

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 29 April 2015 at **6.00 pm** at the **Council Chamber, District
Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Chris Barker

Vice Chairman Andy Drummond

Michael Anderson
John Bloodworth
David Bowman
Simon Cole
Warwick Hirst

Tim Huggan
Carol Lynch
Tony Simmons
Eddie Stewart
Bill Sadler

40. **Apologies for Absence**

Apologies for absence were received from Councillors Bill Bishop, Rona Burt, Roger Dicker, David Gathercole and Tony Wheble.

41. **Substitutes**

Councillor Bill Sadler attended the meeting as substitute for Councillor Bill Bishop.

42. **Minutes**

The minutes of the meeting held on 1 April 2015 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman subject to it being noted that Councillor Eddie Stewart had been incorrectly listed twice as being present and Councillor Bill Sadler's surname had been misspelt.

43. **Reserved Matters Application DC/14/0942/RM & Planning
Application DC/15/0264/FUL - Land South of Burwell Road, Exning
(Report No DEV/FH/15/015)**

Councillor Simon Cole declared a non-pecuniary interest in this item as he lived on Burwell Road. He would remain in the meeting to speak upon the item but would abstain from the voting thereon.

Prior to the consideration of this agenda item the Lawyer informed the Committee that the Council had received confirmation from the Secretary of State that they had received a request to call in this application.

Therefore, should Members be minded to approve the application the Secretary of State intended to issue an Article 31 holding direction. This meant that the Secretary of State would consider the application against the Written Ministerial Statement on call-in and would assess whether they considered it necessary to call-in the application for determination.

The Lawyer clarified that should the Secretary of State call in the application they would not be looking at the principle of development as this was previously approved by the Committee as Outline Planning Application F/2012/0552/OUT. The call-in would purely concern the Reserved Matters Application DC/14/0942/RM that was before Members for determination at this meeting.

Reserved Matters Application DC/14/0942/RM – Submission of details under Outline Planning Permission F/2012/0552/OUT and Planning Application DC/15/0264/FUL – Change of use from agricultural to recreational use and associated landscaping.

These applications were referred to the Development Control Committee due to the controversial nature of the previously approved Outline Planning Application F/2012/0552/OUT.

Officers were recommending that both applications be approved as set out in Paragraphs 69 and 70 of Report No DEV/FH/15/015.

The Principal Planning Officer – Major Projects advised that since the publication of the agenda he had received the following comments:

- Suffolk County Council (as Lead Local Flood Authority for Suffolk) – no objections;
- Ecology and Landscape Officer – no objections; and
- Exning Parish Council (in response to the second set of amended plans) - continued to raise a number of objections including:
 - i. Concern at the single pedestrian access which could result in 'forced footways' emerging across the site;
 - ii. A request to extend the cycle link to National Cycle Route 51;
 - iii. A request to extend the green-screening throughout the development (and not just for the houses to the West of the entrance); and
 - iv. Disappointment at the lack of provision of a mini-roundabout at the development junction with Burwell Road.

Councillor Simon Cole then commenced discussion in his capacity as Ward Member for the applications. He raised a number of questions/comments which were responded to by the Case Officer:

- He firstly inquired as to the intended ownership of the green-screening/belt that was to be put in place for the existing Burwell Road residents that were to the West of the development's entrance, the Planning Officer explained that the applicant was undertaking discussion directly with the homeowners in question.

- He made reference to the burial remains that were found as part of the archaeological investigations undertaken by the applicant and the desire by Exning residents for the remains to be returned to their resting place in the village. The Planning Officer suggested that the Parish Council could work alongside Suffolk County Council with regard to this matter in order to reach a resolution with the applicant.
- He raised concern at the single roadway access being so close to the designated LEAP area and asked if it would be possible to include a head of trees at the front of the LEAP area which would form a degree of protection. The Planning Officer explained that he was happy to raise this with the applicant subject to drivers' visibility not being impaired.
- He explained that the Parish Council felt that they were not being listened to by the County Council with regard to their request for a mini-roundabout at the junction with Burwell Road. The Planning Officer stated that he would be willing to facilitate the Parish Council's involvement in the consultation concerning the off-site highways works, however, he stressed that the final decision would lay with the Highways Authority.
- Lastly, Councillor Cole formally thanked the Parish Council and villagers who approached the applicant directly and had managed to achieve significant gains for existing Exning residents in respect of this development.

Councillor Andy Drummond then spoke and proposed that the applications be refused, contrary to the Officer recommendation, in order to allow the applicant more time in which to undertake discussions with Exning Parish Council. However, this motion was not seconded.

The Service Manager (Planning – Development) reminded Members that the principle of development was not up for debate as this had already been determined and access to the site was approved as part of the outline application.

Councillor Drummond then withdrew his motion for refusal and instead proposed that the application be deferred, again on the basis that this would allow more time in which for the applicant to undertake negotiations with the parties concerned. Again, this motion was not seconded.

Councillor Bill Sadler then moved that the application be approved and this was duly seconded by Councillor Eddie Stewart.

The Lawyer read out some detailed amendments in respect of the recommendations that were set out in Paragraphs 69 and 70 of the report. To ensure that Members were clear on what they were voting on it was agreed by the Chairman for each of the recommendations to be taken separately.

With 9 voting for the motion, 1 against and with 2 abstentions it was resolved that:

1. The change of use application DC/15/0264/FUL be **GRANTED** subject to:

- i. The completion of a new Section 106 agreement for application DC/15/0264/FUL that secures all the previous obligations save for the sum £306,402 which was to provide off site Open Space, and replace that with the following:
 - £30,000 in total for a 10 year maintenance fee for the land subject to application DC/15/0264/FUL;
 - That the land subject to application DC/15/0264/FUL is given over to the District Council;
 - That the land subject to application DC/15/0264/FUL is landscaped in a manner as described above; and
 - That £41,760 is given to the Council for the improvements to allotment facilities in Exning.

- ii. And the following conditions:
 - Development to commence within 3 years;
 - Construction methodology statement for the removal of top soil to be agreed in writing with the Local Planning Authority;
 - Landscaping details including trees, wildflower mix and other soft landscaping measures to be agreed in writing with the Local Planning Authority;
 - All planting agreed under the landscaping condition to be carried out in their entirety before the area of open space is first brought into use;
 - Maintenance plan to be submitted to the Local Planning Authority and agreed in writing before the area is first brought into use. The agreed plan shall be adhered to and followed thereafter unless otherwise agreed in writing with the Local Planning Authority; and
 - Fencing details agreed in writing with the Local Planning Authority and installed before the land is first brought into use as an area of public open space.

With 9 voting for the motion, 1 against and with 2 abstentions it was resolved that:

2. Application DC/14/0942/RM be **GRANTED** subject to:

- i. The completion of a new Section 106 agreement for application DC/14/0942/RM that takes into account all the previous obligations related to the outline application F/2012/0552/OUT except for the sum of £306,402 which was to provide off site Open Space and replace with the four bullet points listed in 1.i. above.

- ii. And the following conditions:
 - The development to which this permission relates must be commenced not later than the expiration of 2 years from the date of this permission;
 - The development hereby permitted shall not be carried out except in complete accordance with the details and plans submitted;

- The landscaping shown on the submitted layout should be retained and maintained for a period of 5 years; and
- Details of the play equipment to be provided in the LEAP area to be agreed in writing with the Local Planning Authority and installed in accordance with those agreed details before the LEAP is first brought into use.

Speakers: Dr Marion Treby (Exning resident) spoke against the application.
Councillor Andrew Burton (Exning Parish Council) spoke against the application.

44. **Planning Application DC/14/2080/CR4 - Hall Farm Barn, Church Lane, Freckenham (Report No DEV/FH/15/016)**

Conversion of barns to 2 no. residential units and change of use of agricultural land to garden.

This application was referred to the Development Control Committee following consideration by the Delegation Panel and because the Parish Council and Ward Member were in support of the proposal, contrary to Officers' recommendation of refusal as set out in Paragraph 27 of Report No DEV/FH/15/016.

The Senior Planning Officer read out a statement on behalf of the applicant's agent. The agent welcomed the comments of support made by the Parish Council and Ward Member and explained that the applicant had worked closely with the Local Planning Authority to alleviate a number of concerns with the application. The agent also drew attention to the fact that Policy DM28 had not been adopted by the Council when the application was submitted in January 2015.

Councillor Andy Drummond spoke in support of the application and proposed that it be approved, contrary to the Officer recommendation. This was duly seconded by Councillor Tim Huggan.

The Service Manager (Planning – Development) explained that applications had to be determined on the basis of the policies that were in place at the time, not at the time of the application's submission. The fact that Policy DM28 had not been adopted in January 2015 was not a valid reason to grant the application.

Councillor Carol Lynch spoke in support of the Council's policies and proposed that the application be refused in line with the Officers' recommendation. Councillor David Bowman echoed these comments and seconded the motion.

The Chairman put the first motion on the table, for approval, to the vote and with 2 voting for the motion and 10 against he declared the motion lost.

The motion for refusal was then put to the vote and with 10 voting for the motion and with 2 against it was resolved that:

Planning permission be **REFUSED** for the following reason:

Policy DM28 of the Joint Development Management Policies Document states that proposals for the conversion of redundant or disused barns in the countryside into dwellings will be permitted where alternative uses have been fully explored and discounted. The proposal fails to comply with Policy DM28 by virtue of the lack of consideration of alternative uses which fails to demonstrate that the site could not support the economic growth in the rural area in order to create jobs and prosperity in accordance with Paragraph 28 of the National Planning Policy Framework.

Councillor Tim Huggan left the meeting at 7.03pm following conclusion of the above item.

45. **Planning Application DC/15/0236/R3LA - Sam Alper Court, Depot Road, Newmarket (Report No DEV/FH/15/017)**

Proposed 10 no. B1 business units, together with roof mounted photovoltaic installations and associated works.

This application was referred to the Development Control Committee due to the applicant being Forest Heath District Council. No objections had been received and Officers were recommending that the application be approved as set out in Paragraph 31 of Report No DEV/FH/15/017.

The Senior Planning Officer explained that since publication of the agenda the Highways Authority had responded and proposed two additional conditions which would be incorporated into the recommendation (as Nos. 9 and 10).

It was proposed by Councillor David Bowman, seconded by Councillor Michael Anderson and with the vote being unanimous, it was resolved that:

Planning permission be **GRANTED** subject to the following conditions:

1. Time limit (development to commence within 3 years);
2. Hours of operation to be limited to 08:00-18:00 Monday-Saturday, 09:00-17:00 Sundays and Bank Holidays;
3. Construction waste shall not be burnt on site;
4. Hours of construction. Demolition and site preparation shall be limited to 08:00-18:00 Monday-Friday, 08:00-13:30 Saturdays, and at no time Sundays or Bank Holidays;
5. Tree protection measure to be in place prior to work commencing on site;
6. Highway conditions to be reported verbally;
7. To be in accordance with approved plans;
8. If contamination is found then a scheme of remediation should be submitted and approved by the Local Planning Authority prior to further development;
9. Bin storage to be provided prior to occupation; and
10. Parking and bike storage to be provided prior to occupation and retained.

46. **Chairman's Announcement**

Prior to the conclusion of the meeting, as this was the last Development Control Committee of the current administration the Chairman formally thanked all Members and Officers for their help and input whilst he had been Chairman of the Committee.

The meeting concluded at 7.11pm

Signed by:

Chairman
