

MID SUFFOLK DISTRICT COUNCIL

Minutes of the Meeting of the **MID SUFFOLK DEVELOPMENT CONTROL COMMITTEE A** held at the Council Chamber, Mid Suffolk District Council Offices, High Street, Needham Market on Wednesday, 20 September 2017

PRESENT:

Councillor Matthew Hicks - Chairman

Councillors:	Gerard Brewster	David Burn
	John Field	Lavinia Hadingham
	Diana Kearsley	Anne Killett
	Sarah Mansel	Lesley Mayes
	David Whybrow	

Ward Members: Councillor Keith Welham

In attendance:

Area Planning Manager (SS)
Development Management Planning Officer (AS/SB/GW/JP)
Planning Lawyer (IDP)
Governance Support Officer (RC)

41 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

No Apologies or Substitutions

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

Councillor Lavinia Hadingham declared a non-pecuniary interest for application 4592/16 as she knew the applicant and had her wedding at Tannington Hall.

43 **DECLARATIONS OF LOBBYING**

Councillor John Field declared that he had been lobbied on application 0408/17.

Councillor Matthew Hicks declared that he had been lobbied on application 4592/16.

44 **DECLARATIONS OF PERSONAL SITE VISITS**

None declared.

45 **NA/17/8 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 23 AUGUST 2017**

The minutes of the meeting held on 23 August 2017 were confirmed and signed as a correct record.

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

None received.

47 **NA/17/9 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
0408/17	None
4592/16	Helen Gillingham (Objector) James Harvey (Applicant)
0117/17	Margaret Rose (Parish Council) James Tanner (Agent)
4714/16	None

The items of business were taken in the order as follows as set out by the Chairman at the beginning of the meeting:

1. 4592/16
2. 0408/17
3. 0117/17
4. 4714/16

Item 1

Application Number:	0408/17
Proposal:	Application for Outline Planning Permission (with all matters reserved except for access) – Change of use of land from commercial nursery to residential – Erection of up to 20 no. new dwellings (5 no. proposed to be live/work units, and 7 no. proposed to be affordable housing), alterations to existing vehicular access, and creation of pedestrian footway (Following demolition of existing nursery buildings)
Site Location:	BRAMFORD – By-Pass Nurseries, Bramford Road, Bramford
Applicant:	Mr Mecklenburgh

The Case Officer presented the application to the Committee noting that the recommendations had been amended as per the late papers to include conditions from Place Services regarding Ecological mitigations.

The Case Officer responded to Member's questions that on re-consultation the Council's Housing Officer was satisfied with the Live/ Work units.

Councillor John Field, Ward Member, said that the application recovered a derelict site for housing purposes, however there were concerns from the Parish Council about preserving the separation from Ipswich. He said that there was an issue around pedestrian access but that there was also suitable public transport links however the main concern was the footpath; along Bramford Road. He continued by saying that there was an issue about the infrastructure issue that needed enhancing.

The Ward Member responded to Members' questions regarding infrastructure and clarified that there was a 30mph limit on Bramford Road and that pedestrians did need to cross the road numerous times to get to Bramford or Ipswich but that the pathway was not well maintained. He concluded that he was reluctant to see the hedge removed but safety took precedence.

Members' debated the application welcoming the development on a derelict brownfield site but that the Live/ work units were of concern to some Members' being a token gesture to putting employment on the site.

Councillor David Whybrow said that the application would have been more genuine if it was for housing only and that the village was already divided by the river and the flood plain. He added that the application was bringing a site back into use and proposed approval as per the recommendation with the additional conditions as laid out in the late papers.

Members' continued debating on the application raising the points that it was good to be developing a brownfield site and the Live/Work units could provide for a growth in business. Councillor Gerard Brewster seconded the proposal.

By a unanimous vote

Decision:

That the Corporate Manager – Growth and Sustainable Planning be authorised to Grant Outline Planning Permission Subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the on-site provision of 7 no. affordable housing units in the tenure advised by Council Strategic Housing Officers (above) subject to the to the following conditions, including:

- 1) Standard list of approved plans
- 2) Standard Time limit of reserved matters
- 3) Standard reserved matters condition
- 4) Contaminated land investigation and mitigation prior to commencement
- 5) Programme of Archaeological works prior to commencement
- 6) Landscape Scheme and aftercare
- 7) Ecological mitigation in accordance with approved details and conditions laid out by Place services in late papers.
- 8) Sustainable construction as agreed
- 9) Acoustic fencing to be applied to garden boundaries facing railway track
- 10) Acoustic insulation to be applied to walls of dwellings facing railway track
- 11) Surface water drainage scheme and management plan
- 12) Provision of fire hydrants

- 13)Highways- Access in accordance with approved drawing
- 14)Highways- Access visibility splays to be provided and maintained prior to first use.
- 15)Highways- Details of estate roads and footpaths
- 16)Highways- Estate Roads and footpaths to be completed to at least Binder Course Level prior to occupation
- 17)Highways- Details of on site manoeuvring and parking areas
- 18)Highways – Provision of new footway along Bramford Road frontage prior to occupation

Item 2

Application Number: **4592/16**
 Proposal: Change of Use of land and buildings as a wedding and events venue with erection of marquees, camping area and car park.
 Site Location: **TANNINGTON** – Tannington Hall, The Green, Tannington, IP13 7NH
 Applicant: Mr J Harvey

Councillor Hicks Vacated the Chair as Ward Member for the application and Vice Chairman Councillor Mayes took the Chair for application 4592/16 only.

The Case Officer presented the application to the Committee and updated Members that further comments had been received from the neighbouring property, that the application had been amended to withdraw the proposed campsite and that an amended plan had been received.

The Case Officer responded to Members’ questions regarding restrictions on music within the Marquee, visibility splays for the entrance to the site, the residential use of the existing cottages and that some wedding events had taken base but that these had not been on a commercial basis.

The Case Officer responded to further questions that the acoustics and the noise impact from the site would not exceed the ambient background noise.

Helen Gillingham, Objector, said that although the proposed campsite had been removed from the application, her concerns remained the same with the range of events being ill-defined. She said that the restrictions did not apply to the car park, that loud music and people’s voices could carry a long way and that they were relying on the applicants assurances. She concluded by saying that no parallel sound test had been done at the Woodlands and that unless people have all left by midnight that problems could arise.

James Harvey, Applicant, said that he lived at Tannington Hall and that the inside of the barn had been converted in 2016 which had been used for limited family events since. He said that if the application was approved it would support the estate and put buildings into commercial use supporting the economy. He added that further reports had been submitted regarding noise assessments and Heritage as

requested which concluded support for the proposal. He concluded that the management plan had been designed to be as specific as possible and was happy with the conditions as recommended.

The Applicant responded to Members' questions that there is no accommodation at the property but he was considering the former stable cottage being converted into a Bridal preparation area. The applicant clarified that music would cease at 11:30 and that attendees of events would not be staying on site beyond midnight and that when the family events had been held no noise complaints had been received and that if ventilation was required it would be installed.

Councillor Matthew Hicks, Ward Member, said that a different venue, Athelington Hall, had taken a long time to get the correct conditions in place and whichever path the committee chose today that it needed to make sure that the conditions were right. He said that he supported the rural economy, commented on the peaceful setting of the site, the restrictions on event dates and times, the latest time for traffic to leave the site, and the number of events held and that 25 events would be more appropriate than 30. He asked that the conditions restrict open fires and that the management plan was key and must be monitored to make sure that work is completed before the first event. He concluded by asking to make clear that the car park was not for overnight stays and that the permission would be temporary for 2 years.

Members debated the application raising issues on the impact of noise from the site, the time that music would cease, when attendees must vacate the premises, the restriction on the number of events and the restriction of open fires.

Councillor David Whybrow proposed that the application be approved as per the Officer recommendation with the additional conditions that events be limited to 24 per year, amplified music be limited to the barn, on Fridays and Saturdays music to cease at 23:00 and Sunday to Thursday at 22:30, that no open fires be allowed and that no overnight sleeping or camping be allowed on site. The proposal was seconded by Councillor Sarah Mansel.

The Senior Development Management Planning Officer advised that the recommendations also include the point that the management plan is refreshed to include items as deliberated at the meeting, to which the proposer and seconder agreed.

By a unanimous vote

Decision –

1. That the Corporate Manager- Growth and Sustainable Planning be authorised to grant Planning Permission and that such permission be subject to the conditions as set out below:
 - Standard Time Limit
 - To be in accordance with approved plans and documents
 - Provision of visibility splays
 - Layout and completion of passing places

- Provision of manoeuvring/parking area
- Layout of access
- Noise measures to be implemented in accordance with noise report and EP advice.
- No fireworks except for 5th November and Midnight on New Years Eve
- No Chinese lanterns
- Limit number of events to 24 per year
- Amplified music to cease at – 23:00 Fri- Sat and 22:30 Sun -Thurs
- All events to cease at 24:00 Fri-Sat and 23:00 Thurs- Sun
- No amplified music to be played outside of barn
- No outdoor fires
- No overnight stays within the site
- No campervans or caravans
- Agreement of revised Management Plan incorporating the above and identifying management control measures relating to guests leaving site and use of sound limiting devices
- Temporary permission of 2 years

Item 3

Application Number: **0117/17**
 Proposal: Erection of 10 dwellings and construction of new access and service road.
 Site Location: **STOWUPLAND** – Land at Church Road, Stowupland
 Applicant: T&E Chaplin Settlement

The Case Officer presented the application to the Committee and responded to Member’s questions regarding the drainage from the site, the housing mix of the site and the viability assessment.

The Case Officer clarified that a footpath could not be provided, and that the application had been reviewed by Suffolk County Council’s Highways Department and had raised no objections. He continued by clarifying that the development was outside the settlement boundary and that the site was not afforded any special protections.

Margaret Rose, Stowupland Parish Council, objected to the application on the grounds of the location of the proposal. She said that the Parish Council had nothing against small developments, but that responses for the Neighbourhood Plan was that sites like this should not be developed. She said that the site provided significant views of the Gipping Valley and that the proposed development would be out of character with the existing buildings. The Parish Councillor said that the development would cause a detrimental impact on the heritage asset and that it would create a danger for pedestrians crossing the road. She concluded that the development was an urban intrusion on the countryside and that the loss of residential and visual amenity would not be outweighed by the development of 10 houses and would not significantly increase the Housing Land Supply.

James Tanner, Agent, said that he had worked closely with Officers to ensure the housing mix and layout were correct with the site representing an infill opportunity for a sustainable village. The Agent referred to 2 previous applications in Stowupland at Thorney Green that had been refused due to damage to the area and explained that this development was a relatively natural infill. He said that objections had been raised over the unacceptable pressure on services but said that this would not be the case.

The Agent responded to Members' questions that there was an informal crossing point and that they did not consult with the local community.

Councillor Keith Welham, Ward Member, said that the Parish Council supported small developments and that if this was in another location in the village he might support it. He said that this was the last gap in the village that allowed you to see the countryside and that the village supported a different application that had yet to progress due to concerns over pedestrian safety that were also apparent on this application. The Ward Member said that although there was no special designation on the land, it was special to the village and that the strong building line at both ends of the site would impose on existing developments. He said that he had concerns over the balancing pond and the proposal would not make a significant difference to the 5 Year land supply. He concluded that the development put the wrong houses in the wrong place at the wrong time and that it failed all 3 of the NPPF tests and asked that the application be refused.

Members debated the application clarifying that the Stowmarket Area Action Plan did not apply to this site. The Case Officer advised that that Suffolk County Council's Highways Department did not require a footway along church road but did request an area where pedestrians could cross.

Councillor David Whybrow proposed that the application be approved as per the Officer recommendation with the amendment that Resolution 2 include the agreed submission of details relating to pedestrian crossing points on Church Road. The Proposal was Seconded by Councillor John Field.

By 7 votes to 3

Decision

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

- £34,000 for the provision of off-site affordable housing.

(2) Subject to the adequate resolution of outstanding drainage matters and the agreed submission of details relating to pedestrian crossing point(s) on Church Road, that the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission subject to conditions including:

- Time limit for commencement (standard)
- Approved Plans
- Details of external facing materials
- Proposed levels and finished floor level details
- Landscape Maintenance Plan
- Scheme of Contamination investigation
- Hours restriction for noise intrusive works
- Programme of archaeological investigation and post investigation assessment
- Development to be completed in accordance with Ecology Report Recommendations
- Lighting design scheme
- Gradient of vehicular access
- Details of estate roads and footpaths
- Construction of Carriageways and footways
- Formation of estate roads
- Provision of parking and manoeuvring areas
- Provision of visibility splays

(3) 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 affordable housing contribution 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.

(4) That, in the event of drainage matters referred to in Resolution (2) are not resolved to the satisfaction of the Corporate Manager – Growth and Sustainable Planning, that authority be delegated to him to refuse planning permission, for the following reason (summarised):

- Inadequate provision of a suitable method of drainage that would give rise to and unacceptable level of flood risk, contrary to the development plan and national planning policy.

Item 4

Application Number: **4714/16**
Proposal: Variation of Conditions 2 (Approved Plans) & 14 (Parking/ turning Provision) following grant of Planning Permission of 3701/15. (Conversion of Kelly House to residential use, Conversion of the Old Chapel to residential use, Demolition of workshop adjoining the Old Chapel, Demolition of free-standing workshop building and the erection of 7 no. new houses.
Site Location: Kerrison Conference & Training Centre, Stoke Ash Road, Thorndon IP23 7JG
Applicant: Witnesham Ventures Ltd

The Case Officer presented the updated application to the committee noting the changes in the recommendations being to the Section 106 Agreement and Community Infrastructure Levy (CIL) contribution.

Ian de Prez, Planning Lawyer, said that the committee report presented on the last occasion had unfortunately contained a significant error in that Member's had been incorrectly advised that there would be a much-increased payment for affordable housing. It was therefore appropriate for the application to be returned to the Committee.

Councillor Sarah Mansel proposed that the application be approved as per the Officer Recommendation and was seconded by Councillor Gerard Brewster.

By a unanimous vote

Decision

That the Corporate Manager – Growth and Sustainable Planning be authorised to grant the variation of condition application, subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms:

Affordable Housing Contribution £68,587

Education Contribution £73,086 to Thorndon CEVP School and £73,420 secondary contribution and £19,907 to Eye Hartismere School

Estate Management

And that such permission be subject to the conditions as set out below (these are set out in full on this occasion in light of the stage this application has reached):

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT:

The development hereby permitted shall be begun not later than the expiration of three years from the date of permission 3701/15, being 8th April 2019.

Reason- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. APPROVED PLANS AND DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may be subsequently approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason – For the avoidance of doubt and in the interests of proper planning of the development.

3. LANDSCAPE PROTECTION

The Arboricultural report, drawing 5647-D Rev A are agreed and such works as set out shall be undertaken fully in accordance with the details and time scale set out in these agreed details.

Reason – For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure trees are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to trees.

4. ON GOING REQUIREMENT OF DEVELOPMENT: TIMETABLE FOR LANDSCAPING

All change in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details as shown on the approved plans shall be carried out in full during the first planting and seeding season (October – March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development.

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 5 years from the

commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason – To ensure that the approved landscaping plans has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

5. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: DEMOLITION

Prior to the first occupation of any part of the hereby permitted development the building(s) or parts thereof scheduled for demolition as indicated on plan 1864 DE 10-03 J shall have been demolished

Reason: To ensure the removal of existing buildings from the site to secure appropriate standards of amenity and to secure the character and appearance of the proposal.

6. CONTAMINATION

The development shall be carried out in accordance with the Delta Simmons Report received 14th July 2016

MSDC Environmental Health are to be contacted in the event of unexpected ground conditions being encountered during construction.

The developer should also be aware that the responsibility for the safe development of the site lies with them.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems., and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure that health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health and safety.

7. BIODIVERSITY

The development shall be undertaken in compliance with the scheme of measures to enhance biodiversity received 14th July 2016, subject to the complete implementation of List A and the implementation of at least 2 items from List B.

Reason – In order to secure biodiversity enhancements on site. This condition is required to be agreed prior to the commencement of any development as any construction process has the potential to disturb species and their habitat.

8. HARD STANDING AREAS

The scheme to provide hard standing carrying capacity to allow for plumbing/high reach vehicles as shown on plan 161158 CL-01 P4, received 17th November 2016 shall be fully implemented in accordance with the approved scheme.

Reason – To ensure adequate provision for fire fighting vehicles.

9. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: HIGHWAYS – ACCESS SURFACE TREATMENT

Prior to the development hereby permitted being first occupied, both of the existing vehicular access points onto the highway shall be properly surfaced with a bound material for a minimum distance of 30 metres from the edge of the metalled carriageway, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The Bound material as may be agreed shall be retained thereafter as approved.

Reason - To secure appropriate improvements to the existing vehicular access in the interests of highway safety having regard to the increase in its use which will result from the development permitted and to prevent hazards caused by loose materials being carried out into the highway.

10. HIGHWAYS – SURFACE WATER DISCHARGE PREVENTION

The scheme to prevent this discharge of surface water from the development onto the highway as shown on drawing 161158_CL-01_P2 received 27 September 2016 shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason – To prevent hazards caused by flowing water or ice on the highway.

11. DRAINAGE

The details of foul and surface water drainage received 14th July 2016 and 17th November 2016 shall be implemented in full in accordance with the approved plans.

No part of the development shall be first occupied or brought into use until the agreed method of drainage has been fully installed and is functionally available for use. The drainage scheme shall be thereafter retained as approved.

Reason – To safeguard the ground water environment and minimise the risk of flooding.

12. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF ROADS AND FOOTPATHS

No dwelling shall be first occupied until the carriageways and footways serving that dwelling have been constructed to at least binder course level or above in

accordance with the approved details.

Reason – To ensure that satisfactory access is provided for the safety of residents and the public.

13. ACTION REQUIRED PRIOR TO OCCUPATION – HIGHWAYS: PROVISION OF PARKING

Prior to the first occupation of any dwelling hereby approved the area(s) within the site shown on drawing 1864 DE 10-03 J for the purposes of manoeuvring and parking of vehicles shall have been provided and made functionally available. Thereafter that area shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles.

Reason – To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

14. CYCLE PARKING

Prior to the first occupation of any hereby approved dwelling the area for parking and secure storage of cycles for that dwelling shall have been provided in accordance with plan DE10-04B and shall be retained thereafter and used for no other purpose.

Reason – In the interests of sustainable development and to accord to the principles of the NPPF.

15. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

In respect of all the residential development on site, notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification):-

- No enlargement, improvement, insertion of new openings or other alteration of the dwelling house(s) shall be carried out,
- No garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected,

Except pursuant to the grant of planning permission on an application made in that regard.

Reason – to enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

16. CONSTRUCTION MANAGEMENT

The Construction shall at all times be undertaken in accordance with the agreed methodology details as received 14th July 2016 unless otherwise agreed in writing.

Reason – To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

17. ACTION REQUIRED PRIOR TO FIRST OCCUPATION OF DEVELOPMENT: DETAILS OF SCREEN WALLS AND FENCES

Prior to the first occupation of each dwelling the walls and/or fencing to the boundary of that property shall be erected and thereafter be retained in the approved form.

Reason – In the interests of visual amenity and the character and appearance of the area.

18. MATERIALS

Materials as set out on Plan De10-10A, received 14th July 2016 and details received 8th September 2016 shall be those used in the development and fully applied prior to the first use/occupation unless otherwise agreed in writing.

Reason – To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

19. ROAD SURFACE MATERIALS

Details of the road surface materials and finishes as received 22nd August 2016 shall be those used in the development and fully applied prior to the first use/occupation unless otherwise agreed in writing.

Reason – To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

20. MEANS OF ILLUMINATION

Details as received 14th July 2016 in respect of lighting or other means of external illumination, including details of the design, siting and appearance of the lighting, including the column or bollards proposed shall be carried out and retained as the submitted details unless otherwise approved in writing.

There shall be no other means of external lighting installed and/or operated on/ at that site.

Reason – in the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.