

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE B** held at the Council Offices, Needham Market on 16 March 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: Jessica Fleming
Nick Gowrley *
Glen Horn
Barry Humphreys
Dave Muller
Jane Storey

Green Group

Councillor: Keith Welham

Liberal Democrat Group

Councillor: Mike Norris

Denotes substitute *

Ward Members: David Burn
Elizabeth Gibson-Harries

In attendance: Senior Development Management Planning Officer (JPG)
Planning Officer (GW/SS/SB)
Senior Legal Executive
Enabling Officer Heritage
Tourism Development Officer
Infrastructure Officer
Governance Support Officer (VL/KD)

SA62 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

Councillor Nick Gowrley was substituting for Councillor Julie Flatman.

SA63 DECLARATIONS OF PECUNIARY/NON-PECUNIARY INTEREST

None declared.

SA64 DECLARATIONS OF LOBBYING

Councillor Jessica Fleming declared she had been lobbied on Application 4195/15.

SA65 DECLARATIONS OF PERSONAL SITE VISITS

None declared.

SA66 QUESTIONS FROM MEMBERS

None received.

SA67 SCHEDULE OF PLANNING APPLICATIONS

Application Number	Representations from
4195/15	Mike Bootman (Parish Council) Graham Hodson (Supporter) Gina Alliston (Supporter) Sarah Roberts (Agent)
4372/15	Nicolaas Joubert (Objector) Michael Lyndon-Stanford (Objector) Craig Beech (Agent)
4373/15	Michael Lyndon-Stanford (Objector)
4226/15	Paul Burd (Parish Council)

Item 1

Application	4195/15
Proposal	Erection of 21 dwellings, 3no. new highways accesses, associated parking, turning and on-site open space provision as amended by drawing no's 01L, 22A and 25, received 20 January 2016, re-positioning plot 11 and altering proposed access.
Site Location	PALGRAVE – Land at Lion Road, Lion Road
Applicant	Danny Ward Builders

The Case Officer referred Members to the tabled papers which detailed amended recommendations.

Mike Bootman, speaking on behalf of the Parish Council, recommended refusal for a number of reasons:

- The Planning Officers had not taken into account the growing pressure on Diss infrastructure
- The school was at capacity and had no ability to expand
- The proposed footpath stopped short of any existing footpaths, which would mean that pedestrians would need to cross a main road
- The Core Strategy Focused Review stated consultation would be held with neighbouring Authorities, and this did not happen.

Graham Hodson and Georgina Alliston, supporters of the application, shared the speaking time allowed. Georgina Alliston made Members aware she was employed at the school and advised the school did have capacity to accommodate further admissions. The school also had children from outside the area attending. She also commented that there was the ability to utilise the community centre, once any

potential safeguarding issues had been investigated and resolved. Graham Hodson said he believed the majority of residents were happy with the proposed development.

Sarah Roberts, Agent, began by stating that the Planning Department had been involved in this application from the start and there had been much pre-application consultation and she felt that all matters raised during the application process had been dealt with. The Council did not have a five year land supply, and the site had been accepted as suitable for development in principle and was a sustainable location.

Councillor David Burn, Ward Member, began by stating that it was important that views of the local residents regarding road safety were taken into account. The amenities in Palgrave, were situated on the opposite side of a busy and wide road, which pedestrians would have to cross in order to access them. He advised that there was concern over potential reliance on Diss and its available services, as well as the availability of school places.

Members were generally satisfied with the application as it was felt that the proposed site had good transport links, had been well thought out with regards to site layout, and was in keeping with the village. However Members requested that all dwellings within the proposal were built to Lifetime Home Standards.

The recommendations were proposed with the inclusion of a condition that all dwellings were to be designed to meet Lifetime Homes Standards.

By 9 votes to 0 with 1 abstention

Decision –

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

29% Affordable Housing

Provision of open space to be maintained in perpetuity and agreement of Estate Management Plan for the long term maintenance

Contribution of up to £148,635 is sought towards Open Spaces and Social Infrastructure towards repairs, renovations and improvements to the Community Centre and Playing Field facilities

Primary School – (£12,181 x 7 places) £85,635 to be spent on:

- Option A
 - a) Refurbish an area of the Parish Community Centre so that the school could extend the use of this with Y6 pupils teaching them off-site to create more space in the school (it is not possible to extend the school as there is no space on site to allow this)
 - b) Contribute towards a Multi-Use Games Area to provide enhanced outdoor PE facilities

- c) Help fund the provision of a mini bus to make sharing facilities with other schools in the partnership easier
- Option B (In the event Option A is not secured)
 - a) Contribute towards other Primary Schools serving the village

Secondary School – (£18,355 x 3 places) £55,065

Sixth Form – (£19,907 x 1 place) £19,907

Contribution of £4,536 shall be paid toward Eye Library

Contribution of £1,071 is sought for improvement, expansion or new provision of waste disposal facilities

(2) In the event that the applicant fails to provide an executed Section 106 planning obligation on terms to the satisfaction of the Professional Lead – Growth and Sustainable Planning by 10 April 2016 that the Professional Lead be delegated authority to proceed to determine the application and secure appropriate developer contributions by a combination of Section 106 planning obligation (for on-site contributions and obligations) and the Council’s CIL charging schedule. To prevent duplication of developer contributions this is achieved by:

- [a] Having regard to those matters which would have been planning obligations under Section 106 and which are details in the Council’s CIL charging regulation 123 infrastructure list, to omit those from the requisite Section 106
- [b] To secure those matters which are not infrastructure items by the requisite Section 106
- [c] To secure those matters which are not infrastructure items by the requisite Section 106
- [d] To secure 1 additional dwelling as to contribute towards affordable housing dwelling to secure 35% Affordable Housing Provision or an equivalent commuted sum

(3) That, subject to the completion of the Planning Obligation in Resolution (1) or CIL in Resolution (2) above to the satisfaction of the Professional Lead – Growth and Sustainable Planning, the Professional Lead be authorised to grant full planning permission subject to the following conditions:

1. Time limit
2. Approved plans
3. Details of materials to be agreed
4. Highways condition regarding vehicular access
5. Highways condition regarding estate roads and footpaths
6. Highways condition regarding footways and carriageways
7. Highways condition regarding parking and manoeuvring
8. Highways condition regarding visibility splays

9. Highways condition regarding new footway
10. Surface Water Management details to be agreed
11. Archaeology condition regarding implementation of works and post investigation assessment
12. Details of soft landscaping to be agreed
13. Details of hard landscaping to be agreed
14. Details of external lighting to be agreed
15. Development to accord with arboricultural method statement
16. In accordance with recommendations and enhancements detailed in ecological report
17. That all dwellings shall be designed to meet Lifetime Homes Standards.

(4) That in the event of the Planning Obligation and/or CIL regulation referred to in Resolution (1) or (2) above not being secured the Professional Lead – Growth and Sustainable Planning be authorised to refuse full planning permission for reason(s) including:

Inadequate provision of open space and/or infrastructure contrary to policy CS6 or the Core Strategy 2008 without the requisite S106 Obligation or CIL being in place

Item 2

Application 0412/16
 Proposal Remove existing rough cast render and replace with Grey Hardie-Plank
 Site Location **NEEDHAM MARKET** – 38 Burton Drive IP6 8XD
 Applicant Mr M Rawlings

Councillors Wendy Marchant, and Mike Norris, Ward Members, both gave their support to the application.

Members questioned the Officer on the suggested materials to be used and if they would be in keeping with existing dwellings; it was confirmed that they would be.

By a unanimous vote

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

- Implementation – Standard time condition
- Approved documents

Item 3

Application 4028/15
 Proposal Application for Outline Planning Permission for the erection of 15 new dwellings
 Site Location **YAXLEY** – Land off Cherry Tree Close IP23 8DH
 Applicant Dove Farm Developments Limited

Councillor David Burn, Ward Member, advised the Committee that he believed this development was unsustainable and it was deeply unpopular with residents and he urged Members to refuse the application as per the Officer's recommendations. He

said there were parking concerns raised by residents and there was no longer a Post Office or village shop, only the public house remained.

By a unanimous vote

Decision – That authority be delegated to the Corporate Manager – Development Management to refuse the application for the following reasons:

1. The proposal is not considered to form sustainable development within the criteria set out by the NPPF, by reasons of the location of the site in relation to services resulting in reliance on the private motor car, and the risk of harm to biodiversity, contrary to the requirements of paragraph 7 to improve biodiversity, such that the proposal is considered to be contrary to the principles of sustainable development. Furthermore the proposal lacks social and economic benefits to outweigh this. 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 NPPF, Policies CS2 and CS5 of the Mid Suffolk Core strategy (2008), Policies GP1 and CL8 of the Mid Suffolk Local Plan (1998) and policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012)
2. The application as submitted fails to demonstrate that the development would not risk harm to biodiversity by reason of insufficient information with regards to the need for a reptile survey, such that the proposal is contrary to paragraphs 109 and 118 of the NPPF, Policy CS5 of the Mid Suffolk Core Strategy (2008), Policy FC1 of the Core Strategy Focused Review (2012) and Policy CL8 of the adopted Mid Suffolk Local Plan (1998)
3. The application as submitted fails to demonstrate that the proposed development would not increase the risk of flooding off-site through adequate mitigation measures compliant with national or local standards. As such the proposal conflicts with the aims of Paragraph 107 of the NPPF and Paragraph 107 of the associated Practice Guidance, Policy CS4 of the Mid Suffolk Core Strategy (2008) and Policies FC1 and FC1.1 of the Core Strategy Focused Review (2012)
4. The proposal would make inadequate provision/contributions for community and other facilities/services for the occupants of the dwellings. The applicants have not entered into the necessary legal agreement, which is required to ensure the following are provided:
 - The provision of 35% of the dwellings as on-site Affordable Housing
 - Financial contributions toward primary and secondary school places, libraries and waste
 - The adoption of the access to the site and estate road within the site
 - Management Plan to deal with the provision and maintenance of open space

The proposal is therefore contrary to the NPPF, saved Policy CS6 of the Mid Suffolk Core Strategy (2008), Policy FC1.1 of the Coe Strategy Focused review (2012) and saved Altered Policy H4 of the adopted Mid Suffolk Local Plan First Alteration

Item 4

Application	4372/15
Proposal	Demolition of 4no. modern agricultural buildings. Partial demolition of cattle shed and elements of Castle Farm Barns. Conversion of barns to 3no. dwellings comprising rebuilding and repair of existing structures, new cartlodge to barn 3, landscaping to provide surfaced access, parking and amenity spaces. Installation of 3no. sewage package treatment plants and air source units to serve new dwellings.
Site Location	WINGFIELD – Castle Farm, Vicarage Road IP21 5RB
Applicant	Warren Hill Farms

The Case Officer advised the Committee of a late representation that would be covered during the presentation. An incorrect date in Recommendation 1 was also highlighted and corrected. It should read 8 April 2016 and not 10 April 2016.

The Enabling Officer – Heritage, advised the Committee that there was a slight discrepancy in the drawings, which marginally affected the positioning of the windows. The Senior Development Management Planning Officer advised the Committee that resolving this could be delegated to Planning Officers.

Nicolaas Joubert and Michael Lyndon-Stanford shared the allowed speaking time, as objectors. They began by advising the Committee of the significance of the setting of the adjacent Wingfield Castle and the impact that this proposal would have. The development would cause a separation between the castle and the barns, and as this was a domestic development would sever the link that currently existed. Members were asked to refer to the consultation response from Historic England. The NPPF required the best method of conservation to be investigated and this would be the repair and retention as agricultural buildings.

Craig Beech, the Agent stated that alternative options for the barns had been considered, however the buildings were not suitable for modern agricultural use as the ceilings were too low and the vehicular access would not be wide enough. He advised that the barns had been on the Building at Risk register since 2009, and this proposal would remove the buildings from this. The scheme was sympathetic and maintained the historic fabric of the barns, where possible original beams would be kept and room splitting would follow existing layout. Comments raised at previous appeal had been taken into account. He answered Members queries regarding the use of fixed shutters in the proposal, and confirmed that the windows at the front of the proposal were large enough to escape through.

Councillor Elizabeth Gibson-Harries, Ward Member, advised that the castle had been restored and sensitively maintained by the current owners who, concerned for the future of the barns and their restoration, had suggested an alternative by offering to purchase and restore them. Due to the rural location of the proposed site and as the lanes and roads leading into the village were extremely narrow, there was concern regarding additional traffic.

Members debated the application and agreed that the proposal would preserve the grade two listed buildings, and it had been sensitively designed. It would also ensure that the buildings were preserved and removed from the Buildings at Risk register.

The recommendations were proposed with delegation to Officers to seek amended plans for windows and with the inclusion of further conditions:

- Addition of owl boxes
- Recycle materials where possible
- No external lighting (removal of PD for such lighting)
- Removal of PD for outbuildings and other structures

By a unanimous vote

Decision –

(1) That the Professional Lead – Growth and Sustainable Planning be authorised to secure a Unilateral Undertaking to provide:

- Contribution of £86,010 towards Affordable Housing
- Open Spaces and Social Infrastructure contribution of £12,189

(2) In the event that the applicant fails to provide an executed Unilateral Undertaking on terms to the satisfaction of the Professional Lead – Growth and Sustainable Planning by 10th April 2016 that the Professional Lead be delegated authority to proceed to determine the application and secure appropriate developer contributions by a combination of Section 106 planning obligation (for on-site contributions and obligations) and the Council's CIL charging schedule. To prevent duplication of developer contributions this is achieved by:-

a] having regard to those matters which would have been planning obligations under Section 106 and which are details in the Council's CIL charging regulation 123 infrastructure list, to omit those from the requisite Section 106;

[b] to secure funding for those remaining infrastructure items removed from the Section 106 planning obligations under the CIL charging schedule, and;

[c] to secure those matters which are not infrastructure items by the requisite Section 106.

(2) That, subject to the completion of the Planning Obligation in Resolution (1) or CIL in Resolution (2) above to the satisfaction of the Professional Lead – Growth and Sustainable Planning and receipt of amended plans for windows, the Professional Lead be authorised to grant full planning permission subject to the following conditions:

- Time Limit
- Accord with Approved Plans subject to amended plans for windows being received
- Construct visibility splays
- Agree all external materials and finishes
- Submit timber survey and repair schedule to be agreed
- Agree fenestration details
- Agree details of Air Source Heat Pump

- Implementation of landscaping
- PD removal for extensions, roof alterations, roof enlargements, microwave antenna and porches (reason to protect the amenity of future occupiers of the barns)
- Accord with recommendations and enhancements within the ecology surveys including bat and great crested newts
- Notwithstanding details submitted, means of Insulation shall be agreed
- Schedule of repairs to single storey wings
- Owl boxes
- Recycle materials where possible
- No external lighting (removal of PD for such lighting)
- Removal of PD for outbuildings and other structures

(4) That in the event of the Planning Obligation and/or CIL regulation referred to in Resolution (1) or (2) above not being secured the Professional Lead – Growth and Sustainable Planning be authorised to refuse full planning permission for reason(s) including:

- **Inadequate provision of open space and/or infrastructure contrary to policy CS6 or the Core Strategy 2008 without the requisite 8106 obligation or CIL being in place**

Item 5

Application	4373/15
Proposal	Demolition of 4no. modern agricultural buildings. Partial demolition of cattle shed and elements of castle farm barns. Conversion of barns to 3no. dwellings comprising rebuilding and repair of existing structures, new cartlodge to barn 3, landscaping to provide surfaced access, parking and amenity spaces. Installation of 3no. sewage package treatment plants and air source units to serve new dwellings at Castle Farm, Vicarage Road, Wingfield, Suffolk.
Site Location	WINGFIELD - Castle Farm, Vicarage Road, Wingfield, IP21 5RB
Applicant	Warren Hill Farms.

Michael Lyndon-Stanford an objector, reiterated his comments from the previous application.

Members debated the item and requested a condition that materials were recycled where possible.

By a unanimous vote

Decision – That, the Corporate Manager- Development Management, be delegated to grant Listed Building Consent subject amended plans for windows being received and subject to the following conditions:-

- Time Limit
- Accord with Approved Plans
- Agree all external materials and finishes
- Submit timber survey and repair scheduled to be agreed
- Agree fenestration details

- Implementation of landscaping
- Notwithstanding details submitted, means of Insulation shall be agreed
- Schedule of repairs to single storey wings
- Recycling of materials where possible.

Item 6

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, Wortham, 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 Parish Council was trying to prevent the site becoming residential and to maintain it as holiday accommodation only. It was disappointing that following the previous deferral the applicant had been unwilling to enter into discussions to find a more appropriate proposal. The sole aim of the application was to maximise the value of the site. The number of lodges proposed was of too high a density and a valuable wildlife area would be destroyed.

Councillor Diana Kearsley, Ward Member, commenting by email said she endorsed the Parish Council comments. She believed the sale of the lodges with the proposed condition would result in little control over occupancy with a likelihood that they would become permanent homes for 11 months of the year. This would breach the condition and stretch the amenities and infrastructure of the village beyond its limits. The applicant and agent had chosen to ignore the opportunity to discuss a compromise and had not listened to the concerns of residents. She asked the Committee to readdress the contents of the Parish Council response, and the well-constructed reasons made, which had resulted in the previous deferral for negotiation regarding the condition relating to the period of occupancy.

The Tourism Development Officer advised that additional tourist accommodation was supported to encourage people to the area which would boost the local economy. It was felt the original condition did not encourage people to stay for longer periods, particularly out of season. It was possible for records to be maintained and monitored to ensure that a lodge was not a permanent residence.

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.

Member opinion was divided with some considering that the revised condition was appropriate and enforceable. Others felt that it could lead to the lodges becoming permanent homes and not tourist accommodation resulting in an unsustainable

development. Concern was expressed as to whether it would be possible to monitor and enforce occupation if the revised condition was approved.

By 6 votes to 4

Decision – Refuse the application for the following reason:

- Variation of the condition would, if approved, fail to safeguard the use of the lodges only for just holiday/tourism purposes which would increase the risk of temporary and permanent residential use, even as a secondary residence, from occurring. Such residential use on this site would be considered to be unsustainable development and such harm would not be outweighed by the economic gains to the area of active tourism and turnover of regular tourists/visitors. On this basis the current condition imposed is considered to accord to Policies H11 and RT19 of the Local Plan and CS2 of the Core Strategy and if varied would otherwise be contrary to said policies and Policies H7 (Housing), Altered H4 (Affordable) of the Local Plan, Core Strategy Policies CS1 and CS6 and NPPF (Paragraphs 17, 19, 55, 70)

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Chairman