

Forest Heath District Council

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Report of the Head of Planning and Regulatory Services

**DEVELOPMENT
CONTROL
COMMITTEE**

9 APRIL 2014

**URGENT
BUSINESS**

UPDATE AND CLARIFICATION REGARDING THE DETERMINATION OF PLANNING APPLICATION DC/13/0472/FUL – THE FORGE, 8 CHURCH ROAD, MOUTON

1. Summary and reasons for recommendation(s)

1. Planning Application DC/13/0472/FUL was approved by Members at the Development Control Committee meeting held on 5 March 2014. It should be noted that this current paper does not re-open the debate on the development or the decision to approve the application.
2. The purpose of this report is to seek clarification on the wording of the additional conditions to ensure the dwellings are built in accordance with the approved plans.
3. The site levels and overall heights of plots 1 and 2 were a particular concern for Members. An amended street scene plan was presented at the meeting which shows the ridge heights of plots 1 and 2 at the same level as the listed cottage to the west of the site (No6 Church Road) and slightly higher than the bungalow to the east (No10A Church Road). The ability to achieve these overall heights has been demonstrated through the submission of site section drawings which were also presented at the meeting. The site section shows the level of the site lowered to accommodate the 2 storey dwellings on the frontage.
4. Three additional conditions were proposed by Members and these appear in the minutes as follows:
 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.*
5. The precise wording of condition 20 does not pose a problem and is defined from standard highway conditions.
6. It is understood that the intention of conditions 19 and 20 is to ensure strict adherence to the approved plans and in particular the revised street scene drawing and the site sections considered at the March meeting. Condition 19

seeks an additional check on levels to be put in place following site clearance and construction of the ground floor slab. This follows wording recommended in an email from the architectural consultant representing the neighbour.

7. Condition 21 as set out in the minutes seeks to restrict the ridge and eaves height of the dwellings to be no more than those in the vicinity. If a condition is drafted to precisely reflect this, the currently approved scheme could not be implemented. This is because the plans, which were shown at the meeting, illustrate that the eaves height of the new dwellings will be above those of both neighbouring properties and the ridge line will be higher than the ridge of the bungalow to the East. It is understood that the intention behind this condition was to ensure that the overall height of the dwellings were no higher than the listed cottage to the West. Officers consider it unreasonable to impose a condition which would conflict with the standard condition requiring compliance with the approved plans and prevent the development from taking place, especially as the intention behind these additional conditions is to secure development in accordance with the amended/additional plans that were considered by Members at the meeting.

2. Recommendation(s)

- 2.1 Members are recommended to agree the suggested wording of the conditions below for inclusion in the final planning permission:

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 fronting Church Road must be no more than the heights shown on the approved plan ref: 13/32/11 Rev A, dated 10/2013 and received on 19/02/14.

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3. How will the recommendations help us meet our strategic priorities?

3.1 The approved scheme will deliver housing and benefits in terms of improving the overall appearance of the conservation and the removal of an established general industrial use.

4. Key issues

4.1 To clarify the precise wording of the conditions that will ensure development in accordance with the approved plans.

5. Other options considered

5.1 None.

6. Community impact

6.1 **Crime and disorder impact** *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 Crime and disorder requirements were taken into account during the consideration of the planning application.

6.2 **Diversity and equality impact** *(including the findings of the Equality Impact Assessment)*

6.2.1 There is not considered to be an adverse impact on diversity and equality.

6.3 **Sustainability impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 The sustainability of the scheme was taken into account during the consideration of the planning application.

6.4 **Other impact** *(any other impacts affecting this report)*

6.4.1 None.

7. **Consultation** *(what consultation has been undertaken, and what were the outcomes?)*

7.1 Internal legal advice has been sought.

8 **Financial and resource implications** *(including asset management implications)*

8.1 There is not considered to be any cost or resource implications for the Council.

9. Legal and policy implications

9.1 Once the conditions have been agreed the planning permission can be issued. A unilateral Planning Obligation has been signed which secures £19,530.00 towards play and open space in accordance with the Council's adopted SPD.

10. Ward(s) affected:

10.1 South.

11. Background papers

11.1 Planning application DC/13/0472/FUL
Report No DEV14/101 (5 February 2014 Development Control Committee)
Report No DEV14/107 (5 March 2014 Development Control Committee)