floodlighting scheme within 6 months of consent, scheme not agreed within 11 months, an appeal being determined or scheme not being carried out in accordance with timetable [similar worded condition to no.15]
 16. Use of showground to cease if within three months of failure to: submit floodlighting scheme within 6 months of consent, scheme not agreed within 11 months, an appeal being determined or scheme not being carried out in accordance with details agreed. [similar worded condition to no.15]
 17. Scheme for provision of fire hydrants to be provided and approved prior to occupation of lodges LO1 to L87.
 18. Use of showground to cease if within three months of failure to: submit floodlighting scheme within 6 months, scheme not agreed within 11 months, an appeal being determined or scheme not being carried out in accordance with details agreed.
 19. Any conditions required by the County Highway Authority
 20. Any conditions required by the County Flood and Water Team
 21. Landscaping to be maintained/ retained for the duration that use of site for stationing of lodges, holding of car boot sales and car parking use occurs.
 22. Car boot sales to only occur on Sundays, 1st March to 31st October, not open before 7:30am and cease by dusk.
 23. Field north of Lodges to remain in agricultural use unless change permitted by a planning application.
 24. Management plan to be agreed for events, event days, event barn and car boot. (Note likely to engage when event exceeds 500 persons)
 25. For Car boot, no traffic movements before 7AM and event must end before dusk
 26. Scheme of pedestrian lighting for site to be agreed
 27. Further landscaping conditions for boundary treatment and tree protection

OUTLINE PLANNING PERMISSION

28. Reserved Matters Time Limit
29. Standard Time Limit for implementation
30. Conditions restricting use to D2 and only as children's indoor play area
31. Condition specifying maximum height/dimensions of indoor children's play area building as proposed (unless otherwise agreed in writing)
32. Condition specifying materials for indoor children's play area building as proposed (unless otherwise agreed in writing)

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

- Inadequate provision of infrastructure to mitigate the environmental and social impacts of the development, including sustainable development patterns and highway safety, contrary to Focused Review Policies FC1 and FC 1.1, Core Strategy Policy CS6 and saved Local Plan Policies T4, T10, T11 and T13.