

DRINKSTONE PARISH COUNCIL

MINUTES

of an Extraordinary Meeting of the Council held on
Monday 5th August 2019

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Present: Cllrs Edmondson, Holborn, Moss, Schofield, Selvey, Youngs

Attending: Ms L Blake, Mr Blake

19.08. E01

Noted:

Apologies received from Cllr Moss, Cllr Schofield

19.08. E02

Noted:

That there were no Members' Declarations of Local Non-Pecuniary Interests and/or Disclosable Pecuniary Interest in subsequent Agenda items and no additions and/or deletions to the Council's Register of Interests.

19.08. E03

Noted:

That there was no correspondence to the meeting not dealt with as an agenda item.

19.08. E04

Noted:

That when public comment or question was invited on any agenda item, there were none.

19.08. E05

Noted:

5.1 Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to Dwellinghouse and Associated Operational Development under Schedule 2, Part 3, Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015

Cambourne Farm, Rattlesden Road, Drinkstone, IP30 9TN

The meeting considered:

- **the application documentation published to Mid Suffolk District Council's planning portal**
 - **a letter from the applicant**
 - **responses from the applicant at the meeting**
 - **Historical documents relating to the Enclosure of Parish Lands and**
 - **Drinkstone Parish Council's (DPC) draft Neighbourhood Plan**
- and, determined to object to the application, giving the following reasons:**

Policy considerations

The conversion of redundant or disused agricultural barns into dwellings outside the settlement boundaries (the proposal falls outside Drinkstone's settlement boundary) is covered by **Policy DRN2** in Drinkstone's emerging Neighbourhood Plan. It states that development will be permitted where:

- a) the building is structurally sound and capable of conversion without the need for extension, significant alteration or reconstruction; and
- a) the proposal is a high-quality design and the method of conversion retains the character and historic interest of the building
- b) the proposal would lead to an enhancement to the immediate setting of the building, and the creation of a residential curtilage and any associated domestic paraphernalia would not have a harmful effect on the character of the site or setting of the building, any wider group of buildings or the surrounding area

The Parish Council took the view that without a structural survey of the proposed building to be converted, no evidence had been provided that the existing structure was structurally sound and capable of conversion (DRN2 (a)).

The Parish Council did not have any comments with respect to DRN2 (b).

Signed: Daphne Youngs

Date: 2nd Sept '19

Suffolk County Council (SCC) Highways have stipulated that there should be space for the on-site parking and maneuvering of vehicles, along with details of secure cycle storage provision. The current application proposes a very restricted change of use area, and provides no details of how the additional conditions for vehicles will be met, nor how they will be designed and landscaped. The eventual residential curtilage will, of necessity, be considerably larger than that proposed in the application, and the amount of land affected by the proposed change of use is likely to be considerably greater than the amount of land for which the applicant has applied for change of use. For this reason, the Parish Council was not satisfied that (DRN2 (c)) could entirely be met.

The site sits within the proposed new Area of Local Landscape Sensitivity specified in **Policy DRN6** in the emerging NP. Under this policy, developments will only be permitted where they:

- a) protect and enhance the special landscape qualities of the area, as identified in the Drinkstone Landscape Appraisal; and
- b) are designed and sited so as to harmonize with the landscape setting

The Parish Council is concerned that the proposed application is not likely to protect and enhance the special landscape qualities of the area (meadowland), in part because of the conditions which SCC Highways proposes to attach to any permission with respect to surfacing of the access track and visibility splays.

Policy DRN12 - design considerations

Relevant clauses:

- c) do not involve the loss of gardens, open, green or landscape areas or the erosion of the settlement gaps identified on the policies map, which make a positive contribution to the character and appearance of this part of the village

mitigation measures to reduce adverse effects on trees and ancient hedgerows, and sites, habitats and features of ecological interest
not result in water runoff that would add to or create surface water flooding

The Parish Council is concerned that the proposed conditions by SCC Highways with respect to surfacing of the track and visibility splays at the access/egress point onto Rattlesden Road would be likely to have a significant adverse impact on the open landscape area, the erosion of settlement gaps identified on the policies map, ancient hedgerows bordering Rattlesden Road and an increase in water run-off and surface water flooding.

Policy DRN13 Sustainable Construction Practices

Development proposals should demonstrate:

- a) how they maximize the benefits of solar gain in site layouts and orientation of buildings
- b) incorporate best practice in energy conservation and be designed to achieve maximum achievable energy efficiency
- c) avoid fossil fuel-based heating systems; and
- d) incorporate sustainable design and construction measures and energy efficiency measures including, where feasible, ground/air source heat pumps, solar panels and grey/rainwater harvesting

The Parish Council did not consider that the application as submitted demonstrated sustainable construction practices under policy DRN13.

Land ownership

Access to the site is by a right of way over the Parish Lands. Title to the land was established by the 1894 Local Government act which passed the lands awarded to the parish under the 1853 Enclosure act from the ownership of the churchwardens and parish overseers to the newly created parish council.

The right of way across DPC's land is of long standing (see Enclosure award map 1841-54) and was established to provide access for purposes of agriculture to the meadows behind the parish land.

Signed: Daphne Youngs

Date: 2nd Sept '19

The Parish lands on Rattlesden Road are governed by Allotment Law which restricts their sale or repurposing. The lands, are, in addition, held within a registered charity, *The Green Allotment for the Labouring Poor*. The lands are thus also protected under charity law from any disposal, repurposing or alteration which affects the ability of the charity to carry out its obligations.

Whilst it is acknowledged that these are legal matters, and thus are outside the scope of this planning application, Drinkstone Parish Council wishes to make it clear that although the applicant has leased the land from the Parish Council/Charity for many years, the applicant does not have title to the land.

Before any work can commence, Highways has stipulated that the entrance to the access track to the site must be upgraded to conform to modern standards in terms of dimensions and visibility splays. The current entrance does not conform to Highways requirements, both in terms of dimensions and the fact that visibility is obscured by hedges in both directions.

Since the applicant does not own the land which would be needed to meet these conditions, the applicant does not have the means nor power to create acceptable splays, either by widening the track or by removing hedges and other vegetation.

The current access is a grass track across DPC land, which comprises meadow and allotments. The applicant has no power to alter the dimensions or surface treatment of this track, (which in the enclosure documents is established as a maximum of 8' (2.44 metres) without the express permission of the Council as landowner.

Drinkstone Parish Council considers that any proposal to replace the current grass surface with any form of metalled/gravel surface would be highly likely to have a detrimental impact on the appearance and coherence of the meadow landscape, and increase surface run off.

The applicant has no power to run a main drain across the Parish land, and under the terms of the lease, the applicant must keep all trees and hedges in good condition, which includes a prohibition on lopping or otherwise damaging trees and hedges. As lessee, the applicant is not allowed to erect any fixed equipment (e.g. gates) without the permission of the landowner (Drinkstone Parish Council).

The right of access which the applicant has across the Drinkstone Parish Council lands was established in the 1849 enclosure award. It was limited to agricultural purposes only (not residential) and to a width of 8' (2.4 metres).

Class Q eligibility

A question has been raised in an objection by a parishioner that the site does not qualify under permitted development rules, as it was not in use as a smallholding on the 20th March 2013 under the terms of the General Permitted Order for Class Q developments. The applicant may have documentary evidence to the contrary.

Drinkstone Parish Council cannot support the application as submitted because the applicant would not be able to comply with the conditions recommended by SCC Highways, as set out below:

Condition: Before the access is first used visibility splays shall be provided as shown on Drawing No. 586.18.02 with an X dimension of 2.4m and a Y dimension of 90m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

DPC Advice: The applicant would be unable to comply with this condition, because the land on which the visibility splays would need to be created and retained (and on which works to remove any obstructions to visibility impeded by hedgerows) is owned by Drinkstone Parish Council (Parish Lands held in Trust).

Signed: Daphne Youngs

Date: 2nd Sept '19

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 586.18.02 for the purposes of maneuvering and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and maneuvering of vehicles where on-street parking and maneuvering would be detrimental to highway safety to users of the highway.

DPC Advice: the area(s) within the site shown on Drawing No. 586.18.02 include the track from the development site to Rattlesden Road. This track is part of Parish Land, over which the applicant has right of way, but does not have the power to make changes to the track in terms of surfacing or widening.

Condition: No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01 and with an entrance width of 4.5m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

DPC Advice: The applicant does not own the land (vehicular access to the site) and therefore would not have the power to meet the condition to make changes to the vehicular access including the establishment of an entrance width of 4.5 metres. The land is owned by the Drinkstone Parish Council and the applicant only has a right of access over it for agricultural purposes.

Condition: Gates shall be set back a minimum distance of 5 metres from the edge

Reason: In the interests of road safety.

DPC Advice: The applicant does not own the land (vehicular access to the site) and therefore would not have the power to meet the condition to make set gates on to the vehicular access. The land is owned by the Drinkstone Parish Council and the applicant only has a right of access over it for agricultural purposes.

19.08. E06 **Resolved:**

That the Clerk makes known the Council's comments on Planning Applications on this agenda to the Corporate Manager, Growth & Sustainable Planning at Mid Suffolk District Council.

19.08. E07 7.1 **Noted:** Councillors considered the following schedule of payments:

	Description	£	Santander Chq No.
7.1.1	Drinkstone War Memorial Institute DPC contribution to Defibrillator Insurance (50%)	£6.24	022035
7.1.2	Clerk Salary Period 4	£304.33	022036
7.1.3	Top Garden Services # 9 (13 th & 27 th June)	£75.00	022037
7.1.4	Mid Suffolk District Council # 2000085819 Litter & Dog Bin Emptying	£318.00	022038
7.1.5	SALC #22303 – Resource materials for new Cllrs	£21.00	022039
7.1.6	SALC # 22322 – CILCA support session (33%)	£80.00	022040

And

7.2 Resolved:

To authorise the schedule of payments listed at 7.1 above for payment.

Signed: Daphne Youngs

Date: 2nd Sept '19

19.08. E08

Noted:

That when any Public Comment or Questions on any matter of Council business was invited, there was none.

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19.08. E09

Noted:

That when any other Council business for information, to be noted or for inclusion on a future agenda was invited, the following:

9.1 The Clerk would provide further information on Councillor training at the next meeting.

19.08. E10

Noted:

That the date for the next scheduled meeting was Monday 2nd September 2019 beginning at 8:00pm in the Village Hall.

19.08. E11

Noted:

The meeting closed at 8:35pm.

Signed: Daphne Youngs

Date: 2nd Sept '19