

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 1 February 2017** 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

Simon Cole

Stephen Edwards

Brian Harvey

Carol Lynch

Louise Marston

David Palmer

Peter Ridgwell

201. **Apologies for Absence**

Apologies for absence were received from Councillors Louis Busuttil and Roger Dicker.

202. **Substitutes**

There were no substitutes present at the meeting.

203. **Minutes**

The minutes of the meeting held on 4 January 2017 were unanimously received as an accurate record and were signed by the Chairman.

204. **Planning Application DC/16/1758/FUL - Land North of Lodge Farm, Skeltons Drove, Beck Row (Report No: DEV/FH/17/004)**

Planning Application DC/16/1758/FUL - Change of use of land to provide 10 pitches for traveller families (each pitch to include 1 mobile home, 1 travelling van and 1 day room).

This application was referred to the Development Control Committee as it was a major application which the Parish Council support, contrary to the Officer recommendation of refusal, as set out in Paragraph 61 of Report No: DEV/FH/17/004. A Member site visit was held prior to the meeting.

The Principal Planning Officer advised the Committee that since publication of the agenda a further representation had been received from a neighbouring resident. This resident had already made previous comments in respect of the application and the second representation reiterated much of their earlier response; primarily with regard to the un-adopted road that lead to the development site.

The Officer also drew attention to Recommendation 5, in Paragraph 5, and explained that the reference therein to an 'unmade track' should read "*un-adopted road*". The Committee were reminded that the ownership of access to the site was not a material planning consideration.

Lastly, Members were informed that the applicant had submitted further documentation to the Planning Authority in support of their application. However, Officers were still of the opinion that insufficient information had been given to demonstrate the need for the development and they continued to recommend refusal.

Councillor David Bowman, as Ward Member for the application, spoke in favour of the development; citing the Parish Council's support and the close proximity to other traveller sites, and moved that the application be approved, contrary to the Officer recommendation of refusal. This was duly seconded by Councillor Simon Cole who echoed support for the application.

The Service Manager (Planning - Development) explained that Officers had not come to their recommendation of refusal lightly, as such, if the Committee were wishing to determine the application favourably then the resolution would be 'minded to refuse' and subject to a risk assessment for consideration at the Committee's next meeting in March.

Councillors Bowman and Cole queried the need for the 'minded to' aspect of the resolution but were advised by the Service Manager (Shared Legal) that, in line with the Council's Constitution, Officers were responsible for determining if a risk assessment was required when the Committee was wishing to overturn an Officer recommendation. Accordingly, Councillors Bowman and Cole agreed to amend their motion to incorporate the 'minded to' element.

Accordingly, with the motion being put to the vote, it was unanimously resolved that

Members were **MINDED TO APPROVE THE APPLICATION CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** for the reasons of; the close proximity of the site to other traveller sites and the support from the Parish Council.

Speaker: Mr Graham Seaton (Agent) spoke in support of the application.

205. **Planning Application DC/16/1145/FUL - 50 The Street, Gazeley (Report No: DEV/FH/17/005)**

Planning Application DC/16/1145/FUL:

- (i) 4 dwellings and ancillary outbuildings (following demolition of existing dwelling and outbuildings);
- (ii) Improvements to existing vehicular access

This application was referred to the Development Control Committee following consideration by the Delegation Panel. A Member site visit was held prior to the meeting.

Officers were recommending that the application be approved, as set out in Paragraph 34 of Report No DEV/FH/17/005.

The Chairman advised the Committee that she was the Ward Member for the application, but she had deliberately refrained from making any prior comment on the application so was therefore able to take part in the Committee meeting.

The Principal Planning Officer advised Members that since publication of the agenda two further representations had been received from residents. One primarily cited queries with regard to the drainage, the other was from a resident who bordered the development site who raised concerns with Plot 3 being situated so close to their boundary. They explained that as they had an outbuilding in their garden against that boundary they were unable to plant any form of screening in that area. In response, the Officer explained that the layout of Plot 3 was deemed acceptable as the layout of the property prevented overlooking.

The Committee were also advised that whilst the Parish Council did not object to the development they would have preferred for the existing building to have been retained, if this was not possible they had requested that the properties constructed in its place had brick and flint elevations (on the street frontage) to echo the existing.

The Officer explained that the building that was to be demolished was not listed/protected in anyway. He also advised the meeting that since the agenda had been published, the applicants had agreed to change the street frontage elevations of the garage block to brick and flint.

Councillor Carol Lynch spoke in relation to the neighbour's screening concerns adjacent to Plot 3. She asked if it would be possible to ask the applicants to give specific consideration to this boundary as part of their landscaping scheme condition. The Officer confirmed that he could liaise with the applicant in relation to this matter.

Following which, Councillor Lynch moved that the application be approved as per the Officer recommendation, inclusive of the specific consideration to landscaping the boundary in question. This was duly seconded by Councillor Stephen Edwards.

Considerable discussion then took place with regard to the street frontage elevations of the development, with many Members wishing for the street frontage elevations of the dwellings to also be amended to brick and flint, to

match the garage block and echo the frontage of the (to be) demolished building.

The Service Manager (Planning – Development) suggested that, if the Committee were in agreement, the condition concerning materials could be delegated to Officers in consultation with the Chairman and Vice Chairman, in order to address Members’ desire to have all street frontage elevations in brick and flint.

Councillors Lynch and Edwards confirmed that they were happy to include this matter within their motion. Accordingly, on being put to the vote, it was unanimously resolved that

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

1. 3 year time limit
2. In accordance with approved plans (inc. Bat Survey and Arboricultural survey)
3. Materials; those used in respect of the street frontage elevations be delegated to Officers, in consultation with the Chairman and Vice Chairman of the Committee, in view of Members’ wish for brick and flint to be used
4. Permitted Development rights removed – extensions / new openings (plots 3 and 4)
5. Restrict construction hours
6. Archaeological investigation & Post Investigation Assessment
7. Details of footway across the frontage of the site to be submitted and agreed (pre-commencement)
8. Vehicular access in accordance with approved plans
9. Access surface material to be agreed
10. Details of bin storage to be provided
11. Surface water drainage to be agreed
12. Parking, turning details and secure cycle storage areas to be submitted and approved
13. Visibility splays in accordance with agreed details
14. Landscaping in accordance with submitted plans
15. Details of boundary treatment to be submitted and agreed; Officers to liaise with the applicant with regard to the neighbouring boundary with Plot 3 and explore potential boundary treatment to alleviate the concerns raised
16. Implementation of recommendations of arboricultural report
17. Implementation of recommendations of bat survey

Speaker: Mrs Hilary Appleton (resident) spoke against the application.

206. Planning Application DC/15/2577/FUL - Kentford Lodge, Herringswell Road, Kentford (Report No: DEV/FH/17/006)

Planning Application DC/15/2577/FUL - (i) Proposed Development of 22 no. dwellings (including 9 no. affordable dwellings) and garages (ii) Creation of a new access onto Herringswell Road and the upgrading of an existing access onto Herringswell Road (iii) Provision of amenity space and associated

infrastructure, following the demolition of an office, residential annex and stables.

This application was referred to the Development Control Committee because it was a major application and the Parish Council raised objections.

A Member site visit was held prior to the meeting, Officers were recommending that the application be approved as set out in Paragraph 126 of Report No: DEV/FH/17/006.

The Principal Planning Officer advised the Committee that since publication of the agenda two further emails had been received; the first was from the agent, on behalf of the applicant, outlining the meetings they had held with the Parish Council and the measures they had agreed to include as part of the application to 'enhance the village'; such as a planting scheme and the erection of a village information board. The email also advised that the agents had similarly met with the residents of the Red House and had come to a mutual agreement on the boundary treatment/landscaping.

The second email was from Kentford Parish Council and had been forwarded to the Council from the agent. In the email the Parish Council expressed pleasure at the extent to which the applicant had worked with the Parish Council and had enabled the village to secure a number of positive elements from the development. And, as such, they were now content to support the scheme.

The Chairman advised the Committee that the Ward Member for the application was Councillor Roger Dicker who had been unable to attend the meeting. However, he had asked the Chairman to inform his fellow Members that he had no objection to the application.

It was moved by Councillor Carol Lynch, seconded by Councillor Simon Cole and with the vote being unanimous, it was resolved that

Planning permission be **GRANTED** subject to:

1. The completion of a S106 agreement to secure:
 - (a) Policy compliant affordable housing (30%).
 - (b) Pre-school contribution (£12,182).
 - (c) Primary school contribution (£60,905)

And

2. Subject to conditions, including:
 1. Time limit (3 years for commencement)
 2. Materials to be submitted and agreed
 3. Acoustic barrier to northern boundary
 4. Sound attenuation
 5. Restrict demolition and construction times
 6. Construction and site management programme to be submitted and agreed
 7. Fire Hydrant provision

8. Archaeological Investigation
9. Archaeological post investigation assessment
10. Standard contaminated land condition
11. Details of access to be submitted and agreed (AL2)
12. Details of bin storage and collection areas (B2)
13. Details of estate roads and footpaths (ER1)
14. No occupation until roads and footpaths constructed to at least binder course level (ER2)
15. Parking to be provided and retained (P1)
16. Details of secure cycle storage to be submitted and agreed (P2)
17. Provision of visibility splays (V2)
18. Details of boundary treatment
19. Hard and Soft landscaping to be agreed
20. Landscape management plan to be submitted and agreed
21. Tree protection measures implemented, tree surgery undertaken as detailed in the Schedule of Trees and a detailed Arboricultural Method Statement & Tree Protection Plan to be submitted (as recommended in the arb report)
22. Recommendations of the biodiversity report to be implemented, including details of integrated swift brick and bat boxes to be submitted and agreed prior to commencement.
23. Water efficiency (DM7)
24. Detailed surface water drainage scheme to be submitted and agreed
25. Compliance with approved plans

Speakers: Councillor Malcolm Baker (Chairman of Kentford Parish Council) spoke in support of the application; and Mr Simon Butler-Finbow (agent) spoke in support of the application.

207. Planning Application DC/14/2042/FUL - Land North of Broom Road, Covey Way and Maids Cross Hill, Lakenheath (Report No: DEV/FH/17/007)

Councillors David Bowman and Ruth Bowman both declared non-pecuniary interests in this item as they were an acquaintance of one of the applicants. They were advised by the Service Manager (Shared Legal) that they could remain in the meeting but were not to take part.

Planning Application DC/14/2042/FUL - Residential development of up to 110 dwellings, as amended.

This application was referred to the Development Control Committee as it was a proposal for 'major' development and it raised complex planning issues of national and international importance. The planning application had been advertised as a departure from the Development Plan.

A Member site visit was held prior to the meeting. Officers were recommending that planning permission be refused for the reasons set out in Paragraph 283 of Report No: DEV/FH/17/007.

Firstly, the Principal Planning Officer – Major Projects explained that the application site had been amended slightly as a result of one of the land owners no longer wishing to be part of the development. The Committee were shown the parcel of land that ceased to be a part of the scheme.

The Officer then tabled three documents to the meeting which had been received since publication of the agenda and provided explanation on each:

- A letter from the Defence Infrastructure Organisation (MoD): objecting to the application before Members with detailed reasoning as to why;
- An email from Natural England: explaining that unless a warden was provided for Madsdross Hill SSSI *in perpetuity* then they would not be in a position to remove their objection to the application; and
- A letter from the agents acting on behalf of Elveden Farms Ltd (the applicants for two other major applications pending for Lakenheath) drawing attention to perceived 'flaws' in the supporting data in respect of the application before Members.

Lastly, the Officer drew attention to two changes to the Officer assessment in respect of the cumulative highways impact and the prematurity to the emerging Site Allocations Development Plan. Accordingly, the recommendation within Paragraph 283 was now amended to reflect these changes, in that:

1. The reference to "*highway safety (cumulative impacts)*" within Paragraph 283 (ii.) be removed; and
2. Paragraph 283 (iv.) (which referred to the Site Allocation Development Plan) be removed in its entirety.

Councillor Simon Cole moved that the application be refused, as per the Officer recommendation and inclusive of the amendments as outlined above and this was duly seconded by Councillor Louise Marston.

With 10 voting for the motion and with 2 abstentions, it was resolved that:

Planning permission be **REFUSED** for the following reasons (summarised):

- (i) The proposed development is unacceptable in principal and is contrary to the settlement policies set out in both adopted and emerging Development Plan documents;
- (ii) The proposals are also contrary to a number of other important Development Plan policies, including those relating to design, ecology (the SSSI), SW drainage, tree retention, education and the impact of aircraft noise.
- (iii) There are no material considerations which indicate the development should be determined other than in accordance with the Development Plan; the proposals represent an unsustainable form of development as defined by the NPPF.
- (iv) The absence of a completed Agreement or Unilateral Undertaking under S106 of the Town and County Planning Act to secure the following:
 - Affordable housing
 - Primary Education
 - Pre-school education

- Health
- Public Open Space
- Libraries
- Wardening of the SSSI.

Speakers: Councillor Hermione Brown (Lakenheath Parish Council) spoke against the application; and
Mr Andrew Ellis (agent) spoke in favour of the application.

208. **Planning Application DC/16/0723/FUL - 35 Kingsway, Mildenhall (Report No: DEV/FH/17/008)**

Planning Application DC/16/0723/FUL - Dwelling adjoining No. 35 Kingsway.

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the Parish Council having objected to the scheme.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, as set out in Paragraph 32 of Report No DEV/FH/17/008.

A number of Members voiced issues in respect of the application, primarily in relation to the access to/from a main road, overdevelopment, lack of amenity space within the scheme and concern with regard to the protected tree on site.

The Service Manager (Planning – Development) recommended that Members did not give weight to highways concerns as there was no evidence from statutory consultees to support this.

Councillor Carol Lynch moved that the application be refused for the reasons of:

1. Overdevelopment and inadequate amenity space (Policies DM2, DM22 and CS5); and
2. Lack of 'good design' and a contrived layout (as referenced in the NPPF).

This was duly seconded by Councillor Peter Ridgwell.

The Service Manager (Planning – Development) further advised that a risk assessment would not be necessary in respect of this application and the resolution could, therefore, be a straight refusal.

With 10 voting for the motion, 1 against and with 1 abstention it was resolved that:

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

1. Overdevelopment of the site with limited amenity space and a constrained parking and turning area; contrived layout which fails to provide a good standard of amenity for future occupiers and is contrary to the principles of good design (Policies CS5, DM2, DM22 and the NPPF).

Prior to closing the meeting the Chairman advised that she would pass on the Committee's best wishes to Councillor Roger Dicker who was currently unwell.

The meeting concluded at 8.08 pm

Signed by:

Chairman
