

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE B** held at the Council Offices, Needham Market on 17 February 2016 at 09:30 am

PRESENT: Councillor Kathie Guthrie – Chairman – Conservative and Independent Group
Councillor Roy Barker – Vice-Chairman – Conservative and Independent Group

Conservative and Independent Group

Councillor: Julie Flatman
Jessica Fleming
Derrick Haley*
Glen Horn
Dave Muller
Jane Storey

Green Group

Councillor: Keith Welham

Liberal Democrat Group

Councillor: John Field *

Denotes substitute *

Ward Members: David Card
Diana Kearsley

In attendance: Corporate Manager - Development Control (PI)
Senior Development Management Planning Officer (JPG)
Development Management Planning Officer
(AM/S Burgess/S Bunbury/RB)
Senior Legal Executive
Corporate Manager (Economic Development and Tourism)
Senior Ecologist – Suffolk County Council
Governance Support Officer (VL/GB)

SA56 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

Councillors John Field and Derrick Haley were substituting for Councillors Mike Norris and Barry Humphreys MBE respectively.

SA57 DECLARATIONS OF PECUNIARY/NON-PECUNIARY INTEREST

All Members of the Committee declared a non-pecuniary interest in Application 3778/15 as the applicant was a Member of the Council.
Councillor Dave Muller declared a pecuniary interest in Application 3308/15 as a member of the Board of Directors and also Manager for the Cedars Park Community Centre.

Councillor Dave Muller declared a non-pecuniary interest in Application 3308/15 as the Ward Member for Stowmarket North and having had contact with Cedars Park Action Group.

SA58 DECLARATIONS OF LOBBYING

It was noted that all Members had been lobbied on Application 3308/15.

SA59 DECLARATIONS OF PERSONAL SITE VISITS

Councillor Dave Muller declared that he had visited the sites for Applications 4063/15 and 3308/15. Councillor Derrick Haley had visited the site or Application 3308/15.

SA60 QUESTIONS FROM MEMBERS

None received.

SA61 SCHEDULE OF PLANNING APPLICATIONS

Application Number	Representations from
3778/15	Christopher Manning (Objector)
4226/15	Paul Burd (parish Council) Phil Cobbold (Agent)
3308/15	Paula Mayhew (an Objector) Michael Smith (Agent for the Applicant)
4244/15	Keith Earl (Objector) Phil Cobbold (Agent)

Item 1

Application Proposal	3778/15 Minor material amendment to implemented planning permission 1402/04 ('Erect two storey dwelling and attached cart lodge using existing vehicular access') to reduce extent of demolition in order to allow creation of annex (and reduce size of approved cart lodge). [Application made under S73 of the Town and Country Planning Act 1990 to vary condition 3 of planning permission 1402/04]
Site Location	YAXLEY – Sunnyside Cottage, Church Lane, IP23 8BU
Applicant	Mr D Burn & Ms L Seward

The Development Management Planning Officer advised Members of the following amendments to the report:

- Page 5, paragraph 2 – The length of the single storey 'cartlodge' garaging would be *decreased* ...
- Page 8, first bullet point – Two year time limit for completion of works of demolition.

It was noted that Yaxley Parish Council described the building as a 'condemned property' (page 14) but the building was not condemned and would be better described as uninhabitable.

Christopher Manning, an objector said he did not believe the application was a 'minor material amendment' to that already approved, or that the remainder of the original dwelling could be described as an annex as it would be necessary to leave Sunnyside

House to access it. The property was in a bad condition and would require substantial work to make it safe. Access was via a grass track in his ownership which was not suitable for additional traffic and building materials could only be delivered to outside his own front gate. He had been assured by the applicant when purchasing his own property that Sunnyside Cottage would never be sold or let as the planning permission only allowed one house on the land and the remainder to be used as workshop or storage areas. He was concerned that this proposed change was a first step to selling the property at a later date.

In response to Members' questions the Planning Officer advised that:

- The proposal was not for a 'replacement dwelling' as only one household would be maintained on site
- Permission had already been granted for works which would necessitate builders accessing the site. This application only reduced the scale of demolition and size of the cartlodge.

Members were generally satisfied with the application but were concerned that the annex must remain as ancillary to the main dwelling in the future and the relevant condition must not be varied. Concern was also expressed regarding the length of time since the original permission was granted and Members wished to see the demolition and securing of the building completed within an appropriate timescale. A motion to grant permission subject to an amendment to the condition to read 'Demolition completed and remaining building to be weatherproofed and structurally sound within two years of decision' was proposed and seconded.

By a unanimous vote

Decision – Grant Planning Permission subject to the following conditions:

- Standard 'Annex' condition (restricting occupation to family members of the occupants of the replacement dwelling approved under reference 1402/04)
- Remainder of original dwelling only to be used for purposes ancillary and incidental to the replacement dwelling when not in use as a residential annex to the dwelling approved under reference 1402/04
- Demolition completed and remaining building to be weatherproofed and structurally secure within two years of the decision
- Provision of parking and manoeuvring areas
- Works to be carried out in accordance with the approved documents.

Item 2

Application	4226/15
Proposal	Variation of condition 3 of planning permission 2689/15 "Use of land for the stationing of 23 holiday lodges" to permit extended occupation of lodges.
Site Location	WORTHAM – Honeypot Farm, Bury Road, IP22 1PW
Applicant	Mr Feeney

Following the Officer presentation issues raised by Members were clarified including:

- How the use for 'holiday purposes' could be policed
- How to define 'principle home address'.

Paul Burd, speaking for the Parish Council said that the applicant clearly wanted to maximise the sale value of the plots and it had been concluded that the previous application was not about providing holiday accommodation, which the Parish Council was happy with, but about trying to provide permanent accommodation. The existing '28 day stay' condition encouraged overnight stays and frequent visiting to the area by freeing accommodation for others, people did not normally holiday for 11 months of the year or they would be resident and if the application was approved the site would cease to be an attractive holiday venue. The agent and the Tourism Officer had quoted from a Good Practice Guide that the proposed variation represented current good practice but a council who had introduced these conditions had subsequently reviewed them and introduced a more robust policy to prevent permanent accommodation. He requested that if the application was approved this was also in place in Mid Suffolk. The Parish Council believed that if permission was granted the site would essentially become a residential area.

Phil Cobbold, the agent said the original application for holiday lodges was sought to upgrade the site as a holiday location. The current owner was retiring and wished to maximise the value of the land so the business could be sold to another firm but no one was interested in purchasing the site with the existing '28 day condition'. Most sites now included a mix of owner occupied and rental properties and no one would buy a property with a condition that prevented them from visiting every weekend in the summer. The proposed condition reflected current Government guidance and was also supported by the Tourism Officer. The Council could monitor the site to ensure that there were no permanent residents.

Councillor Diana Kearsley, Ward Member, said that the original application had given no indication that the lodges were likely to go on the open market. The previously agreed condition was to safeguard use for visitors and to ensure the lodges did not become part of housing stock. The Government guidance mentioned was not statutory and there were a number of similar style lodges in the village that had to comply with occupancy restrictions. She was concerned that if the application was granted it would lead to permanent occupation and this was not appropriate for a rural village like Wortham. She also felt that it might not be possible for the Council to enforce the condition due to lack of resources.

The Corporate Manager (Economic Development and Tourism) confirmed that he supported the recommendation as the '28 day' condition prevented people from visiting every weekend. The site was central to the area in attractive countryside and would be a good base to explore the area.

Although having sympathy with the applicant that the existing condition could impede the sale of the lodges, Members expressed concern that approval could result in them being used as a permanent residence. Members requested the application be deferred for Officers to negotiate with the applicant regarding a modified condition that gave more flexibility while safeguarding occupancy and gave reassurance to the community that the lodges would not be used as a permanent residence.

By 9 votes to 0 with 1 abstention

Decision – Defer for further negotiation as to the period of occupancy and tenure management issues

Item 3

Application 4063/15
Proposal Store Extension
Site Location **STOWMARKET** - Cedars Park Community Centre, Pintail Road,
IP14 5FP
Applicant Mid Suffolk District Council

Councillor Dave Muller, Ward Member, advised the Committee that the existing storage containers had been in use for two years and were used by the thriving pre-school group and the Cedars Park Football Club. The store extension was needed to allow the removal of the units and storage within the Community Centre.

Members unanimously supported the proposal.

By a unanimous vote

Decision – That Full Planning Permission be granted subject to the following conditions:

- Standard time limit
- To be in accordance with submitted details
- Storage containers to be removed and cycle spaces to be re-sited within three months of the completion of the extension.

Note: Councillor Dave Muller left the Council Chamber and was not present for the debate or vote on this item

Item 4

Application 3308/15
Proposal Erection of 97 dwelling houses and apartments, associated roads, car parking, public open space and landscaping including vehicle access from Wagtail Drive and cycleway access from Stowupland Road
Site Location **STOWMARKET** – Phase 6C Cedars Park
Applicant Crest Nicholson Eastern

At the previous meetings, prior to consideration of the Application, photographic evidence from the residents of Cedars Park depicting parking arrangements at Wagtail Drive was provided for Members together with photographs of the landscape and street view by Officers. The photographs were again circulated prior to consideration of the application. Papers were also tabled showing the proposed minor design amendments.

The Senior Development Management Planning Officer advised that he recommended an additional condition requiring the design of those windows relocated to the sides of dwellings to be amended to prevent overlooking into neighbouring properties.

Following the presentation the Officer clarified various points for Members including:

- Landscaping proposals
- Width of the green lane
- Possible outcomes of a Highways Survey.

Paula Mayhew, an objector, addressed the Committee on behalf of the Cedars Park Action Group and spoke against the proposal on grounds including:

- Minor amendments had been made but no plots had been removed and the proposal still resulted in an overbearing development to Elizabeth Way
- Not all the rear facing windows had been removed, the ridge heights had not been lowered and the plots behind the leylandii hedge would not get any sunlight in the gardens
- No consideration had been given to building bungalows on this part of the site
- Two ash trees were to be removed that had been recommended for retention by the Tree Officer
- It was possible to develop the site without destroying the skyline or affecting biodiversity
- The ancient hedge would be destroyed by heavy vehicles
- No play area
- The single access road could result in residents of the development being trapped in the case of a major incident
- The number of objections from Stowmarket Town Council and the community.

Michael Smith, the agent, said the previous application had been deferred to explore possible amendments. Design amendments were proposed that would overcome concerns regarding overlooking Elizabeth Way and a biodiversity enhancement plan provided to show how biodiversity would be strengthened by the proposal. A soft landscaping scheme had also been provided. A change to the construction traffic access had been explored but to place an access drive in the meadow would adversely impact on the hedgerow and delay biodiversity enhancement and was not considered appropriate. The site was in a sustainable location, there were no objections from any statutory consultees and the Council had a significant shortfall in its five year land supply. There were therefore no defensible reasons to refuse the application.

Councillor Dave Muller, Ward Member, emphasised concerns including:

- Construction traffic access
 - Traffic could access from Stowupland Road via Phoenix Way and Wagtail Drive but this was not suitable for large vehicles
 - A WWII Gun Emplacement which was an undesignated heritage asset within the NPPF was situated inside the green lane and was likely to be damaged/destroyed
- Increased flood risk to gardens on Elizabeth Way
- Impact on residents in neighbouring streets and loss of residential amenity
- Heavy congestion of nearby roads
- Increased traffic on Wagtail Drive where on street parking was a problem would increase the risk of pedestrian accidents
- Lack of passable space to allow emergency and waste disposal vehicle access
- High number of objections received
- Increased pressure on the educational and medical facilities in the area.

Councillor Barry Humphreys MBE, Ward Member, commenting by email said he was steadfast in his view that the planned access through Wagtail Drive was flawed on grounds of public safety. He had read the reports by the Highways officials but in his view the increased traffic would have an adverse effect on safety for other road users and pedestrians along Wagtail Drive due to the many issues discussed in the proposal document. He also asked the Committee to consider if protective measures were in place to protect the historically important WWII Gun Emplacement close to the planned construction access.

The Suffolk County Council (SCC) Senior Ecologist responded to Members' questions and confirmed that:

- The copse by Hill Farm had no protection and its removal would not impact on the bats commuting and foraging route
- The width of the green lane was appropriate for construction traffic and would only require minimal cutting back on the left side
- Use of the green lane for construction traffic was the preferred option as it would not affect the bats foraging and commuting route.

Member opinion was divided with some finding the amended application satisfactory subject to the additional condition regarding window design. It was felt that overlooking issues had been overcome and with the relocation of windows to the side aspects of the dwellings. Additional parking on Wagtail Drive would not be a problem as the development would support its own parking. Although Old Lane did not look wide on the photographs the SCC Senior Ecologist had confirmed that it was suitable for construction traffic and as an emergency access if required. A motion for approval was proposed and seconded but lost by four votes to five.

Others considered that notwithstanding the proposed amendments the design and layout of the development would adversely impact on the character of the area and would have an unacceptable effect on the existing trees, shrubs and hedgerows. It was felt that the use of the green lane for construction traffic was also unacceptable. A motion for refusal was proposed and seconded.

By 6 votes to 3

Decision – That Full Planning Permission be refused for the following reason:

The proposed development by reason of its design layout and access arrangements would not protect or enhance natural landscape features within the site including existing trees, shrubs and hedgerows. The development would fail to maintain or enhance the character and appearance of the surroundings. The use of the green lane for the construction access would moreover be unacceptable. The development would have an unacceptable effect upon landscape features including existing trees, shrubs and hedgerows to the detriment of local distinctiveness contrary to policy CS5 and FC1.1 and would fail to provide a high quality and inclusive design contrary to paragraphs 57 and 60 of the NPPF.

Item 5

Application	4244/15
Proposal	Erection of detached dwelling and garage and alterations to existing access
Site Location	WILLISHAM - Antler Ridge, Main Road, IP8 4SP
Applicant	Mr K Cornforth

Keith Earl, commenting on the application, said that there was a flooding issue in Tye Lane and requested that if the application was approved a condition was included requiring the applicant to clear the ditch adjoining the site to all water to drain away.

Philip Cobbold, the agent said that the Core Strategy Focused Review did not accord with the NPPF which said that isolated properties should not be built in the countryside. The proposed dwelling would sit within 100 properties and would not be isolated and it would help to sustain facilities in neighbouring villages. The removal of the Settlement

Boundary did not accord with current policy or guidance and the development would not cause harm and would help the Council's housing shortage.

Councillor David Card, Ward Member, said that most villages could be deemed to be unsustainable but residents had a different view. The appeal decision was now three years old and times had changed and the criteria should be looked at moving forward. The letter was flawed when judging against today's criteria particularly in relation to the District's housing need. The proposed dwelling was in the middle of the village in a large garden and would not cause any harm. There were no objections and the proposal was supported by the Parish Council.

Whilst having great sympathy with the applicant it was generally considered the recommendation accorded with current policies and a motion for refusal was proposed and seconded.

By 5 votes to 3 with 2 abstentions

Decision – That Full Planning Permission be **REFUSED** for the following reason:

The proposal is not considered to form sustainable development within the dimensions set out by the National Planning Policy Framework (NPPF). The proposal would result in the development of a new dwelling in the countryside that would be isolated from other nearby settlements and the full range of services and facilities likely to be needed for its residential use. Additionally the development is not located to give priority to pedestrian and cycle movements and would not support the transition to a low carbon future. Consequently the development would not meet the environmental dimension of sustainable development. Furthermore no exceptional circumstances or other material considerations have been demonstrated to outweigh the harm identified in this respect. The proposal is therefore considered to be contrary to the paragraph 17, 30, 35 and 55 of the NPPF and Policies FC 1 and FC 1.1 of the Mid Suffolk Core Strategy Focused Review (2012).

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Chairman