

# Chedburgh Parish Council

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## MINUTES

of a Meeting held at the Erskine Centre, Chevington Road, Chedburgh on

**Monday 23<sup>rd</sup> April 2018 at 7.30pm**

**Present:** Councillors: Michael Chester (Chair), Margaret Rickard, Teresa Landymore, Alan Noyes, Sam Parrett and Clare Varney.

**In attendance:** Maximilian Clay (Clerk to the Council);  
11 Members of the public.

### **76. Apologies**

Apologies were received from Cllr Fisher and were approved.

### **77. Declarations of Interest**

There were no declarations for which dispensations had not been duly authorised.

### **78. Minutes of the last meetings**

The minutes of the Meeting of the Parish Council held on 15<sup>th</sup> January 2018 were agreed to be a true record and the Chair was authorised to sign them as such.

### **79. County and Borough Councillor's Reports**

a. County Cllr Soons submitted a report and observed that there had been about 11,000 reports of potholes as against about 6,000 in the previous period and so it is felt that the recent loan of £21m taken out by the County for road repairs may not be a solution to the ongoing problems. County Cllr Soons also reported that the Housing Infrastructural Fund application had gone forward to its next stage and sought funding for works to the A12/A14 junction and to Junctions 43 and 44 of the A14. Further development of the bid would now be carried out and a final decision will be made later in 2018.

The Chair invited comment from the public and a member of the public reported that workmen laying fibre cables had been spotted dumping their rubbish on the roads around where they had been working. It was also reported that County Council contractors are not carrying out repairs to roads where, for example, there are previously unreported potholes adjacent to one that were being repaired - this felt inefficient and wasteful. A further comment was made about the road layout at the newly completed Northgate roundabout as this was felt to have constrained vehicular traffic excessively and to no advantage. County Cllr Soons encouraged people to submit comments to Jane Storey the Cabinet member for Highways.

b. Borough Cllr Mike Chester presented a written report.

### **80. Public Forum**

The Chair opened the main part of the public forum after the introduction to item 93, see Minute 93, below, and invited contributions.

Before any comments were made a member of the public asked on what legal basis had the Clerk spoken (re Item 93). The Chair explained that he had asked for an introduction from the Clerk because this was a complex matter and part of the Clerk's role is to advise the Council and to ensure that they have as full and as accurate information as possible.

The same speaker stated that:

a. the Clerk's introductory comments had been biased, that they disregarded experts'

- opinions and that he had 'picked and chosen' between reports;
- b. the Clerk had said that the Environment Agency's late objection "doesn't really matter";
- c. expert reports identified that there was an inadequate case for a house on the site, albeit that these reports were not "[the Clerks] preferred reports";
- d. the bus company operating the service through Chevington had said that they would need to withdraw the service due to the difficulties of meeting all the extra traffic on Queens Hill that would be generated by the proposal.

Another speaker stated that

- e. the Clerk had been biased;
- f. it was he who had written 22 letters of objection and that he felt that the number of objections that he had written was irrelevant and so should not have been mentioned by the Clerk; mention of this further demonstrated bias;
- g. the threat to the bus service referred to by the previous speaker was of vital concern;
- h. the land is a Special Landscape and would be ruined by the proposal which was unsuitable for open countryside;
- i. he feared for what would happen on the site as he reported that the unoccupied site had already had motor cyclists using it, loud music played on it and bonfires lit on it.

A further speaker:

- j. expressed concerns about the perceived dangers to road safety.

Another speaker:

- k. spoke about flooding and expressed concern that land adjoining the water course would become flooded.

A final speaker:

- l. expressed concerns about the scale and timing of traffic movements. She stated that the application documents stipulated that there would be no movement of the horsebox at weekends but that she felt such movement would be inevitable if horses were going out to competitions on a regular basis.

The Chair called a representative of the applicant to speak. She stated that:

- m. Suffolk County Council Highways department had considered the details and were happy with the proposals;
- n. some horsebox movements would occur at weekends and this had been set out in the application documents;
- o. the bus company had written its original letter in response to receiving inaccurate and misleading information, including that the proposals were for an equine centre that would regularly generate 30 or more horsebox visits in a day. On being appraised of the actual application, the company's general manager had said that he no longer had concerns. The applicant had also informally agreed to avoid entering and exiting the site with the horsebox when the bus is timetabled to pass;
- p. the flyer circulated by a group of objectors seriously misrepresented the proposal. As a consequence the applicant had sought legal advice and had received an opinion that the flyer was in part libellous.
- q. conversations were in train with the Environment Agency to address the concern about the construction material of the manège fence.

## **81. Decisions taken since the previous meeting under Delegated Authority**

There were no relevant matters to report.

## **82. Clerk's Report**

*General Data Protection Act* - The Clerk reported that, following on from his reports at a previous meetings a significant announcement from Government was expected imminently, in response to concerns raised about the impact on smaller local authorities. In view of this he had

not yet implemented the consultancy arrangements approved at the last meeting, in case these became unnecessary. He would advise further at the next meeting.

### 83. Planning and Environment

a. Responses to the following planning application consultation was considered:

*DC/17/1267/FUL Revise - Open College of Equine Education at land bounding Queens Lane and Queens Hill, as varied - change to single storey and reduced size of house, revised placement of buildings including closer grouping of the admin/classroom building and house to reduce overall mass and revised/ detailed landscaping.*

The Chair set out the way in which this item would be dealt with, saying that he would ask the Clerk to introduce item 83 and then immediately adjourn the item and open item 80, the Public Forum, as this would enable the public to include comment on the introduction as well as all the existing information. Immediately after the public forum he would resume consideration of item 83.

The Chair made clear that although the meeting was open to the public, it was not a public meeting; this means that members of the public do not have a *right* to contribute. However, he was keen to hear from as many people as possible but in order to ensure that the Council could transact all its business he would allow contributions from the public *only* during the that forum. He would impose a speech limit of no more than 3 minutes and allow each speaker to contribute once only. The applicant would be allowed 3 minutes to respond at the end of the public forum.

The Chair reminded members of the public that they should adhere to protocol, by raising a hand if they wished to speak and that they may not speak unless specifically invited to do so. All comments must be addressed to the Chair. Silence from members of the public would be required at all times unless an individual had been called to speak. Any member of the public who failed to respect the protocol would be asked leave the meeting and all members of the public could be excluded if there was general disorder.

In considering the application in its current form, the Chair asked the Clerk to summarise the salient points.

The Clerk stated that, as concern had been expressed about the fact that the application had changed since it was first considered, he should point out that many complex planning applications go through an iterative process whereby elements are changed, developed or dropped and further information, detail or specification are added. This is a normal part of the process and so that the fact that this application had gone through exactly this sort of process did not constitute grounds for concern. In particular, the current version of the application should be considered on its own merits, rather than in relation to any of the previous versions.

He highlighted the fact that 87 objections had been made to the proposal, with a total of 54 of these originating from 6 objectors or their agents. He pointed out that it appeared that much other objection seemed to have been generated as a result of a flyer that had been circulated to local households but which seriously mis-stated or mis-represented the nature of the proposal. It seemed that a consequence of this was a further significant number of objections that were ill-informed about the proposals (for example, objecting to details which did not form part of the proposals) and the Clerk advised that Councillors should disregard objections (or parts of objections) that were not based on the facts of the application.

The main areas of legitimate concern, from the point of view of material planning considerations, raised by objectors included:

*Concerns about flooding* - The Environment Agency and County Council had been consulted

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on the application and had deemed themselves satisfied, subject to conditions as to certain provisions with regard to limiting certain uses in the part of the site that sits within Flood Zone 3. However, a week ago the Agency had realised that it had made an oversight in relation to the construction of the manège and now objected to the proposals on the basis of this specific point (see below).

*Concerns about an increase in scale of the built element of the proposal:* One additional building had been added to the plans, arising from the inability to re-utilise the existing barn in the way that had been envisaged initially. Objectors had expressed the view the addition of a building suggests that there may be ongoing pressure for further built expansion. The Clerk pointed out that this falls outside the scope of consideration as any expansion of buildings would require further planning consent which would be subject to due scrutiny and consultation at that time.

Similarly concern had been expressed about *'mission creep'* and a *perceived confusion as to the nature of the business* proposed to be run on the premises and a *perceived lack of clarity as to the nature of the core business and the number of horses to be kept*, as referred to in the application documents. The Definitive Statement of Operations under consideration as part of this application sets out the nature of the business; this defines the business as an open college providing distance learning courses in areas related to equine care and health; the distance learning is supported by on-site study weeks. This constitutes the core business and although one or two minor details have been adjusted those principal facts have been constant throughout the process. The document also sets out the number and category of horses to be kept on the site and explains their purpose in relation to the core business i.e. to provide practical examples on the practical study days. For this purpose a variety of horses of different types, conditions and fitness needs to be kept. Thus the keeping of a variety of horses is ancillary to the core purpose.

*Increased traffic, especially in relation to horseboxes* - The Clerk explained that the bulk of teaching (courses) generates no traffic as it is carried out at a distance. Courses, and the number of courses, should not be confused with study weeks; these form one element of the courses. This means that the number of courses is not the same as the number of study days and only the latter generate traffic outside the normal movements of staff and the approximately 26 horsebox excursions identified in the application documents. The Highways Authority had required assessments of traffic, visibility etc to be carried out and using their normal methods of analysis have declared themselves satisfied with the proposed arrangements.

Many objectors clearly feel that the *proposed dwelling* is not justified. This has been assessed in several reports, in particular one commissioned by objectors, one commissioned by the applicant and one commissioned by the Planning Authority. Councillors were asked to consider that the report commissioned by the objectors seemed rather subjective and appeared to be based on secondary and out of date information, whereas the report commissioned by the applicant appeared to be well considered and use a nationally recognised methodology. However, the Clerk pointed out that, more importantly, less weight must be placed on either of these assessments than on the report commissioned by the Planning Authority itself, because this was completely independent. This report states that the two tests as to whether a rural worker's dwelling is justified (functional need and viability of the business) have been met.

The Clerk drew attention to several key issues to which he suggested Councillors would need to pay careful attention. The first was that, notwithstanding the position which it had set out previously, *the Environment Agency had very recently lodged an objection* to the application in contradiction of that position. This stems from the fact that it had overlooked

the impact of the use of kick boards at the base of the fencing for the manège which, while still allowing run-off through the permeable surface, would remove the area of the manège from the flood plain. It was noted that the Agency continues to be satisfied with all other aspects of proposed use and arrangements. The Clerk told the meeting that discussions were under way as to how to correct this situation using a permeable material that would nonetheless retain the surface material of the manège in place. He advised the Council that, were they to find themselves in support of the application in general, they may consider that such a matter could be dealt with by means of making their support conditional upon a satisfactory solution being agreed by the Environment Agency and the planning authority. On the other hand they may consider this too significant a point to leave to conditionality.

Similarly the Planning Authority's Landscape and Ecology Officer, whilst generally supporting the assessment of the applicant's expert's report, had raised issues around the lack of alignment between the planting scheme described in that report and the planting scheme drawings that had been previously submitted to the Authority. It is understood that the applicant intends to adopt the later version and so, again, if the Council is satisfied with other matters, this could either be set out as a condition for support or might be considered to be too significant a point to leave to conditionality.

A third issue, concerning lighting, fell into the same category. The Landscape and Ecology Officer found that the proposed lighting scheme was not fully compliant with the standards required to minimise the impact on wildlife and recommends that an appropriate scheme is specified as a condition. Councillors were advised to consider whether they could form an opinion on the application without this information and whether support (if the Council were satisfied with other matters) could be made conditional upon such a scheme being included in a grant of permission.

Finally the Clerk drew the attention of the Council to two late submissions that had been received and that he felt should be reported on before the Council deliberated. The first was a letter from a resident which, while it repeated many of the objections already presented to Members in representations (which were therefore not repeated by the Clerk at this point) made a new point. This was that the writer felt that the application was too complex to be considered as he felt it impossible for a fair conclusion to be drawn from so many documents. The Clerk pointed out that of the 174 documents posted on the public section of the planning portal a significant number can be disregarded as they had been superseded and that exactly half of the 174 documents were from objectors or their agents, with 22 being from the writer of the objection in hand. The Clerk pointed out that it was legitimate for applicants and residents to be able to post whatever information they felt relevant and that the Council should judge for itself whether or not it could cope with the information.

The second late submission concerned flooding and sought to challenge the flood risk assessments. The Clerk pointed out that Council should bear in mind that the assessments had taken account of the various potential problems and had set out appropriate mitigation measures which would be imposed by way of condition should permission for the proposals be granted.

The item was adjourned at this point and the Public Forum opened. This is minuted under **item 90**, above.

After the Public forum the Chair re-opened item 83 and re-emphasised his previous comments about observing the protocol for conduct in the meeting.

In the light of what had been said by speakers during the public forum, the Chair asked the Clerk to address the issues that had been raised. The Clerk identified the following points of relevance during which time there was considerable interruption and interjection by objectors. *(For the sake of clarity and as much brevity as possible, the points below are set out using alphabetical listing that corresponds to the relevant comments made in the public forum as listed in 90, above,*

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so as to avoid to having to repeat the specific points being addressed.)

- a. It was re-stated that some reports commissioned by objectors were predicated on inaccurate information or were factually inaccurate in themselves. The Clerk pointed out that to identify this fact and to help the Council distinguish other matters of fact from inaccuracy was neither bias nor 'picking and choosing'.

It was also pointed out that to state that an expert opinion commissioned by the Planning Authority should carry more weight in Councillors' considerations than reports that had been commissioned by those with vested interests on either side of the argument was also a statement of fact, not bias.

- b. The Clerk pointed out that what had actually been said was that the Agency's late objection was significant but that because it was narrow and specific there was scope for the Council to address the matter through conditional support, should it wish to do so, but that it may nonetheless consider the matter to be too significant to deal with in that way.
- c. The Council was pointed to the actual fact, which is that the report commissioned by the Planning Authority had found that both the functional need and viability tests for a worker's dwelling had been met.
- d. g. and o. The Clerk confirmed that he had also had communication with the general manager of the bus company who, in an email, had expressed himself as 'relaxed' about the situation in the light of the actual information contained in the application.

- e. Dealt with under a. b. and c.

- f. The Clerk pointed out that, as the argument had been made that too many documents were under consideration, it was relevant to explain the nature of the documents and that, in particular many had been superseded and that half of the total number of documents had come from objectors, amongst which, 22 were from one person, who was also the author of the letter in hand. He had not identified who that individual was but the speaker in the public forum had identified himself as the author.

The Clerk said that his point had been to make it clear that both sides must be (and had been) permitted to express their views as fully as they wished. The Clerk also stated that it was important for Councillors to bear in mind that whilst they may wish to take account of the level of objection, the *nature* of the objections was the most important consideration - a view which the Chair endorsed.

- g. See (d.)

- h. The Clerk pointed out that an application of this nature would not generally be considered appropriate for an urban, village-centre or most brown-field settings and that an open countryside context was therefore probably the only type available to this kind of proposal.

He explained that it is because of the potential for this type of application that certain kinds of development are permitted in the countryside, provided that there is adequate justification within the quite tightly defined regulatory framework and provided that due measures are taken to mitigate the effects of such a development.

The Council had to decide whether the proposal was justified and whether the planned mitigation met the requirements. He noted that whilst the site adjoins a Special Landscape Area it is not itself such an area and so the normal rules and considerations apply.

- i. No further comment was made.

- j. l. and m. In relation to general traffic levels, Councillors were directed towards the information in the application and the fact that Highways had expressed themselves satisfied with the proposals.

- k. It was pointed out that flood risk and mitigation are dealt with extensively within the application and the responses of the relevant statutory consultees. The relevant authorities had analysed the proposal and they expressed satisfaction with it, other than

the specific issue relating to the construction material for the base of the manège fence.

- l. In responding to the allegation that misleading information about horse box movements was contained in the application, the Clerk expressed his concern and said that if this were the case it would be a serious matter for Councillors to take into consideration. The information was checked and in fact it was found that the application did not state that there would be no horsebox movements at weekends.
- m. See (j) above.
- n. See (l) above.
- o. See (d) above.

In discussion of the proposals, which was subject to considerable interruption and interjection by objectors, the Council discussed a wide variety of aspects of the application. One Councillor was not satisfied with the aesthetic aspect of the application in relation to the design of the house and classroom building which he felt were not in the Suffolk vernacular or 'farmstead-like'.

It was reiterated that the Council was supportive of the principle of the application but on balance felt that there were aspects, such as the material to be used on the manège fencing, the detail of the proposed landscaping and the lighting plans that should be clarified. There was also still some confusion about the level of activity associated with the applicant's competition horses that the council felt needed to be clarified. Accordingly the Council resolved to object to the proposal.

- b. Update reports on applications considered previously were received:
  - DC/17/2684/HH** - Two storey side extension, 31 Elizabeth Drive, had been approved.
  - SE/11/0384, DC/13/0492/FUL and DC/16/1750/VAR** - Two dwellings on Plot 33 of previously approved plans. The previous plan having been for a single dwelling on this plot. The Clerk reported that a decision had still not been made. In discussion it was reported that the application had been withdrawn and it is not clear whether this plot will be developed at all.
- c. Brocket Park Development - The Chair reported that it is not yet clear when the Section 106 monies will become available. The issue of responsibility for the maintenance of the Public Open Space and the roads was raised; in discussion it was pointed out that with regard to the roads they would remain the responsibility of the developer unless and until the roads were adopted by the Council (normally after one year) and that the developer had undertaken to maintain the open space for 10 years.
- d. Marquis Cornwallis Pub - The Community Interest Group has had several meetings and carried a significant amount of work, including the commissioning of a valuation. It was not yet known whether they would decide to make a bid for the pub as work was ongoing.
- e. Alleviation of parking problems in Paddock Way - The Clerk reported that following indications that any works would need to be funded, at least to some extent, by the parish council, it had been indicated that funding from the Highways authority would be very unlikely unless the case was argued very strongly. It was resolved that the Clerk would set out the areas likely to be of relevance and that Cllr Varney would draft a letter for consideration.
- f. Potential Extension of the Footpath on the Bury Road, northwards to the church - After discussion, it was felt that the cost would be prohibitive but that the Highways Authority should be made to understand the importance of keeping the road clear.
- g. Landscape Maintenance contract with St Edmundsbury Council - It was agreed to accept the quotation which would amount to approximately £1,200 for the year.

**84. B4RN Hyper-fast Broadband**

In view of the intransigence of the Henry Smith Charities in refusing to allow the installation of cables on their land it was agreed that no further action would be taken.

**85. Arrangements for the Annual Parish Meeting**

It was agreed to spend up to £200 on refreshment and nibbles and to try to get an interesting speaker to attract members of the public to the event. Cllrs Chester and Rickard will take this forward.

**86. Marking the Centenary of the WW1 Armistice**

It was proposed to mount an afternoon tea event, possibly jointly with the Community Council, with the Community Choir singing songs from the period and with a short act of remembrance for those who lost their lives and an act to mark gratitude to all who fought. The Council resolved to support further work along these lines.

**87. Donation to Community Council**

The Council resolved to make a donation of £500.00 to the Community Council.

**88. Responsible Finance Officer's Business**

- a. An increase in the Clerk's salary to the revised 2018/19 national level (an increase of 2% as included in the annual budget) was approved.
- b. The schedule of receipts was received and noted
- c. The schedule of payments was received and Council resolved to approve it.

**89. Councillors' reports and items for future agendas**

- a. There were no reports on meetings attended.
- b. There were no forthcoming meetings requiring representation of the Council.
- c. There were no items for future agendas.
- d. No other matters were reported.

**The meeting closed at 9.41pm.**

Signed as a true record by authority of the Council:

..... Chair

..... Date

