

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 2 January 2019** 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

Stephen Edwards

Ruth Bowman J.P.

Carol Lynch

Louis Busuttill

David Palmer

Roger Dicker

Peter Ridgwell

343. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby, Simon Cole and Brian Harvey.

Councillor Louise Marston was also unable to attend the meeting.

344. **Substitutes**

There were no substitutes present at the meeting.

345. **Minutes**

The minutes of the meeting held on 5 December 2018 were unanimously received by the Committee as an accurate record and were signed by the Chairman.

346. **Planning Application DC/16/1450/OUT - Former Gas Works Site, Gas House Drove, Brandon (Report No: DEV/FH/19/001)**

(Councillor Peter Ridgwell advised the meeting that he lived a short distance East of the development site. He had sought the advice of the Monitoring Officer and stated that the application would have no financial impact on him personally. He, therefore, was not declaring any form of interest and was not considering the matter with a closed mind.)

Outline Planning Application (Means of Access to be considered) - 10 no. dwellings. As amended by plan received on 26 June 2018 and further amended on 30 August 2018 with the inclusion of the Means of Access to be considered

This application was referred to the Development Control Committee at the request of Councillor Christine Mason, Ward Member: Brandon East.

A Member site visit was held prior to the meeting and Officers were recommending that the application be approved, subject to the completion of a Section 106 Agreement and conditions, as set out in Paragraph 77 of Report No DEV/FH/19/001.

The Committee was advised that earlier that afternoon a formal response to the application had been received from Brandon Town Council who stated that they **objected** to the application "*based on the access along Gas House Drove being unsuitable for traffic*".

As part of her presentation the Principal Planning Officer explained that the application was for outline planning permission, with matters of appearance, landscaping, layout and scale being 'reserved matters'; and the S106 Agreement would deliver the required 30% affordable housing along with education and library conditions.

Speaker: Mr David Watson (neighbouring resident) spoke against the application

Councillor Peter Ridgwell posed a number of questions concerning the application in relation to:

- The access rights along Gas House Drove;
- Fire hydrant provision;
- Cesspit sanitation; and
- The S106 education contribution.

Councillor Ridgwell also stated that he believed that alternative access was needed for the site.

In response, the Planning Officers present explained that:

- Access rights were not a material planning consideration and the Committee was required to determine the application before them with the access proposed;
- Fire hydrant provision was made reference to in the report and was addressed by way of a proposed condition within the recommendation;
- The Suffolk County Council Flood & Water Team had not objected to the sanitation proposed and this was also covered by way of conditions; and
- The Committee was advised that Suffolk County Council as Local Education Authority continually reviewed demand for education in the county, which was influenced by a number of factors. This accounted for the difference in contributions requested by way of the S106 Agreement, over the course of the life of the application.

Councillor Ruth Bowman raised questions with regard to contaminated land, which had been made reference to by the public speaker.

The Principal Planning Officer explained that the Council's Environment Team agreed that the site could be appropriately managed in respect of contaminated land by attaching planning conditions requiring the necessary investigative and remedial works.

Councillor David Bowman spoke in support of the application and made reference to a former gas works site which had been previously successfully developed in Newmarket. He proposed that the application be approved, as per the Officer's recommendation. This was duly seconded by Councillor Louis Busuttil.

Councillor Peter Ridgwell proposed an amendment that the application be refused. However, he was advised by the Solicitor that the amendment was not valid; in that it was a direct negative of the substantive motion.

Upon putting the motion for approval to the vote and with 6 voting for, 3 against and with 1 abstention, it was resolved that

Decision

Planning permission be **GRANTED** subject to the applicant first entering into a Section 106 Agreement in respect of affordable housing provision, education and library contributions.

Any such approval thereafter be granted by Officers to also be subject to conditions covering the following matters:

- 1) Standard time limit condition for outline planning permission (submission of reserved matters and commencement of development).
- 2) Standard outline condition requiring approval of reserved matters.
- 3) Development to be carried out in accordance with approved plans and documents.
- 4) Land contamination condition requiring a site investigation scheme, results of the site investigation, detailed risk assessment, options appraisal and remediation strategy, and long term monitoring and maintenance plan.
- 5) Surface water drainage scheme to be submitted and approved concurrent with the first reserved matters application.
- 6) Construction Surface Water Management Plan to be submitted and agreed detailing how surface water and storm water will be managed on the site during construction.
- 7) Development not to be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted and approved for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 8) All HGV and construction traffic movements to and from the site over the duration of the construction period to be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No movements shall be permitted to and from the site other than in accordance

with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

The plan will ensure that:

- A. All vehicles accessing Gas House Drove as part of the construction phase works;
 - will not be wider than the available metalled surface,
 - will not cause any impediment to the flow of existing traffic,
 - will not cause a safety issue for pedestrians,
 - will not block or otherwise cause an obstruction to Gas House Drove.
 - B. All construction traffic, materials and equipment will be stored and parked within the site boundary at all times.
 - C. The surface of Gas House Drove and connecting verges and frontages will be restored to the condition they are in before the construction works started.
 - D. A survey of the existing condition will be undertaken with a representative of the highway authority before construction commences.
- 9) Improvements to Webb's Row Brandon footpath 008 to be submitted and approved by the LPA. Footpath to have a metalled surface for its entire length, with suitable lighting and surface water drainage for all-weather use and with a widened junction onto Gas House Drove. There shall be no additional vehicle movements onto Webb's Row. Improvements to be carried out before first occupation.
 - 10) 1.8m wide footway to be provided along the frontage of the site and link to be provided from within the site to Webb's Row, both as shown on the indicative layout plan, to provide a safe route for pedestrians. Improvements to be carried out before first occupation.
 - 11) Proposed access onto Gas House Drove shall be properly surfaced with a bound material for a minimum distance of 10m metres from the edge of the metalled surface of Gas House Drove.
 - 12) Vehicular access to be a minimum width of 5 metres throughout the development, measured from the nearby edge of the carriageway.
 - 13) Details of the areas to be provided for storage and presentation of refuse and recycling bins to be submitted and approved.
 - 14) Details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage) to be submitted and approved.
 - 15) Details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage to be submitted and approved.
 - 16) Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing and shall thereafter be retained in the approved form.
 - 17) Prior to first occupation, all dwellings with dedicated off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible location.
 - 18) Details submitted for landscaping to include replacement tree planting to compensate for the loss of the trees removed prior to the determination of this application.

- 19) Details to be provided at reserved matters stage of open space to be provided either on or off site in accordance with the Council's Supplementary Planning Document for Open Space (children's play space).
- 20) Reserved matters to include an 'Acoustic Design Statement', as advocated by ProPG - Planning and Noise: new residential development (May 2017). the 'Acoustic Design Statement' shall as a minimum demonstrate:
 - (i) How the approach to the proposed layout of the site has considered and mitigated against noise
 - (ii) How lowest practicable noise levels in the external amenity areas of the site can be achieved.
- 21) The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do not exceed an LAeq(16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs.
- 22) Development to be carried out strictly in accordance with the mitigation measures detailed at Section 6.3 of the Ecological Survey prepared by Norfolk Wildlife Services, dated June 2017.
- 23) Reserved matters to include details of ecological enhancement measures based upon the details contained at Section 6.4 of the Ecological Survey prepared by Norfolk Wildlife Services, dated June 2017. The measures shall be fully implemented prior to first occupation.
- 24) Scheme for the provision of fire hydrants within the application site to be submitted to and approved in writing by the Local Planning Authority.

The meeting concluded at 6.39pm

Signed by:

Chairman
