

Forest Heath District Council

MINUTES of the **DEVELOPMENT CONTROL COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on Wednesday 9 April 2014 at 6.00pm.

PRESENT:

Councillors:

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

Also in attendance:

R Almond, Development Manager
C Flittner, Principal Planning Officer
J Hooley, Lawyer
H Hardinge, Committee Administrator & FHDC Scrutiny Support

APOLOGIES

Apologies for absence were received from Councillors W J Bishop, W Hirst, E Stewart and A J Wheble.

SUBSTITUTES

Councillor W E Sadler attended the meeting as substitute for Councillor W J Bishop.

965. **CONFIRMATION OF MINUTES**

The minutes of the meetings held on 24 February and 5 March 2014 were accepted by the Committee as an accurate record, with 13 voting for the motion and with 1 abstention, and were signed by the Chairman.

Councillor Mrs C F J Lynch raised a question with regard to the minutes of 24 February 2014 and the reference therein to the new operating procedures for public speaking which allowed more than one person to register to speak either 'for' or 'against' an application and share the 3 minute time slot.

Councillor Lynch objected to this new practice which she considered entirely unsatisfactory and proposed that the Council's Overview & Scrutiny Committee scrutinise the new operating procedures for public speaking at the Development Control Committee.

The Development Manager explained that as part of the single operating procedures that were introduced in January 2014 for Forest Heath District Council and St Edmundsbury Borough Council's Development Control Committees a six-month review had been agreed to be undertaken for the Borough Council as they had been subject to far more changes in practice compared to the District Council. However, she would happily include the operating procedures for public speaking at Forest Heath as part of that review.

Councillor W E Sadler raised a question with regard to the minutes of 5 March 2014, specifically Minute No 931 'Update and Clarification Regarding the Determination of Planning Application F/2012/0552/OUT - Land South of Burwell Road, Exning' (Report No DEV14/108). He enquired as to whether final consent had been issued by the Planning Authority in relation to this planning application. The Development Manager explained that the Section 106 Obligation was in the process of being completed, following which consent would be issued.

Councillor Mrs C F J Lynch also raised a question concerning the minutes of 5 March 2014 and requested clarification with regard to Minute No 930 'Planning Application DC/13/0472/FUL - The Forge, 8 Church Road, Moulton' (Report No DEV14/107) and the related report for consideration later in the meeting under 'Urgent Business'.

The Chairman and the Development Manager jointly responded and explained that Members were being asked at this point to approve the minutes of the meeting as a correct record. The report later on the agenda was to seek clarification on the wording of some of the conditions in order to ensure that the dwellings were built in accordance with the approved plans. The report did not re-open the debate on the development or the Committee's decision to approve the application as determined on 5 March 2014.

Councillor T J Huggan joined the meeting at 6.04pm during the discussion of the above item.

At the invitation of the Chairman, Councillor Mrs R E Burt then declared interests in both of the Tuddenham Planning Applications on the agenda. She declared a pecuniary interest in Report No DEV14/109 'Planning Application F/2013/0314/OUT - Tuddenham VC Primary School, High Street, Tuddenham', as the site was immediately opposite her home, and a local non-pecuniary interest in Report No DEV14/110 'The Old Red House, Icklingham Road, Tuddenham' as she was a close associate of the applicant, having served alongside him on Tuddenham Parish Council. Councillor Burt advised that she would withdraw from the meeting prior to the consideration of both of these applications.

Councillor T J Huggan also declared a local non-pecuniary interest in Report No DEV14/109 'Planning Application F/2013/0314/OUT - Tuddenham VC Primary School, High Street, Tuddenham' as he was Secretary of Tuddenham Playing Fields Association and the Playing Fields bordered the site in question.

Lastly, Councillor R Dicker declared a local non-pecuniary interest in Report No DEV14/109 'Planning Application F/2013/0314/OUT - Tuddenham VC Primary School, High Street, Tuddenham' as he operated the village Post Office from within Tuddenham's existing village hall.

966. **URGENT BUSINESS**

The Chairman agreed for this item of urgent business to be brought forward in order to accommodate Councillor Mrs R E Burt who then intended to leave the meeting having declared interests in the two planning applications on the agenda.

Update and Clarification Regarding the Determination of Planning Application DC/113/0472/FUL – The Forge, 8 Church Road, Moulton

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 site.

This report had been circulated separately to the agenda and an amendment to the recommendation was also tabled to the meeting.

The Principal Planning Officer explained that, following determination of Planning Application DC/113/0472/FUL The Forge, 8 Church Road, Moulton at the meeting of the Development Control Committee on 5 March 2014 it had become necessary to seek clarification on the wording of the three additional conditions proposed by Members at that meeting in order to ensure that the dwellings were built in accordance with the approved plans.

Members were reminded that the report did not re-open the debate on the development or the Committee's decision to approve the application as determined on 5 March 2014.

Councillor Mrs C F J Lynch voiced concern at the way in which this application had been dealt with by the Council particularly bearing in mind that the site was within a Conservation Area. Other Members, however, commented upon the rigor in which the application had been considered by the Planning Authority.

With 12 voting for the motion and with 2 abstentions, it was

RESOLVED:

That the following conditions in respect of Planning Application DC/113/0472/FUL The Forge, 8 Church Road, Moulton be included in the final planning permission as follows:

Condition 19 - Following construction of the ground floor slabs for Plots 1 and 2 fronting Church Road the developer/contractor will notify the Local Planning Authority in writing in order to enable a site inspection to confirm that the development is in accordance with the approved plan ref: 13/32/12 dated 02/2014 and received on 19/02/14. Further development shall not take place until written confirmation is received by the developer/contractor to state that development is progressing in accordance with the approved plan.

Condition 20 - Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates shall be erected to the access driveway from Church Road without the prior written consent of the Local Planning Authority. The provision of

any gates agreed under this condition must be set back a minimum of 5 metres from the edge of the highway (which includes the footway).

Condition 21 - The ridge heights of plots 1 and 2 must not exceed the ridge height of No 6 Church Road in accordance with the approved plans ref: 13/32/11 Rev A and 13/32/12 received on 19/02/14.

Councillor Mrs R E Burt left the meeting at 6.26pm on conclusion of the above item.

967. **PLANNING APPLICATION F/2013/0314/OUT – TUDDENHAM VC PRIMARY SCHOOL, HIGH STREET, TUDDENHAM (REPORT NO DEV14/109)**

Resubmission of F/2012/0403/OUT – Erection of 6 dwellings, new reinforced grass recreation/overflow parking area and village hall (including new access to existing community facilities).

This application had been referred to the Development Control Committee following consideration by the Delegation Panel due to the significance of the scheme in terms of community facilities.

No objections had been received from consultees or the Parish Council, however some residents had commented or objected to the proposal.

A Member site visit had been held prior to the meeting. Officers were recommending that planning permission be granted, as set out in Paragraph 30 of Report No DEV14/109.

The Principal Planning Officer advised that the (absent) Ward Member Councillor Mrs R E Burt had asked that the Committee be provided with a point of clarification regarding the location of the electricity sub-station on the location map of the site and the Officer duly drew attention to this.

The Officer also informed the Committee that, since publication of the agenda, the applicant had contacted the Planning Authority to suggest that an additional condition be added to protect the usage of the village hall building as a community facility for Tuddenham. However, Officers felt unable to recommend that Members impose such a condition as it was not a material planning consideration.

A number of Members raised questions with regard to the access from the rear of the site through to the pavilion and playing fields beyond once developed, and the recommendation to approve the application was moved with an additional condition to ensure that details of this access were submitted. This was duly seconded and with 12 voting for the motion and with 1 abstention, it was resolved that

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

1. Outline time limit
2. Submission of reserved matters
3. Compliance
4. Restrict Construction Times
5. Dust Mitigation

6. Acoustic insulation of new dwellings
7. Acoustic insulation of village hall
8. Restriction on times of amplified music (not after 11pm)
9. Details of external lighting
10. Details of boundary treatment to be agreed
11. Hard and soft landscaping to be agreed
12. Landscaping implementation
13. Tree protection
14. Archaeological Investigation
15. Completion of site investigation and post investigation assessment
16. Management strategy for dual use parking area
17. Provision of visibility splays in accordance with submitted plans
18. Details of areas to be provided for maneuvering, parking and secure cycle storage to be submitted
19. Vehicular access to be laid out in accordance with submitted plans
20. Details of estate roads and footpaths
21. No occupation until roads and footways constructed to at least base course level
22. Details of proposed access to the pavilion and playing fields to the rear of the site

And the completion of a Planning Obligation which secures £34,875.00 towards public open space and £5,026.00 for affordable housing.

968. **PLANNING APPLICATION DC/13/0414/FUL – THE OLD RED HOUSE, ICKLONGHAM ROAD, TUDDENHAM (REPORT NO DEV14/110)**

Removal of Condition 4 of planning permission F/2008/0381/FUL.

This application was referred to the Development Control Committee because it related to the removal of a condition from a Planning Application which was considered and approved by Committee in 2008. Condition 4 of the permission restricted the use of the building to ancillary accommodation in association with The Old Red House and at no time was to be occupied as a separate dwelling.

No objections had been received from consultees, the Parish Council or third parties. A Member site visit had been held prior to the meeting. A layout plan was tabled to the meeting for the Committee's reference; as the plan was not included within the PowerPoint presentation given by the Officer.

Members were advised that Officers had carefully considered the reasons put forward by the applicant for requesting removal of the condition, however they did not constitute 'very special circumstances' which would justify a permanent dwelling on the site. The development also failed to secure the appropriate provision of open space, sport and recreation facilities as required by the Council's Supplementary Planning Document. As a result the proposal was considered contrary to the relevant provisions of the development plan and the National Planning Policy Framework (NPPF) and was recommended for refusal as set out in Paragraph 33 of Report No DEV14/110.

With the vote being unanimous, it was resolved that

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

1. In accordance with Policy CS10 of the Forest Heath Core Strategy(2010) and Paragraph 55 of the National Planning Policy Framework, new dwellings in the countryside will only be permitted where it can be demonstrated that there are overriding needs which justify an exception being made to established policies seeking to direct residential development to existing settlements in the interests of sustainable development and the protection of the countryside.
Planning permission is sought for a condition to be removed and a S106 agreement varied to allow a permanent dwelling on the site where ancillary accommodation would normally only be considered acceptable in accordance with saved Local Plan Policy 4.31. The proposal would entail the loss of a functional outbuilding which serves the main dwelling and having regard to the reasons put forward by the applicant a departure from policy to allow development in an unsustainable, countryside location is not justified. As a result the proposal is considered contrary to Policy CS10 and the relevant provisions of the National Planning Policy Framework.
2. The proposed development fails to secure the appropriate provision of open space, sport and recreation as required by the Council's Supplementary Planning Document for Open Space, Sport and Recreation Facilities (2011). The proposal is therefore contrary to Policies CS13 of the Forest Heath Core Strategy and the objectives of the National Planning Policy Framework in respect of delivering sustainable development.

Speaker: Mr R Lawson (applicant) spoke in support of the application.

The meeting closed at 7.00pm.