

Development Control Committee



Forest Heath
District Council

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

Brian Harvey

David Bowman

Carol Lynch

Ruth Bowman

Louise Marston

Louis Busuttil

David Palmer

Simon Cole

Peter Ridgwell

209. **Apologies for Absence**

Apologies for absence were received from Councillor Roger Dicker.

Councillor Stephen Edwards was also unable to attend the meeting.

210. **Substitutes**

There were no substitutes present at the meeting.

211. **Minutes**

The minutes of the meeting held on 1 February 2017 were unanimously received as an accurate record and were signed by the Chairman, subject to Councillor Cole asking that the following additional paragraph be added to Minute No. 204 (Planning Application DC/16/1758/FUL – Land North of Lodge Farm, Skeltons Drove, Beck Row (Report No: DEV/FH/17/004)) in order to more fully record his reasons for supporting the application:

"Councillor Cole drew attention to the reasons for refusal as set out in Paragraph 61 of the report. He made reference to a recent planning inquiry for a similar application at which, he claimed, the onus for demonstrating the need was placed on the Local Planning Authority and not the applicant. Furthermore, he was aware of other applications where a site being 800m – 1km away from day to day services and facilities was considered 'reasonable'. In view of which, he did not consider the remaining reasons for refusal (in Paragraph 61) to be sufficiently robust enough."

The Chairman also took this opportunity to draw Members' attention to Minute No. 205 (Planning Application DC/16/1145/FUL – 50 The Street, Gazeley (Report No: DEV/FH/17/005)) and advised the Committee that the applicants for this scheme had since confirmed with the Council that they would use brick and flint in all of the street frontage elevations, as requested by Members.

212. Planning Application DC/16/1758/FUL - Land North of Lodge Farm, Skeltons Drove, Beck Row (Report No: COU/FH/17/009)

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).

The application was originally referred to the Development Control Committee on 1 February 2016 as it was a major application which the Parish Council supported, contrary to the Officer recommendation of refusal. A Member site visit was held prior to the meeting.

At the February Committee 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, the lack of perceived harm associated with the development and the support from the Parish Council.

Whilst Officers had drafted conditions, set out in Paragraph 49 of Report No: DEV/FH/17/009, for use should Members grant planning permission, they were still recommending that the application be refused for the reasons set out in the February Committee Report No: DEV/FH/17/004 at Paragraph 61 (attached to this report as Working Paper 1).

The Principal Planning Officer drew attention to the detailed comments from the Planning Policy Team which had been attached to the report as Working Paper 2.

Members were also advised that the Mildenhall Internal Drainage Board had contacted the Council to confirm that they were the owners of Skeltons Drove and had asked that the applicants be made aware of this. However, the Officer reminded the Committee that ownership/access of the road was a private matter and not a planning consideration.

The Officer explained that the risks of approving the planning application, contrary to the Officer recommendation, related to policy, reputation and finance, each of which he covered as part of his presentation.

Within Report No: DEV/FH/17/009 the Officer had listed the five reasons for refusal (as set out in Paragraph 61 of Report No: DEV/FH/17/004) and had expanded on this reasoning in detail, for the benefit of the Committee.

Councillor Ruth Bowman spoke in support of the application. She made reference to the issue of 'need' and stressed that it was very difficult to clarify the need of the gypsy traveller community due to the nature of their nomadic lifestyle which was difficult to evidence. She also spoke on the

character/appearance of the site and was confident that the low buildings in the development could be mitigated with the correct screening.

Accordingly, Councillor Bowman moved that the application be approved, contrary to the Officer recommendation of refusal, and this was duly seconded by Councillor Louise Marston.

Councillor Simon Cole also spoke on the character/appearance element and supported Councillor Bowman's assertion that the development could be mitigated. He made reference to planning policy in this respect which was responded to in detail by the Acting Head of Planning.

Councillors David Bowman and Louise Marston made reference to the 'unknown need' consideration, as made reference to in Working Paper 2. Both argued as local Members that they had knowledge and were satisfied that the families concerned were travellers who now had a genuine need to live together in order to access healthcare and education within the established community of Beck Row.

The Service Manager (Planning – Strategy) responded in respect of 'unknown need', she explained that in circumstances where this was a consideration then the relevant evidence to demonstrate this need was required all the more, and Officers were not comfortable that what they had been provided with sufficiently demonstrated this.

Prior to the Chairman putting the motion to a vote, the Acting Head of Planning asked Members to confirm that the reasons that had been put forward for approving the application, contrary to the Officer recommendation of refusal, were:

1. The applicants were considered to come under the criteria of 'unknown need', as made reference to within the Gypsy and Traveller Accommodation Assessment (GTAA);
2. Local Members had knowledge and were satisfied that the families concerned were travellers; and
3. The character/appearance of the development could be adequately mitigated and would not cause an adverse impact to the area.

Upon being put to the vote and with 8 voting for the motion, 3 against and with 1 abstention it was resolved that

Planning permission be **GRANTED**, contrary to the Officer recommendation of refusal, for the following reasons:

1. The applicants were considered to come under the criteria of 'unknown need', as made reference to within the Gypsy and Traveller Accommodation Assessment (GTAA);
2. Local Members had knowledge and were satisfied that the families concerned were travellers; and
3. The character/appearance of the development could be adequately mitigated and would not cause an adverse impact to the area.

And subject to the following conditions:

1. Time limit
2. Plans and documents

3. Occupancy restriction to gypsy and traveller as defined in Annex 1 of PPfTS
4. Limit to 20 caravans of which no more than 10 can be static as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968
5. Soft landscaping and maintenance plan and details of boundary treatment to be submitted
6. Surface water drainage scheme to be submitted
7. Materials for day rooms to be submitted
8. No vehicles over 3.5 tonnes to be stationed on site
9. Unexpected contamination
10. Day rooms to be ancillary to use of caravans

Speaker: Mr Grahame Seaton (agent) spoke in support of the application.

The meeting concluded at 6.43 pm

Signed by:

Chairman
