

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 4 May 2016 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

Andrew Appleby

David Bowman

Ruth Bowman

Louis Busuttil

Simon Cole

Stephen Edwards

Louise Marston

Peter Ridgwell

130. **Apologies for Absence**

Apologies for absence were received from Councillors Brian Harvey and Carol Lynch.

131. **Substitutes**

There were no substitutes at the meeting.

132. **Minutes**

The minutes of the meeting held on 2 March 2016 were unanimously accepted as an accurate record and were signed by the Chairman, subject to the insertion of the following **wording**:

Minute No. 124 Planning Application DC/15/0754/FUL – 146a High Street, Newmarket (Report No DEV/FH/16/005)

“Lastly, the Case Officer drew attention to two additional items that needed to be added to the recommendation in Paragraph 178:

1. Section 106 agreement to include a contribution to Newmarket Railway Station (this had been mistakenly omitted **and had been identified earlier in the meeting by Councillor Peter Ridgwell**); and
2. An additional condition to be included for details of levels.”

133. **Planning Application DC/16/0242/FUL - Belle Vue, Newmarket Road, Barton Mills (Report No DEV/FH/16/008)**

Planning Application DC/16/0242/FUL - Single storey extensions to existing barn conversion (as approved under DC/15/1402/PMBPA) as amended by email, design and access statement revision A and drawing nos. TAB189-01 Rev B and 10 Rev A received on 22nd March 2016 removing annexe.

This application was referred to the Development Control Committee due to the applicant being related to an elected Member. The application was recommended for approval as set out in Paragraph 24 of Report No DEV/FH/16/008.

The Planning Officer reminded Members that they had considered a previous application for the site at the meeting of the Committee on 5 August 2015.

The Committee was also advised that no further consultation responses had been received from any parties since publication of the agenda.

It was moved by Councillor David Bowman, seconded by Councillor Louise Marston and with the vote being unanimous, it was resolved that:

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

1. 01A – Time limit detailed.
2. 14FP – Development to accord with drawing nos. TAB189-01 Rev B, 02, 03, 04, 05, 06, 07 Rev A and 10 Rev A received 22 February 2016 and 22nd March 2016.
3. 04R – Materials as detailed on drawing no. TAB189-07 Rev A received 22 February 2016.

134. **Planning Application DC/15/2456/OUT - Stock Corner Farm, Stock Corner, Beck Row (Report No DEV/FH/16/009)**

Outline Planning Application DC/15/2456/OUT (Access and Layout to be considered) – 11 no. dwellings (existing buildings to be demolished); alterations to existing vehicular access.

This application was referred to the Development Control Committee as it was a 'major' development and was, therefore, presented directly to Members without prior consideration by the Delegation Panel.

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused for the reasons set out in Paragraph 71 of Report No DEV/FH/16/009, which was contrary to the views of the Parish Council who were in support of the scheme.

The Principal Planning Officer drew attention to Paragraph 20 of the report and advised that since publication of the agenda it had been confirmed that no play and open space contributions would be required for the scheme.

A typographical error was noted in Paragraph 45 by Councillor Simon Cole and the Officer confirmed that the sentence in question should have read: "*Relevant policies **for** the supply of housing...*".

Councillor David Bowman spoke as Ward Member for the application and moved that it be refused as per the Officer recommendation. Councillor Cole spoke in support of the Officer report and seconded the motion.

With 9 voting for the motion and with 1 abstention, it was resolved that:

The application be **REFUSED** for the following reasons:

- 1) The site falls outside of the defined settlement boundary of Beck Row which is defined as a Primary Village under policy CS1 of the Forest Heath Local Development Framework Core Strategy (May 2010). There are exceptions to allow for housing development in the countryside as set out under policies DM5, DM26, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing, dwellings for rural workers, small scale infill development of 1 or 2 dwellings, and the replacement of an existing dwelling. The proposal does not represent any of these exceptions and as such fails to comply with policies DM5, DM26, DM27 and DM29 of the Joint Development Management Policies Document and the guiding principles of the NPPF. The Authority is presently able to identify a deliverable five year (plus buffer) supply of housing sites and the proposal is therefore considered unacceptable as a matter of principle.
- 2) Policy CS5 of the Forest Heath Core Strategy (May 2010) requires all new development to be designed to a high quality and reinforce local distinctiveness and states that design that fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) states that proposals for all development should create a sense of place and/or local character. Policy DM22 of the same document states that residential development proposals should create a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming. New dwellings should be of high architectural quality and should function well, providing adequate space, light and privacy. Policy DM2 similarly states that proposals should not adversely affect residential amenity. The NPPF states that decisions should ensure developments add to the overall quality of the area, respond to local character and are visually attractive (paragraph 58). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Paragraph 64).

The proposal in this case is not considered to represent good design and fails to create a coherent and legible place. The layout of the development lacks visual interest and a sense of place, with prominent buildings orientated with their flank or rear elevations facing the A1101 and with plots 6 and 7 having a contrived relationship. In addition, Plots 2, 3 and 6 have limited private

garden space, with Plot 6 in particular providing a poor standard of amenity for future occupiers having regard to its relationship to the surrounding access road and proximity to Plot 7, and to off site dwellings on Louis Drive. The proposal is therefore considered contrary to policy CS5 of the Forest Heath Core Strategy (May 2010), policies DM2 and DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the principles of good design within the NPPF.

- 3) The NPPF states that when determining planning applications local planning authorities should conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused. Policy DM11 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) states that development which would have an adverse impact on protected species will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to reduce disturbance to a minimum and maintain the population identified on site or provide adequate alternative habitats.

The submitted ecology report identifies bats roosting at Stock Farm Corner Bungalow immediately adjacent to the site and evidence of bats in two agricultural buildings on the site that are proposed to be demolished as part of the development under consideration. The report is clear that all of these buildings must be subject to further surveys during the activity season to determine the number and species of bats and how they are utilising the buildings. The results of these surveys must inform any necessary mitigation or compensation measures. Bat activity surveys are also required on a mature horse chestnut tree in the northwest corner of the site if this is proposed to be removed. The ecology report is unclear regarding the impact of the proposals on great crested newts and indicates that further surveys are again required. In the absence of further surveys in respect of bats and great crested newts, the local planning authority cannot be satisfied that the development would not result in harm to protected species. The proposals are therefore contrary to policy DM11 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015).

- 4) Policy CS3 of the Forest Heath Core Strategy (May 2010) states that the quality, character, diversity and local distinctiveness of the District's landscape and historic environment shall be protected, conserved and, where possible, enhanced. Policy DM13 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) seeks to ensure that development does not have an unacceptable adverse impact on the landscape, including landscape features.

There are a number of significant trees on the site, including a line of pine trees which is a landscape feature characteristic of the area and a horse chestnut tree that is identified as providing potential habitat for bats. Whilst a topographical survey has been provided showing the locations of existing trees and hedges within the site, these details are incomplete and inaccurate on the proposed layout plan. As a result it is unclear whether existing important landscape features could be retained as part of the development with the layout proposed. The application therefore fails to demonstrate that the development will not have an adverse impact on landscape features, contrary to Policy DM13 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and Policy CS3 of the Forest Heath Core Strategy (May 2010).

- 5) The NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere (paragraph 103). Policy DM6 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) requires proposals for all new development to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere. National Planning Policy Guidance (NPPG) states that when considering major development of 10 dwellings or more, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

The site comprises a greenfield site and a suitable scheme for the disposal of surface water is required to prevent increased risk of flooding both on and off the site as a result of an increase in impermeable areas post-development. The proposed strategy relies partly on soakaways and partly on a piped outfall into the ditch to the south of the site. Private areas are shown to drain to individual plot soakaways and the access road is shown to drain through a piped system to an existing ditch via a petrol interceptor. No details of flow rates or justification for this strategy in relation to how it compares with the existing site runoff have been provided. In the absence of an acceptable surface water drainage strategy, the application fails to demonstrate that the development would not increase the risk of flooding both within the site and in the wider locality and is therefore contrary to Policy DM6 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the relevant provisions of the NPPF and NPPG.

- 6) In the absence of a completed Section 106 agreement, the proposal fails to secure the appropriate provision of affordable housing required by Policy CS9 of the Forest Heath Local Development Framework Core Strategy (May 2010) and the provision or improvement of infrastructure needed as a result of the development as required by Policy CS13 of the Core Strategy. The proposal is therefore contrary to policies CS9 and CS13 and the

objectives of the NPPF in respect of delivering sustainable development.

Speaker: Mr Stuart Harrison (Agent) spoke in support of the application.

The meeting concluded at 6.16pm

Signed by:

Chairman
