

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 2 December 2015 at **6.00 pm** at the **Council Chamber,**
District Offices, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

David Bowman

Ruth Bowman

Louis Busuttill

Simon Cole

Brian Harvey

James Lay

Carol Lynch

Louise Marston

Peter Ridgwell

Michael Anderson

Bill Sadler

104. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby, David Bimson and Stephen Edwards.

105. **Substitutes**

Councillor Michael Anderson attended the meeting as substitute for Councillor David Bimson and Councillor Bill Sadler attended as substitute for Councillor Stephen Edwards.

106. **Minutes**

The minutes of the meeting held on 4 November 2015 were unanimously accepted as an accurate record and were signed by the Chairman.

107. **Planning Application F/2013/0257/HYB - Land East of Red Lodge; Land Adjacent Village Centre, Red Lodge; Land Adjacent St. Christopher's Primary School, Red Lodge; and Land at Herringswell (Report No DEV/FH/15/050)**

The Chairman agreed to bring this item forward on the agenda in order to accommodate the members of the public in attendance in connection with this planning application.

Hybrid application:

- (i) Outline application - demolition of Hundred Acre Farm and the construction of up to 268 dwellings, new public open space, drainage ditches, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge and the construction of up to 225 sq., metres of Class A1 retail floorspace on land forming part of Phase 4a Kings Warren.
- (ii) Full application - (Phase A): construction of 106 dwellings (including the relocation of 3 committed dwellings from Phase 4a), new public open spaces, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge. Restoration of open Breck grassland on land South East of Herringswell, as amended.

This application had been considered previously by the Development Control Committee on three occasions, culminating in a risk assessment and resolution to grant planning permission at the meeting on 27 August 2014.

The application is returned to the Development Control Committee to enable Members to consider the following material changes in circumstances which had occurred since the decision to grant planning permission was made:

- i. Enactment of CIL Regulation 123 which led to off-site public open space contributions being dropped from the Section 106 Agreement;
- ii. The adoption by the Council of the Joint Development Management Policies document in February 2015; and
- iii. Adoption of new parking guidance by Suffolk County Council in November 2014, replacing the 2002 Suffolk Advisory Parking Standards.

The Committee was reminded that it was a 'hybrid' application with the full details of the first 106 dwellings included for consideration. The later phases of development and the village centre were in outline form with all matters reserved.

Red Lodge Parish Council and a number of neighbouring Parish Councils objected to the proposal on a number of grounds and representations had been received from over 30 residents.

A further Member site visit was held prior to the meeting. Officers were continuing to recommend that the application be approved as set out in Paragraph 26 of Report No DEV/FH/15/050 and subject to the following amendments as verbally advised by the Principal Planning Officer – Major Projects:

1. Recommendation A: first bullet point – the insertion of the words (in **bold**) "... the Head of Planning Growth, **in consultation with the Chairman and Vice-Chairman of the Development Control Committee together with the relevant Ward Members**, agrees that..."
2. Recommendation A: insertion of the following additional contributions:
 - Libraries £80,136
 - Early Years education £225,367
 - Traffic Calming £45,000
3. Recommendation A: insertion of an additional obligation to restrict occupancy to no more than Phase A (full application – 106 dwellings) by 1 September 2018.

The Principal Planning Officer – Major Projects advised the Committee that Herringswell Parish Council had submitted additional comments in respect of the application. Hard copies were tabled to the meeting for the benefit of those Members who had not been able to read the email.

The Officer gave the following response to the key points raised by the Parish Council:

1. Education

Figures were included within the Planning Officer's presentation which illustrated the pupil yields for the next five academic years both with and without the proposed development. The figures showed that even without any new development St Christopher's Primary School (Red Lodge) would be beyond its capacity by the 2016/2017 academic year. Therefore, on balance, Officers felt that to refuse the application would cause more harm; as it would prevent children from being accommodated in the village school, by way of the temporary extension, prior to the second primary school being open.

Suffolk County Council had requested that an additional condition be included to restrict occupancy to no more than Phase A (full application – 106 dwellings) by 1 September 2018 in order to ensure that any children from the new development would be able to be accommodated by the second primary school (as the Officer had previously made reference to under the amendments to the recommendation.) The Committee was advised that the applicant had agreed, in principle, to the inclusion of this condition which could be secured as part of the S106 agreement.

2. Affordable Housing

The Officer explained that a new Viability Assessment was to be undertaken in respect of the affordable housing quota for the development as the last assessment took place in 2014 and was considered out of date.

He assured Members that external advice had been sought by the Council in connection with this matter and discussions were still ongoing between the Planning Authority and developer as part of the normal S106 negotiations.

3. Sewerage

The Officer explained that Anglian Water had been sent Herringswell Parish Council's comments and their response was read out to the meeting.

In summary, they confirmed that the issues raised by the Parish Council were normal management and maintenance issues and not due to insufficient capacity and that the system was not under pressure. They also clarified that there was capacity to accommodate the proposed development.

The Chairman then invited Members to make comment on the application.

Concerns were raised with regard to the designated emergency access for the site as highlighted by the Officer in his presentation. A number of the Committee voiced doubt with regard to the suitability of the access, bearing in mind the large number of vehicles that parked on the highway. The Officer

assured Members that Suffolk County Council had said they would undertake a review of the access if necessary.

In response to queries, the Officer confirmed that Natural England had been fully consulted, and whilst they appreciated that the woodland mitigation site was not a 'like for like' equivalent, they were happy with the proposal in view of the existing (to be felled) woodland being of low ecological quality.

Councillor Simon Cole made reference to Paragraph 15 of Report No DEV/FH/15/050 which explained that the S106 off-site public open space contribution could no longer be secured by planning obligation. He asked if the Planning Authority was able to 'request' this contribution. The Officer explained that the Council could not lawfully ask for this but could accept if the developer offered the contribution on the proviso that the Council had not placed any weight upon it in reaching its decision.

A number of comments were made with regard to the Local Education Authority and concerns were raised at Suffolk County Council's delivery in terms of education in respect of Red Lodge. The Service Manager (Planning – Strategy) assured the Committee that the Council regularly worked with the County Council in respect of future education provision and she would report Members comments to them.

Lastly, Councillor Bill Sadler voiced displeasure at the amount of time it took from a planning application being granted to the development being commenced onsite. The Principal Planning Officer – Major Projections outlined some of the activities that had to be produced following an approval; including the S106, preparation of work to clear 'pre-commencement' conditions, site preparation and construction of the dwellings. The Service Manager (Planning – Development) added that work was ongoing jointly across the county to see how the post-approval process could be sped up.

It was moved by Councillor Carol Lynch that the application be granted, as per the Officer recommendation and inclusive of the amendments as outlined to the meeting, this was duly seconded by Councillor David Bowman and with 11 voting for the motion and with 2 against, it was resolved that:

Full and outline planning permission be **APPROVED** subject to:

- A. The completion of a Section 106 agreement to secure:
 - Affordable housing: 30% provision unless the Head of Planning and Growth, in consultation with the Chairman and Vice-Chairman of the Development Control Committee together with the relevant Ward Members, agrees that adverse development viability has been adequately demonstrated (in which case the precise level of affordable housing secured will be determined by an agreed viability assessment with minimum 14% provision).
 - Education contribution: £1,508,416 (towards land and build costs for a new primary school)
 - Libraries contribution: £80,136
 - Early years education contribution: £225,367
 - Traffic calming contribution: £45,000

- Healthcare contribution: £130,000
- Open space maintenance commuted sum: £385,243
- Phasing (including delivery and management of the circular footpath and delivery village centre extension and land required temporarily for St Christopher's Primary School).
- Travel plan implementation and monitoring.
- Delivery and management of the Herringswell Mitigation site and the 2 (no.) replacement tree planting sites.
- Provision of land adjacent to St Christophers Primary School for a temporary period for education use (precise term to be agreed with the applicant and Local Education Authority).
- Review and re-appraisal of the scheme proposals for viability but only if levels less than 30% (policy compliant) provision are subsequently agreed and secured (Phase A to be re-appraised if not implemented within a reasonable period, later phases (currently at outline stage) to be appraised at reserved matters submission stage (and re-appraised should a policy compliant scheme not be secured from later phases and the later phase/s are not implemented within a reasonable period)
- Restrict occupancy to no more than Phase A (full application – 106 dwellings) by 1 September 2018

And

B. Subject to conditions, including:

- Outline time limit (later phases)
- 3-year commencement (Phase A)
- Reserved Matters to be agreed (appearance, scale, layout [including internal site layout of roads and ways] and landscaping)
- Compliance with approved plans
- As recommended by the Local Highway Authority (not including S106 contributions)
- Archaeology – investigation and post investigation assessment
- Contamination – further investigative work
- Drainage details, including foul water and SUDS (and including maintenance responsibilities of the new SUDS systems)
- Construction Management Plan
- Details of boundary treatments
- Use of materials as proposed (Phase A).
- Details of Materials with subsequent Reserved Matters submissions (later phases)
- Detailed scheme of hard and soft landscaping, including the open spaces
- Details of informal play equipment
- Tree protection
- Landscaping management plan
- Recommendations of Ecological Assessment to be implemented

- Provision of fire hydrants
- Waste minimisation and recycling strategy (including for demolition of Hundred Acre Way)
- Quality assurance plan for each development phase, with particular focus on water efficiency
- Bin and cycle storage strategy
- Noise mitigation (later phases – dwellings adjacent to sports pitches)
- Ecological and Landscape Management Plan
- Any additional conditions considered necessary by the Head of Planning and Growth.

In the event of the Head of Planning and Growth recommending alternative (reduced) S106 Heads of Terms from those set out at above, the planning application be returned to Committee for further consideration.

In the event the applicant declines to enter into a planning obligation in full or in part to secure the Heads of Terms set out above for reasons considered unreasonable by the Head of Planning and Growth, planning permission be refused for the following reasons (as may be appropriate):

- i. Unsustainable form of development not mitigating its impact upon (inter alia), education provision, open space, sport and recreation (contrary to the Framework and relevant Development Plan policies);
- ii. Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document);
- iii. Contrary to the provisions of the Habitats Regulations (failure to secure appropriate mitigation to off-set identified/likely impacts upon the features of interest of the Special Protection Area).

108. Planning Application DC/15/2022/HH - 8 West Drive, Mildenhall (Report No DEV/FH/15/049)

Householder planning application – (i) alteration and extension to roof allowing for provision of solar tiles; (ii) installation of chimney for wood burning fire.

This application was referred to the Development Control Committee as the applicant was a member of staff.

The Planning Officer confirmed that no objections had been received in respect of the application and Mildenhall Parish Council supported the scheme.

Officers were recommending that the application be approved as set out in Paragraph 16 of Report No DEV/FH/15/049.

It was proposed by Councillor Bill Sadler that the application be approved and this was duly seconded by Councillor Simon Cole, and with the vote being unanimous, it was resolved that:

The application be **APPROVED** subject to the following conditions:

1. Time limit
2. Materials to match
3. Compliance with plans

109. Planning Application DC/15/1450/RM - Land North of Mildenhall Road, West Row (Report No DEV/FH/15/051)

Reserved Matters application – submission of details under outline planning permission DC/14/0632/OUT – appearance, layout and scale for 24 No. two-storey dwellings and 2 No. bungalows.

This application was considered by the Development Control Committee on 7 October 2015 at which the decision was taken to defer the application in order to allow time for Officers to raise the concerns of the Committee with the application regarding the impact of plots 17, 18, 19 and 20 of the development on adjacent residents.

As a result of the deferral the applicant had submitted revised plans which rearranged the layout of the properties along the Eastern edge of the site. In addition, the layout at the Western edge had also been amended to re-orientate the dwelling on plot 1 in order to position it further from the boundary.

The Senior Planning Officer confirmed that neighbouring residents at South View and Cranford had confirmed that they were pleased with the amendments.

The Committee were advised that Mildenhall Parish Council continued to voice dissatisfaction with the level of parking provided as part of the scheme.

Officers were continuing to recommend that the application be approved as set out in Paragraph 21 of Report No DEV/FH/15/051.

Some Members continued to voice concern at the incomplete pathway that would serve the scheme which would terminate prior to a junction. Officers agreed to highlight these concerns with Suffolk County Council Highways. Officers also re-iterated that the access details, including the footpath works, were agreed at the outline stage and the reserved matters application did not include access details.

Councillor David Bowman, as Ward Member for the application, spoke on the scheme and voiced approval at the amendments which had been made by the developer. He asked if it would be possible to condition the external boundary treatments to ensure that these were in place prior to the construction being commenced.

The Officer confirmed that this could be conditioned, following which Councillor Bowman proposed that the application be approved, together with

the additional condition, and this was duly seconded by Councillor Simon Cole and with the vote being unanimous, it was resolved that:

The application be **APPROVED** subject to the following conditions:

1. Time limit
2. Retention of hedge
3. Hours of work
4. Fire hydrants to be installed within the site
5. Development to be carried out in accordance with plans
6. External boundary treatments to be in place prior to the construction being commenced

110. **Chairman's Announcement**

The Chairman thanked the Principal Planning Officer for the mince pies which had been provided for the Committee meeting and wished all present a very Merry Christmas and a Happy New Year.

As this was the last Development Control Committee of 2015 she also thanked all Members for their support during the year.

The meeting concluded at 7.29 pm

Signed by:

Chairman
