

Forest Heath District Council

MINUTES of the **DEVELOPMENT CONTROL COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on Wednesday 5 March 2014 at 6.00 pm.

PRESENT:

Councillors:

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

Also in attendance:

R Almond, Development Manager
C Flittner, Principal Planning Officer
J Hooley, Lawyer
P Kelly, Principal Planning Officer – Major Projects
M Smith, Place Shaping Manager
S Wood, Head of Planning and Regulatory Services
S Turner, FHDC Cabinet Officer/Committee Administrator

APOLOGIES

There were no apologies for absence.

SUBSTITUTES

There were no substitutes at the meeting.

928. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 5 February 2014 were accepted by the Committee as an accurate record, with 12 voting for the motion and with 5 abstentions, and were signed by the Chairman.

929. **PLANNING APPLICATION DC/13/0123/OUT – LAND EAST OF ASPAL LANE, BECK ROW (REPORT NO DEV14/106)**

Outline application for a residential development for up to 124 dwellings and new vehicular and pedestrian access off Aspal Lane (Major Development and Departure from the Development Plan) as amended by plans received on 19 November 2013 which reduced the number of dwellings to 117.

The application had been referred to the Development Control Committee due to its complex nature, which raised District wide planning policy issues. Beck Row, Holywell Row and Kenny Hill Parish Council had supported the amended application, although comments had been made on the sewerage system in the area and on the allocation of affordable housing. A total of four objections had been received from third parties.

A Member site visit had been held prior to the meeting.

The Case Officer also reported an error within the report with regard to the car share contribution under the S106 agreement. This should actually read '*£5 per dwelling*' and not '*£5,000 per dwelling*', as had been stated within the Officer recommendation.

Although this application was contrary to the policies contained within the adopted Development Plan, Officers were recommending that outline planning permission be granted, as set out within the report (subject to the signing of a S106 Agreement).

Members referred to the car share contribution of £5 per dwelling and requested as to whether Officers had further information as to how this scheme worked and how the money collected was utilised. The Case Officer explained that this was a specific request from Suffolk County Council and would be part of their Travel Plan. However, Officers would seek further information on the detail of this scheme from Suffolk County Council.

Members also raised concerns with regard to the capacity of the sewerage treatment works to cope with the waste water flows arising from the development. The Case Officer stated that Anglian Water, who were the statutory authority responsible for sewerage and water capacity, had indicated that there was available capacity in the local treatment works. Therefore, it would be difficult for Officers to robustly defend the refusal of this application on those grounds. Details of the foul water disposal and surface water drainage were to be secured as planning conditions, if the application was to be approved.

The Place Shaping Manager explained that, being mindful of the work currently being undertaken on the Local Plan, planning applications which were being submitted and the concerns of Members regarding the sewerage capacity within the District generally, Officers would request for a representative from Anglian Water to provide Members with an update on the position of the sewerage capacity within the District.

With 12 voting for the motion, 2 voting against and with 3 abstentions, it was resolved that

Outline planning permission be **GRANTED** subject to:

(a) The completion of a S106 agreement to secure:

- Affordable housing - 35 units; contribution for 0.1 unit.
- Primary school contribution -£600,706 (indicative).
- Pre school contribution - £73,092.

- Libraries contribution - £25,272.
- Highways contributions - cycle and pedestrian improvements - £50,000 (indicative); public transport infrastructure - £5000; travel plan monitoring and advice - £5,000; car share contribution - £5 per dwelling; travel plan implementation bond - £35,000.
- Healthcare contribution - £18,200.
- Open space contribution - £244,860.

In the event that there were any substantive changes to the S106 package, then this would be presented back to Members for consideration.

(b) and the following conditions:

1. Outline time limit.
2. Reserved Matters to be agreed (appearance, scale, layout [including internal site layout of roads and ways] and landscaping)
3. Compliance with approved plans.
4. Highways – details of proposed access.
5. Highways – details of bin storage.
6. Highways – details of surface water drainage.
7. Highways – details of carriageways and footways.
8. Highways – Travel Plan.
9. Highways – details of car parking and manoeuvring areas, including cycle storage.
10. Highways – details of visibility splays.
11. Highways – details of estate roads and footpaths.
12. Archaeology – investigation and post investigation assessment.
13. Contamination – further investigative work.
14. Foul water disposal details.
15. Surface water drainage details.
16. Construction management plan.
17. Hours of construction.
18. Details of boundary treatment.
19. Samples of materials.
20. Detailed scheme of hard and soft landscaping.
21. Tree protection.
22. Details of tree works for retained trees.
23. Landscape management plan.
24. Recommendations of Ecological Appraisal Report to be implemented.
25. Additional reptile survey and full details of translocation.
26. Additional bat survey.
27. Provision of fire hydrants.
28. Waste minimisation and recycling strategy.

930. **PLANNING APPLICATION DC/13/0472/FUL – THE FORGE, 8 CHURCH ROAD, MOULTON (REPORT NO DEV14/107)**

Councillor T Simmons declared a local non pecuniary interest in respect of this item as he currently resided in a rented property approximately 20 metres from the application site. He, therefore, stated that he would remain in the meeting

during the discussion of this application, but would not take part in the voting thereon.

Application for the erection of four one-and-a-half storey dwellings, associated detached outbuildings and alterations to existing vehicular accesses (off Church Road and off St Peters Close) (demolition of existing dwelling and Class B2 structures and change of use of whole site to residential only) (Development Affecting the Setting of a Listed Building).

This application had been referred to the Development Control Committee following consideration by the Delegation Panel. At the meeting of the Development Control Committee on 5 February 2014, Members had resolved that Delegated Authority be given to the Head of Planning and Regulatory Services, in consultation with the Chairman of the Development Control Committee, to confirm the plans in question and subject to no significant variation being found with regard to the height of the proposed dwellings and their relationship with surrounding properties (which would result in the application being brought back to the Committee) permission be granted.

The Case Officer explained that additional plans had been submitted which indicated a variation and this was outlined in detail in paragraphs 10. to 14. of the report.

The Case Officer explained that the Architectural Technician, employed by the objectors, had suggested that if the Committee considered that the proposals were acceptable, then a further condition could be imposed stating that the floor levels indicated on the submitted plans should be strictly adhered to and confirmed on site, following the construction of the ground floor slabs.

The Case Officer also provided the following updates to the report, as a result of the re-consultation which had been undertaken on the variation to the plans:

1. 11 letters of objection had been received from the occupiers of properties in the locality of Moulton. In summary, the objections related to:-
 - Loss of visual and residential amenity.
 - Loss of a viable employment site.
 - Impact on nature conservation interests.
 - Conflict with the prevailing form and character of the area.
 - Impact on the Conservation Area and listed buildings.
 - Access, parking and traffic generation.

However, the objectors had also indicated that they were generally supportive of the principle of redevelopment on the site, but considered that four properties were too many.

The Case Officer explained that as these were a reiteration of the previous concerns raised, these had all been considered in the previous report to the Committee (as set out in paragraphs 11. to 22 of Working Paper 1 to the report).

2. One letter of support had been received from the occupier of a property in Fordham Road, Newmarket (who had previously resided in Moulton).

3. Members of the Committee had also been provided with a copy of a letter received on 4 March 2014, from a planning consultant employed by the residents of 4 and 6 Church Road, raising issues that the loss of the employment site and the impact on the character of the Conservation Area had not been adequately addressed. The Case Officer explained that these issues had been considered in the previous report to Members where the comments of the Conservation Officer had been reported at paragraph 5. and the assessment of the loss of a viable employment site had been reported at paragraph 15. (Working Paper 1 to the report).

The Case Officer concluded that, as the further objections received and the variation to the plans were not of a magnitude to be considered material in planning terms and which did not justify any change in the recommendation, Officers were continuing to recommend that planning permission be granted as set out in paragraph 16. of the report.

Councillor Mrs C F J Lynch proposed, which was duly seconded by Councillor A Drummond, that the application be refused for the following reasons:-

1. The impact on the character and appearance of the Conservation Area.
2. The impact on the setting of the listed buildings adjoining the site.
3. The overdevelopment and cramped form of the proposals.

With the motion for refusal being put to the vote and with 3 voting for the motion, 12 voting against and with 2 abstentions, the Chairman declared the motion lost.

It was then proposed and duly seconded, that the application be approved, with the inclusion of the following additional conditions:

1. Details of the floor levels to be agreed before commencement of development of the dwellings on plots 1 and 2, to ensure accordance with the site section plans.
2. Consultation to be undertaken with the Highways Authority regarding the provision of gates and set-back on the front of the site.
3. The height of the ridge and eaves to be no more than those in the vicinity.

With the motion for approval being put to the vote and with 15 voting for the motion, 1 voting against and with 1 abstention, it was resolved that

Permission be **GRANTED**, subject to the following conditions:

1. Time limit.
2. Compliance.
3. Archaeological Investigation.
4. Completion of post investigation assessment.
5. Details of materials.
6. Recording of historic features on site.
7. Details of windows in north and east elevations of plot 1 and the north and west elevations of plot 2 only.
8. Details of new external doors on the north elevations of plots 1 and 2 only, and including the central gate.

9. No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved.
10. Access laid out and completed as shown.
11. Parking and turning provided and retained as shown.
12. Restrict construction times.
13. Details of boundary treatments to be agreed.
14. Hard and soft landscaping to be agreed.
15. Landscaping implementation.
16. Scheme for provision of bird/bat boxes within the site.
17. Implementation of recommendations within ecology report.
18. Bat mitigation strategy.
19. Details of the floor levels to be agreed, before commencement of development of the dwellings on plots 1 and 2, to ensure accordance with the site section plans.
20. Consultation to be undertaken with the Highways Authority regarding the provision of gates and set-back on the front of the site.
21. The height of the ridge and eaves to be no more than those in the vicinity.

A unilateral Planning Obligation had been signed which secured £19,530.00 towards play and open space in accordance with the Council's adopted SPD.

Speakers: Ms S Perito (local resident) spoke against the application.
Councillor B Rampling (Moulton Parish Council) spoke against the application.
Mr D Pearce (agent) spoke in support of the application.

931. **UPDATE AND CLARIFICATION REGARDING THE DETERMINATION OF PLANNING APPLICATION F/2012/0552/OUT – LAND SOUTH OF BURWELL ROAD, EXNING (REPORT NO DEV14/108)**

Councillor S Cole declared a local non pecuniary interest in respect of this item as he resided in Burwell Road, Exning. He, therefore, stated that he would remain in the meeting to participate in the discussion of this item, but would not take part in the voting thereon.

The Development Manager presented this report which explained that Planning Application F/2012/0552/OUT (Land south of Burwell Road, Exning) had been approved by the Development Control Committee meeting on 6 March 2013. The Officer also wished it to be noted that this report did not re-open the debate on the development or the decision to approve the application.

The Development Manager explained that the purpose of this report was to seek clarification on the wording of the additional condition to secure phasing of the development to 30 market dwellings per year, which had been recommended and approved by the Committee.

It was understood that the intention of the condition was to phase the development so that no more than 30 market dwellings could be occupied per year. Following some confusion with the wording of the minutes for the meeting

on 6 March 2013 which stated "*phased construction of 30 market dwellings per year*", the matter was addressed again on 3 April 2013 where it was clarified that the intention of the condition was to phase the development to the occupation of 30 market dwellings per year. However, it was not possible to change the wording of the minutes and this was clarified at the meeting on 1 May 2013.

The S106 agreement to secure affordable housing, open space provisions and developer contributions was nearing completion and, once completed, planning permission could be issued. However, to prevent any ambiguity and potential challenge to the planning permission in the future, Officers were recommending that Members clarified and agreed the wording of the additional phasing condition.

It was understood that the intention of the phasing condition was to ensure that the development was carried out over a period of time and that this could be controlled by restricting occupation to 30 market dwellings per year. Officers considered it unreasonable and, not economically viable, to restrict the approved development to 30 market dwellings being built per year.

Therefore, Officers were proposing the suggested wording of this condition for inclusion in the final planning permission as follows:

"There shall be no more than 30 open market dwellings occupied within each 12 month period following the date of first occupation of the development.

Reason: To ensure the development proceeds at an appropriate rate in the interests of the general amenities of the area"

Councillor S Cole expressed his extreme concerns with regard as to how this particular condition had been amended at the meetings held on 3 April 2013 and 1 May 2013. Therefore, to avoid this happening again in the future, Councillor S Cole requested that the amending of minutes of meetings must only be undertaken if the vote to amend was unanimous. Councillor S Cole requested for this proposal to be considered by the Cabinet. Councillor Mrs R E Burt, Portfolio Holder for Planning, Housing and Transport, confirmed that she would raise this proposal for consideration by the Cabinet Members.

With 13 voting for the motion and with 4 abstentions, it was

RESOLVED:

That the wording of the condition be included within the final planning permission, as follows:

"There shall be no more than 30 open market dwellings occupied within each 12 month period following the date of first occupation of the development.

Reason: To ensure the development proceeds at an appropriate rate in the interests of the general amenities of the area"

The meeting closed at 8.10 pm.