



Minutes of the emergency meeting of Westhorpe Parish Council held on Thursday 5 December 2019 at 19:45 in the Village Hall.

In attendance:

Mr D Barker (Chairman), Mr R Lambert, Mr S Christian, Mrs D Gladders, Mrs H Wilkinson, Mr I Cotgrove

Present:

C Kennedy (Clerk)
Andrew Mellen (District Councillor)

Public participation

There were 30 members of the public present.

The Chair welcomed everyone and confirmed that the emergency meeting was to discuss the outline planning application DC/19/05318 – land to the south side of Church Road, Westhorpe. The application is in respect of new access to the site, and has no details at this stage. Before commencing the meeting, Cllr Mellen outlined the planning process to those in attendance.

Mid Suffolk District Council (MSDC) is the planning authority for this area. They are duty bound to consider an application that comes before them. The Planning Department of MSDC has formally validated application DC/19/05318, and it is now in a period of consultation. As well as the Parish Council (PC) and neighbours, SCC Highways department, drainage, Heritage and biodiversity are all consulted. These various bodies have to reply and consider whether there are any particular issues about this development that would stop it going ahead, or allow it to go ahead. The PC doesn't have a veto over this decision, they are consultees. The decision will be made by MSDC. Either a Planning Officer will make the decision under delegated powers, or the District Councillor can ensure that the decision could be called into a Planning Committee. The Committee is made up of 9 or 10 elected councillors from across Mid Suffolk, and they will consider the application and then vote on it. Cllr Mellen would not be on the Committee, as Councillors are not permitted to vote on decisions in their own area, but he could address the Committee. The Chair of the PC, and any residents that wish to, are entitled to address the Committee. Cllr Mellen confirmed that, with controversial applications such as this, the residents and the PC having the opportunity to address the Committee is probably a better way to achieve a decision than just letting a Planning Officer make a decision based on policy and their own feeling about the application.

Once all the consultees have responded, a decision has to be made within 56 days of the application going in. If it is called into Committee, this would probably happen in February or March 2020.

Cllr Mellen advised that if the application goes to Committee, an organised and coordinated approach be adopted. He expressed the importance of presenting a coherent case against the application. If the Committee decides to refuse the application, the applicant has the right to appeal to the Planning Inspectorate. It would then be down to them to make the decision.

Cllr Mellen also confirmed that if the application was approved, it would be possible to apply for Judicial Review, but that the cost of this would be approximately £30,000.

Cllr Barker reminded residents that although the meeting was to discuss the PC's response to the consultation, he urged individuals to also respond as the weight of public opinion might also influence MSDC Planning Department.

The Chair then formally opened the meeting.

19.68 Apologies and approval of absences

Apologies were received from Cllr Caley.

19.69 Declarations of interest

Cllrs Caley and Lambert declared an interest due to the proximity of the site the subject of the application to their homes.

19.70 To consider requests for dispensations

All were in favour of granting dispensations to both Cllrs Caley (in his absence, as he had provided a written copy of his views) and Lambert, to both speak and vote on this subject. This was permitted on the basis that the MSDC Monitoring Officer had confirmed that their interests were non-pecuniary.

19.71 To consider planning application DC/19/05318 – land to the south side of Church Road, Westhorpe

Cllr Barker passed on the written views of Cllr Caley, as a starting point for discussions.

My view would be to object most strongly to the application for the following reasons:

a) As a Parish we have objected to the proposed Joint Local Plan, the consultation period for which continues and I hear that no decision is anticipated for possibly 12 months. The proposed development is outside of our village envelope, at least under the present guidelines. Until the JLP (Joint Local Plan) is determined we should be guided by the existing arrangement and not permit opportunist development to ride roughshod over the controls that are in place to protect villages like ours

b) The proposed development is for outline planning only, as a consequence no detail of what sort of property. Therefore we have to assume the worst case and base our decision on the impact that would have.

c) Irrespective of the individual property design, they would have to comply with the guidance set out for sustainability of our village. I ... have highlighted where I believe the proposal fails [the Mid Suffolk sustainability guidelines], namely;

It is well over 2 kilometres from any services (in fact its 3.52 kilometres from any), those services being schools, shops and doctors.

That means increased vehicular use on an unclassified, poorly maintained road, with no safe footpath, no street lighting

There is not an adequate bus service to allow access to those facilities.

It fails the ecological impact guidelines.

It fails the Light pollution guidelines.

d) *Westhorpe is an eclectic mix of housing that has developed over hundreds of years and though there is evidence of groups of similarly designed properties the sudden arrival of 6 new homes, representing around a 9% increase in our housing stock, will have an enormous impact on the character of the village and those properties surrounding the development, many of which are listed.*

e) *The proposed entrance and exit for 6 homes will focus the vehicular access on one spot. A safe assumption of 18 cars spread amongst the homes means a significant increase in traffic, in the hours of darkness a massive increase of light pollution to the houses opposite and reduction in road safety due to the parking of vehicles at the homes opposite. During construction this would be worsened further by the heavy construction traffic. Church Road and The Street are narrow at best, more vehicle journeys per day is not welcome.*

f) *We have sufficient planned housing stock to meet the needs of the next 5 years, therefore I would question the need.*

g) *Increased load on water supply, sewerage, land drainage and Broadband will frustrate and disappoint us all.*

h) *From an environmental point of view there will be an impact on the loss of open land and all the associated wildlife that is present.*

i) *The impact on the properties opposite will be enormous, light pollution, increased traffic, parking congestion to name but a few.*

In summary, there is little or nothing to recommend any sort of approval and I would object as a councillor and will do so as an individual.

The Chair then requested that a member of the PC make a proposal.

Cllr Cotgrove proposed that the PC object to the outline planning application on the following grounds:

- Sustainability: it not close to facilities; doctors are either in Bacton or Botesdale; shops are either in Bacton or Walsham le Willows; schools are Gislingham, Bacton and Eye – all are without 2 kilometres.
- Infrastructure is not sufficient: roads are not maintained properly; the nearest stations is Stowmarket; there is virtually no bus service.
- No affordable housing: the houses will be high value houses and likely to be commuter type properties, meaning the extra car journeys will be concentrated at two times of the day.
- Some of the facts given as facts in the applicant's agent's planning statement are inaccurate.

Cllrs Christian and Wilkinson seconded the proposal. All were in favour of the Parish Council objecting to the application.

Cllr Barker suggested that in order to formulate a structure for the response of the PC to follow the points as they arose in the applicant's agent's planning statement.

Objection Point 1: ignoring the recent consultation on the JLP

Planning statement paragraph 2: *"the application has been subject to positive pre-application discussions with [the] Planning Officer ... [and he] advised that the principle of development on the site would be supported"*.

Cllr Barker agreed with Cllr Caley regarding the point of having a consultation on the JLP if, before it has been adopted, we are presented with something which is an agreement when in fact the site is, at present, outside the development area for Westhorpe. As such Cllr Barker suggested that the first objection made would be in relation to this point.

Cllr Mellen confirmed that as the draft JLP is in the consultation stage, and won't be fully adopted until later next year, in the interim planning applications are determined on the basis of the previous local plan (considered out of date by central government) and the planning inspectorate guidance as laid out in the National Policy Planning Framework (NPPF).

Objection Point 2: sustainability

As both Cllrs Caley and Cotgrove stated there are no shops, pubs, bus route, doctors within 2 kilometres.

Cllr Gladders highlighted that the planning statement (paragraphs 32 and 34) stated that the development was in line with *"the objectives of sustainable development are economic, social and environmental"*. She wished to object to this statement.

Cllr Gladders highlighted that the planning statement refers to the proposed development helping the environmental objective of sustainable development *"the site is within a very short distance of a wide variety of service in Bacton, these include primary school, doctor's surgery, village store and public house"*. Cllr Gladders questioned why, given Bacton is getting 400 new houses, 6 new dwellings in Westhorpe would *"sustain an improved vitality and viability of local services in Bacton"*.

Objection Point 3: new access

Cllr Barker noted that due to visibility splays, it is clear that the present access to the site is not suitable. Accordingly new access has been proposed to afford the best visibility for traffic going in and out of the site. This will have a huge impact on the houses opposite the site if there are, in fact, 18 vehicles going in and out of the site. It was questioned why it was necessary to have all the vehicles accessing the site via one entrance, and if this was actually any more viable.

Objection Point 4: drainage

The site is 0.5 hectares that is presently grassland, which acts as a good sponge for rainwater. Cllr Barker stated that the presence of 6 houses, 6 roofs, 6 driveways, 6 paths will have a huge impact on the amount of water. The planning statement suggests soakaways, but an acre inch of rainfall equates to 100 tonnes of water, and the supporting photographs show both dry and full ditches.

The pond at Street Farm, where this excess water would flow under the proposed application, only has a certain capacity. It also only has an outgoing pipe that is adequate for present use. It was noted that in the past even though the out flowing pipe from the pond is adequate, there are been instances of flooding further down The Street.

Objection Point 5: archeology

Although the planning statement states that the site is not of archeological significance, Cllr Barker noted that the site was the site of a battle in Cromwell's time and musket balls have been found in the past.

Cllr Cotgrove highlighted that the SCC Archeology Officer stated that there have been finds of Roman remains approximately 20m from the site.

Objection Point 6: ecology

It was noted that there are great crested newts in Westhorpe. It is possible there may be newts in the pond, and it was noted that whilst this wouldn't prevent development, it should be raised in the objections.

Objection Point 7: light pollution

Cllr Gladders recalled that Natural England had previously commended this area as an area of outstanding natural night light as there is no light pollution in Westhorpe. She opined that 6 new houses would spoil the clear night sky that residents enjoy so much. The PC were unclear how to formulate this objection, but felt it necessary to include it. Cllr Barker felt that the light pollution would be to the detriment of the properties opposite.

Objection Point 7: site is in the curtilage of listed buildings

Cllr Barker noted that substantial harm or loss of significance to the surrounding listed buildings - The Old Cottage, the post office, Street Farm and Lavender Cottage – may not be strong enough an argument upon which to base an objection.

Cllr Gladders disagreed. She pointed out that the planning statement paragraphs 15 and 17 (that the erection of the proposed dwellings would not lead to substantial harm or loss of significance of any of the nearby listed buildings) were merely the applicant's agent's opinion and both she and Cllr Christian agreed that the PC were entitled to an opposing opinion. The nature and look of the dwellings are not specified, so it is unknown whether they could possibly lead to harm or loss of significance of the listed buildings.

Objection Point 8: no demonstration of social, environmental or economic benefit

Cllrs Cotgrove and Gladders both highlighted that the planning statement, while referring to the social, environmental and economic benefits of the proposed development, did not actually give details of these benefits to the community of Westhorpe.

Other points raised by Councillors

Cllr Cotgrove stated that the "short distances" alluded to in paragraph 34 were misleading. It is not easy to access the facilities in Bacton on foot in anything other than good weather. The footpath network to Bacton, as well as being quite long, is poor, and in the winter months boggy and almost impassable.

Cllr Cotgrove wondered whether it was worth stating that the planning statement is inaccurate, and challenge it on this basis specifically. Namely in relation to proximity to services, archaeology, drainage and the bus service.

19.72 Public participation

The Chair opened the meeting to comments from the floor.

Resident 1

"In relation to the NPPF, I think there is a presumption in favour of sustainable development on the basis of social, economic and environmental (SEE) criteria being met. The planning statement misrepresents the impact on Westhorpe and does not meet these SEE criteria because on occasions it intimates there will be change, but then says that the change will not be to the harm of Westhorpe. Harm, whether substantive or low level needs to be outweighed by SEE benefit.

The planning statement states that the development will be reliant "to some extent" on increased use of the private motor car. It will not be "to some extent", but to an overriding extent. This is counter to the Council's statement of trying to promote cycling, walking and the use of public transport.

In respect of heritage assets, you only need to use your eyes to see that the proposed site is rural, undeveloped land. The listed buildings are located in such an area, and so an impact of 6 family homes will inevitably have an adverse impact on those heritage assets. I wish to strongly state that this impact is not outweighed by the SEE benefits.

There not one word in the planning document that stipulates a benefit to Westhorpe. There is very spurious reference to how development in one area is meant to benefit development in another area. The argument appears to be that the benefit doesn't have to be a benefit for Westhorpe, and I disagree with this. In which case the challenge needs to be based on the benefit for Bacton. Is it seriously being suggested that 6 houses in Westhorpe are essential to the economic viability and vitality of the local services and facilities in Bacton, given that Bacton is getting 400 new homes?

I question the impact 6 family homes would have on the undersupply for the 5 year housing plan, given all the other development that is going on – and if it were argued that they did impact, would that impact outweigh the obvious SEE disbenefits?"

Cllr Mellen thanked the resident and agreed with pretty much everything he said. He hoped that the resident would come and speak to the Committee, if this application goes before the Committee.

Cllr Mellen reminded the meeting that the planning statement is the applicant's statement, presenting the best case scenario for development. The case has been made without stating disbenefits and is, by its nature, a one sided support for development.

Cllr Gladders stated that if supermarkets were to deliver to the area, it won't be one delivery, it would be several per week.

Resident 2

This resident stated that his profession meant he had extensive experience of both making planning applications, gaining consents and acting as a witness on appeal. He advised that, in his view, this application was a minimum, low budget application. He reminded the meeting that this is an outline application for access only, which means even if the application is granted, all the other items, such as siting, design and landscaping, would need to be submitted as an application and go through the planning process.

The points he noted as being of interest were:

The lack of information regarding the access itself, as well as the lack of design of the dwellings given their being within the curtilage of listed buildings. These points mean the application is incomplete, in his view.

The planning statement refers to a supporting principle from a pre-application, which is considered to be confidential. The resident looked up how to find this information, and found out that a Freedom of Information (FOI) or Environmental Information Regulations request could be placed with the Council, to ascertain if there was in fact a support in principle from the Planning Officer in August 2019.

The resident highlighted that on MSDC's planning portal, it didn't state that SCC Highways had even been consulted. They were not on the list of consultees. Given that this is the sole point of the application, he considered this very strange. He noted that there was no details on the access, no traffic impact study, no mention of road widths or safety issues. All matters that the resident considers relevant.

The resident questions the fact that there is no mention of protected species at all, and Natural England specifically excluded protected species from their comments, which the resident believes to be flawed.

The resident fully expects that soakaways would not work on that site, and highlights that on the application form in respect of surface drainage it just says "unknown". He stated that it is absolutely critical that the applicant has a solution to this, as if you can't drain a site, you can't develop it. The resident informed the meeting that the village hall had to get special dispensation to allow the drain away from the car park to connect to the foul water system.

With regard to sustainability, the resident agreed with the points raised. He stated that the argument was flawed that 6 extra houses would help sustain the village.

The resident advised that the PC's objections be based on planning facts, and to avoid emotional comments. He also advised that individual letters from residents, rather than petitions, carry much more weight. He also advised lobbying of the District Councillor to ensure the application goes before the planning committee. He also advised that if the application goes before the planning committee, speakers get only 3 minutes, so ensuring the ability to get your points across in that time is vital.

Resident 3

A resident who is a Chartered Geologist confirmed that the formation that Westhorpe is on is the Lowestoft formation, which is glacial diamicton, which is predominately clay and therefore soakaway drainage is very unlikely to work, given clay is not permeable.

Resident 4

The resident questioned how the Planning Officer was able to give positive pre-application approval to this application given the area for development is outside the 1999 Westhorpe Local Plan, outwith the settlement boundary and therefore deemed to be within the countryside.

Cllr Mellen confirmed that the NPPF is being used as guidance, so although the site is outside the current settlement boundary for Westhorpe, it is inside the proposed new local plan boundary and the NPPF guidance would support that over the outdated (as considered by central government) local plan.

The resident felt that this application had been submitted to try and get it in before the JLP could be approved. Cllr Mellen confirmed that this was the case in many areas while in the “no man’s land” between two policies.

Resident 5

The resident was concerned about both the light from the headlights of the 18 vehicles associated with the proposed development, but also with the access to the site. The grass outside the residences opposite the site is not meant to be parked on. If the vehicles opposite parked on the road, as required to do so by the District Council, this narrows the road considerably, and larger vehicles cannot pass. He also stated that parking is not permitted within 30 yards of an access, which would mean that none of the residents opposite would be able to park. He stated that tickets could be issued if cars were parked within 30 yards of the proposed new access.

Resident 6

The resident expressed concern that there was nothing to stop the landowner from selling the land outwith the boundary of the draft JLP as gardens at a later date. Cllr Mellen confirmed that this the resident was correct, and there was nothing to stop the landowner, but that technically a change of use would be required from agricultural use. Cllr Mellen also stated that if the applicant wished to sell six paddocks as agricultural land that lined up with the 6 houses, then there would be nothing to stop him.

Resident 7

The resident was concerned about flooding. His property already suffers when the surface water reaches a certain level, as the sewer backs up and the properties on the south side of The Street at the east end of the village end up with the water coming into the manholes, the sewers back up and they have to deal with the associated smells. The resident suggested enquiring with Anglian Water why, every time there is heavy rainfall, emergency tankers turn up to empty the flood/soil water from the sewage works. Cllr Barker confirmed that the PC can ask this question of the planning authority in their objections, but in his view no sewage is removed from the station.

The resident reminded the PC that flooding is high on central government’s agenda at the moment.

Resident 8

The resident asked how to make this processes as unpleasant, and expensive and generally more bother than it is worth for the applicant. Cllr Barker stated that the planning process must be used and the PC didn’t condone making the process unpleasant.

Resident 2 highlighted that there is lack of factual information in the application and that a rebuttal needed to fact based. He suggested the inclusion of the parked cars affecting the access, the conducting of a traffic impact study, including photographs of the vehicles parked on the road, showing the narrowness of the road. He also suggested highlighting the lack of a traffic impact assessment by the applicant, which should be deemed essential as the subject of the application is the access. Suggested wording for the objection was “vital that a traffic impact assessment is undertaken”, including safety records – how many accidents there have been.

Resident 6 asked if was worth paying a professional to undertake a traffic impact assessment. Cllr Barker said the PC didn’t have the funds for this, but there was nothing to stop individual residents to get together to fund this.

Resident 9

The resident wished to raise the point of drainage, as once the water leaves the pond at Street Farm, the next place it appears is the front garden of Partacre. Once it passes under the road, it then ends up on the village green.

Cllr Mellen confirmed that the developers need to put in sustainable drainage.

Resident 10

The resident stated that it was imperative that the PC find out what the "supporting principle" of the Planning Office was, and asked who would file the FOI request. It was confirmed that the Clerk would file this on Friday 6 December 2019 on behalf of the PC. This was unlikely to be received in time to file the PC's objections to the application, but would be in time to face the planning committee.

The Chair then brought the discussions back to the Parish Council.

It was decided that the above 8 numbered points would be included in the PC's objections, supported and strengthened by the residents' pertinent comments, knowledge, experience and expertise. The objection would highlight the lack of inclusion of SCC Highways as a consultee, the lack of a traffic impact assessment, the issues of drainage not being addressed and the fact that the applicant has not shown any SEE benefits to Westhorpe.

Cllr Mellen asked the PC whether they would like him, as District Councillor, to call the application to Committee. The PC agreed they would like Cllr Mellen to proceed in this way, and he confirmed that this would delay any decision until February or March 2020, giving the PC a chance to mount a well thought out case for objection.

The Clerk requested confirmation from Cllr Mellen whether residents could submit objections to the application via the yellow planning team email address (planningyellow@babberghmidsuffolk.gov.uk), in case they didn't wish to use the portal. He confirmed this was acceptable as long as they used the reference DC/19/05318.

It was agreed that the Clerk would send an email for circulation to the village list outlining the deadline for submissions (namely 18 December 2019), the email address for MSDC planning team, and instructions for use of the MSDC planning portal.

There being no further business, the Chairman closed the meeting at 21:13.

Camilla Kennedy
Clerk to Westhorpe Parish Council.



14/1/2020