

Forest Heath District Council

MINUTES of the extraordinary meeting of the **DEVELOPMENT CONTROL COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on Monday 24 February 2014 at 6.00pm.

PRESENT:

Councillors:

A Drummond (Chairman)	D W Gathercole
C J Barker (Vice-Chairman)	T J Huggan
M J Anderson	Mrs C F J Lynch
W J Bishop	T Simmons
D W Bowman	E Stewart
S Cole	A J Wheble
R Dicker	

Councillor J M Bloodworth was also in attendance in order to observe proceedings.

Also in attendance:

R Almond, Development Manager
J Hooley, Lawyer
M Smith, Place Shaping Manager
S Wood, Head of Planning and Regulatory Services
H Hardinge, Committee Administrator & FHDC Scrutiny Support

J Noble, Suffolk County Council Highways

CHAIRMAN'S ANNOUNCEMENTS

The Chairman again welcomed Councillor J M Bloodworth to the meeting, who was in attendance to observe proceedings.

He also advised those present that Councillor C J Barker had an official engagement later that evening, as Chairman of the Council, and if business had not concluded by such time he would have to withdraw from the meeting.

Lastly, the Chairman drew attention to the fact that in line with the new single operating procedures that the Committee now worked under, for the first time there were two individuals registered to speak 'for' one of the applications on the agenda; meaning that the 3 minute time slot would be divided between them.

APOLOGIES

Apologies for absence were received from Councillors Mrs R E Burt, W Hirst and G Jaggard.

SUBSTITUTES

There were no substitutes at the meeting.

913. **JUDICIAL REVIEW IN RELATION TO KENTFORD PLANNING APPLICATIONS PRE-ACTION PROTOCOL LETTER AND FOREST HEATH DISTRICT COUNCIL RESPONSE – UPDATE (VERBAL)**

A copy of the formal Pre-Action Protocol Letter from Bob McGeady, Ashton KCJ consultant, on behalf of Persimmon Homes, relating to a potential Judicial Review was tabled to the meeting for Members' information together with a copy of the letter that set out the Council's formal response.

The Chairman allowed the meeting 5 minutes in order to digest the information before consideration of the planning applications in question.

Prior to the deliberation of the planning applications on the agenda, the Lawyer advised the meeting that Councillor R Dicker had declared a disclosable pecuniary interest in both as he owned the Kentford Post Office and Village Stores. He had been granted a dispensation so that he could remain in the meeting and comment upon the applications but would abstain from voting.

914. **PLANNING APPLICATION F/2013/0061/HYB - KENTFORD LODGE, HERRINGSWELL ROAD, KENTFORD (REPORT NO DEV14/104)**

The Place Shaping Manager presented this application in the absence of the Case Officer (Sarah Drane, Senior Planner) who was currently on maternity leave following the birth of her son last week. The Committee's congratulations were extended to her.

Hybrid application: Full application - erection of 98 dwellings and garages (including 30 affordable dwellings), creation of a new access onto Herringswell Road and upgrading of existing accesses onto Herringswell Road and Bury Road, the provision of amenity space and associated infrastructure. Outline application - erection of up to 579 square metres of B1 office employment space. (Major Development, Departure from the Development Plan and Development Affecting the Setting of a Listed Building) as amended by plans received on 05.09.2013 reducing the number of dwellings to 60 (inc. 18 affordable).

The application had been referred to the Development Control Committee due to its complex and controversial nature. It was also one of two major applications for residential development which remained to be determined in the same village. Kentford Parish Council and neighbouring Kennett Parish Council objected to the proposals together with a number of residents.

A Member site visit had been held earlier in 2014 and Officers were recommending that planning permission be granted, as set out in Paragraph 97 of Report No DEV14/104.

The Place Shaping Manager informed the Committee that, since publication of the agenda, Kentford Parish Council had confirmed that they maintained their objection to the application which they considered premature and should be rejected until the essential services and infrastructure had been put in place.

Councillor Mrs C F J Lynch informed those present that the applicant's name had been written incorrectly within Report No DEV14/104; his surname was in fact Boyce and not Bryce. She also raised concerns with regard to the application, particularly in relation to road safety.

The Suffolk County Council Highways Officer responded to the highways comments and explained that he was of the opinion that the modestly sized development would generate relatively small numbers of extra traffic.

Councillor R Dicker spoke in support of the application. He advised the Committee that the applicant had attended a number of Kentford Parish Council meetings and the scheme had been sensitively developed over a long period of time.

Lastly, Councillor D W Gathercole spoke on the application. He asked if it would be possible for an additional condition to be added to ensure that any particularly old or rare varieties of fruit that currently existed within the (to be felled) orchard on the site were preserved for the future. The Place Shaping Manager explained that this was not a material planning consideration and, therefore, could not be made the subject of a condition in respect of the application. However, the Parish Council if they so wished could pursue this independently with the owner of the site.

With 10 voting for the motion, 1 against and with 2 abstentions, it was resolved that

Permission be **GRANTED** subject to:

- The completion of a S106 agreement to secure:
 - Affordable housing (18 units)
 - Primary school contribution - £182,715
 - Pre-school contribution - £36,546
 - Libraries contribution - £12,960
 - Contribution towards village cycle scheme - £33,540
 - Healthcare contribution - £23,400
 - Open space contribution - £52,710

And

- The following conditions in relation to the outline for the employment site:
 1. Outline time limit (for employment area)
 2. Time limit for the approval of reserved matters
 3. Restrict business use to B1 only
- The following conditions in relation to the whole site:
 1. Compliance with approved plans
 2. Samples of materials
 3. Details of boundary treatment
 4. Details of hard and soft landscaping
 5. Tree protection during development
 6. Landscaping implementation
 7. Landscape management plan
 8. Refuse collection strategy
 9. Construction management plan
 10. Hours of construction
 11. Details of external lighting
 12. Archaeological investigation
 13. Post investigation assessment

14. Contaminated land investigation
 15. Precise details of the acoustic barrier to be submitted and agreed and to be installed prior to occupation
 16. Submission of a Travel Plan
 17. Visibility splays to be provided and retained
 18. Details of estate roads and footpaths
 19. Details of means to prevent discharge of surface water onto highway
 20. Construction of carriageways and footways prior to occupation of the dwellings
 21. No occupation until traffic calming measures provided
 22. No occupation prior to bus stop improvements being provided
 23. Prior to occupation, details of pedestrian/cycle access improvements to be submitted and agreed including reduction in risk to cyclists as they come down the hill to meet Bury Road (scheme to include boundary treatment to neighbouring properties and new pathway to the church)
 24. Provision of fire hydrants
 25. Details of surface water drainage
 26. Scheme of ecological enhancement to be submitted and agreed
 27. Recommendations of ecological survey to be implemented
- The following conditions in relation to the residential part:
 1. Full time limit
 2. Details of open space, including any play equipment and implementation
 3. Details of the management and layout of on site allotments to be submitted and agreed
 4. Sound attenuation scheme for plots adj to A14
 5. Details of open space, including any play equipment and implementation

The applicant has also offered a unilateral undertaking to secure improvements to the church as follows:

- Main water and toilet facilities for the church
- Amenity space to the north of the church
- A zebra crossing on Bury Road

Speakers: Councillor S Raffe (Kentford Parish Council) spoke against the application.

Reverend Canon S Mitchell (local vicar and supporter) and Mr S Butler-Finbow (applicant) spoke in support of the application.

915. **PLANNING APPLICATION F/2013/0221/FUL - LAND EAST OF GAZELEY ROAD, KENTFORD (REPORT NO DEV14/105)**

Erection of 93 dwellings (including 27 affordable dwellings) and associated garages, parking, roads, public and private amenity space and infrastructure including a pumping station, substation, SuDS features and new vehicular and pedestrian access off Gazeley Road (Major Development and Departure from the Development Plan) as amended by plans received on 1.08.2013 reducing the scheme to 88 dwellings (including 28 affordable dwellings).

The application had been referred to the Development Control Committee due to its complex and controversial nature. It was also one of two major applications for residential development which remained to be determined in the same village. Kentford Parish Council and neighbouring Kennett Parish Council objected to the proposals together with a number of residents.

The Place Shaping Manager also presented this report and reminded the Committee that they were to consider this application on its own merits; irrespective of the determination of the other Kentford application earlier on the agenda.

A Member site visit had been held earlier in 2014 and Officers were recommending that planning permission be refused, for the reasons as set out in Paragraph 75 of Report No DEV14/105.

The Place Shaping Manager informed the Committee that, since publication of the agenda, the Environment Agency had reaffirmed their objection in that, in their opinion, the risks to the development were not fully understood and that sufficient gas monitoring needed to be undertaken.

Members were also advised that additional information had been received in respect of habitat screening which had resulted in reason number 4 for refusal (Paragraph 75) no longer being relevant and was to be disregarded by the Committee.

With 12 voting for the motion and with 1 abstention, it was resolved that

Permission be **REFUSED** for the following reasons:

1. The grant of planning permission for a scheme of this size would predetermine the location and scale of development within Kentford in an unplanned, uncoordinated and unsustainable manner. The site is located on the eastern edge of Kentford, away from the centre of the village and not adjacent to the existing settlement boundary. This site is not therefore considered to be an appropriate location for new residential development. The proposal is therefore contrary to the National Planning Policy Framework (2012) and The Planning System: General Principles (2005).
2. The existing landfill site to the east of the proposed development contains a potential source of landfill gas and has known history of gas migration particularly at peak groundwater levels in 2001. The pathway is very short with the nearest proposed housing being within approximately 5 metres of the landfill. The pathway lacks landfill gas containment and the Hollywell Nodular Chalk and River Terrace Gravels are dry and highly permeable, with fissure flow in the chalk. Capping limits vertical escape of gas however there is no active gas control. The proposed housing presents a potentially highly vulnerable receptor within 5 metres of the landfill. Insufficient information has been provided to suitably demonstrate that risks associated with landfill gas can be adequately controlled and mitigated. The proposal is therefore contrary to the policy advice contained in the NPPF (2012), particularly sections 109, 120 and 121.

3. The absence of a signed Section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy and guidance contained within the NPPF 2012.

Speaker: Mr A Halford (Agent) spoke in support of the application.

The meeting closed at 7.15pm.