

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 7 December 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	Brian Harvey
David Bowman	Carol Lynch
Ruth Bowman	Louise Marston
Simon Cole	David Palmer
Roger Dicker	Peter Ridgwell
Stephen Edwards	

187. **Apologies for Absence**

Apologies for absence were received from Councillor Louis Busuttill.

188. **Substitutes**

There were no substitutes present at the meeting.

189. **Minutes**

The minutes of the meeting held on 2 November 2016 were unanimously accepted as a correct record and were signed by the Chairman.

190. **Planning Application DC/16/1726/OUT - Jeddah Way, Moulton (Report No: DEV/FH/16/038)**

Outline planning application (means of access and layout to be considered) for 4no. dwellings with associated garages and car parking (revised scheme).

A Member site visit was held prior to the meeting.

Prior to the commencement of the consideration of this application, the Case Officer confirmed to the Committee that the address of the application should read "*Jeddah Way, Kentford (in the parish of Moulton)*".

The application was referred to the Development Control Committee following consideration by the Delegation Panel.

Moulton Parish Council had objected to the application on the grounds of over-development. A petition had also been received from 12 residents objecting to the application due to the location of the means of access. The access onto Jeddah Way was close to a blind bend and was a potential accident spot. Kentford Parish Council had supported the application on the basis that the development needed completing, although good connecting routes would need to be developed with the main part of Kentford.

Officers were recommending that the application be approved as set out in paragraph 24 of Report No: DEV/FH/16/038.

Councillor Roger Dicker spoke on this application as Ward Member. He supported this application in principle, but raised concerns regarding the access. During the public speaking, the Agent had indicated that following the concerns which had been raised by residents and by Moulton Parish Council on highway safety issues, the Applicant would be prepared to install speed reduction measures (via a Unilateral Undertaking to secure a S278 Agreement under the Highways Act). Councillor Dicker, therefore, requested that if approved by the Committee, a Unilateral Undertaking should be submitted to the Council, prior to the issue of consent to secure the necessary speed reduction measures.

With the vote being unanimous, it was resolved that

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

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission; or
 - ii. The expiration of two years from the final approval of the reserved matters; or
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.
2. Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
3. The site preparation and construction works including deliveries to the site and the removal of excavated materials and waste from the site shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays without the prior consent

of the Local Planning Authority.

4. Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation. The programme shall include:-
 - a) site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - b) noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - c) dust, dirt and vibration method statements and arrangements;
 - d) site lighting.
5. The building envelope and the glazing elements of the dwellings shall be constructed such that sufficient sound attenuation is achieved to meet the indoor ambient noise levels for resting and sleeping as stated in Table 4 of British Standard : BS8233 : 2014 "Guidance on Sound Insulation and Noise Reduction for Buildings".
6. No development shall be commenced until details of the following drawn to a scale of not less than 1:200 have been submitted to and approved in writing by the Local Planning Authority:
 1. Existing and proposed ground levels,
 2. The position and depth of all services to be laid, constructed or installed (including drains, cables, pipes, sewers and soakaways). Where this information is not available the site plan shall be marked up to show all routes available for this use and those areas not marked in this way shall be excluded from this use.
 3. Details of no-dig construction methods to be used on the access road. The development shall be carried out in accordance with the approved details unless the prior written consent of the Local Planning Authority is obtained for any variation.
7. Development to be carried out in accordance with the Arboricultural Planning Statement prepared by ADAS UK Ltd and dated August 2016, including tree protection measures as shown on drawing no. DTZ001/PE- CS14/TPP and enhancements as described at section 7.2.
8. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM03; and with an entrance width of 5 metres and made available for use prior to the new dwellings first being occupied.
9. Prior to the new dwellings hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the

metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

10. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 15/926/02 Rev C shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
11. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
12. Prior to first occupation of the dwellings hereby approved the area(s) within the site shown on Drawing no 15/926/02 Rev C for the purposes of manoeuvring and parking of vehicles shall be provided and thereafter that area(s) shall be retained and used for no other purposes.
13. Before the access is first used visibility splays shall be provided as shown on Drawing No. 15/926/02 and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Speakers: Kevin Mardell (Resident) spoke against the application.
Councillor Bill Rampling (Moulton Parish Council) spoke against the application.
Karen Charles (Agent) spoke in support of the application.

191. Planning Application DC/16/1233/FUL - 37 Eriswell Road, Lakenheath (Report No: DEV/FH/16/039)

Application for 1no. dwelling with detached garage and associated vehicular access.

A Member site visit was held prior to the meeting.

The application was referred to the Development Control Committee at the request of Councillor Colin Noble (Ward Member for Lakenheath).

Lakenheath Parish Council had objected to the originally submitted plans. Following amendments to the site layout, the Parish Council no longer objected to the scheme, subject to conditions. However, they had objected to the latest amendment which proposed the removal and replanting of four young scots pines. Neighbour objections had also been received from 9 and 11 Eriswell Drive and from 19 and 22 Windmill Close and their objections were summarised in paragraph 15 of Report No: DEV/FH/16/039.

Officers were recommending that the application be approved as set out in paragraph 34 of Report No: DEV/FH/16/039.

Councillor Louise Marston spoke on this application as Ward Member. She supported the representations made by the Parish Council with regard to the changing of the current gravel driveway surface to a hard surface and also the drainage problems in the area. Councillor Marston also requested whether the permitted development rights could also be removed from this site, to restrict the construction of further extensions/out buildings. The Service Manager (Planning – Development) confirmed that additional conditions could be included to require the submission of hard and soft landscaping schemes and also confirmed that it would be reasonable to remove permitted development rights on the site, based on the previous appeal decision referred to in the report.

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 Approved Plans.
3. Construction works.
4. External lights.
5. Construction waste.
6. AL2 bound access onto highway.
7. Bin storage.
8. Discharge of surface water.
9. Submission of tree protection plan.
10. Water consumption.
11. Tree replanting.
12. Details of boundary hedge to be planted and maintained at no more than 1.8m in height.
13. Details of hard landscaping scheme to be submitted and implemented (including removal of gravel to the driveway and replace with hard surface).
14. Details of soft landscaping scheme to be submitted and implemented (including additional trees along the pine line boundary).
15. Removal of permitted development rights.

Speakers: Vicky Miller (Neighbour) spoke against the application.
Councillor Hermione Brown (Lakenheath Parish Council) spoke against the application.
Cecil Elliston Ball (Applicant) spoke in support of the application.

192. **Update to the Appeal Case: Planning Application DC/14/2073/FUL - Land adjacent 34 Broom Road, Lakenheath (Report No: DEV/FH/16/040)**

The Case Officer presented this report which provided an update on the appeal which had been lodged against 'non-determination'. Since the Development Control Committee, at their meeting on 6 July 2016, had resolved to refuse the application had they been in a position to do so, changes in circumstances had since occurred. These changes related to:-

- (i) The role of Lakenheath Parish Council in the appeal (*as set out in paragraph 14.*).
- (ii) Two letters received from the Defence Infrastructure Organisation (DIO) on behalf of the Ministry of Defence (MoD) (*as set out in paragraphs 15. to 24.*).
- (iii) A draft Unilateral Undertaking circulated by the appellant (*as set out in paragraphs 25. to 28.*).
- (iv) Transportation matters, including cumulative impacts upon key local junctions (*as set out in paragraphs 29. to 41.*).

The report also updated the Committee with respect to the status of the emerging Development Plan (the Single Issue Review (SIR) and Site Allocations Local Plan (SALP) documents) and greater clarity would also be provided with respect as to why the proposals were considered to be contrary to the Development Plan (including specific references) and how these policy conflicts should be seen in the light of recent Court decisions (*as set out in paragraphs 42. to 56.*). Therefore, the Council intended to address the matter by the submission of a 'ghost' decision notice. This would include specific reasons for refusal the Council would have resolved, had it been in the position to determine the planning application. The draft reasons for refusal were set out in paragraph 58. of the report.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The updates set out in Report No: DEV/FH/16/040 be noted.
2. In addition to its resolution in regard to this appeal at the Development Control Committee on 6 July 2016, had the Council been in a position to determine the planning application in the normal way, it would have resolved to **REFUSE** planning permission for the reasons set out in paragraph 58. of Report No: DEV/FH/16/040.

Councillor Roger Dicker left the meeting at 7.00 pm, prior to the discussion and voting on this item.

193. **Tree Preservation Order 2016 (No. 8) - Land at St Johns Church, Beck Row (Report No: DEV/FH/16/041)**

The Principal Planning Officer presented this report which explained that a Tree Preservation Order (TPO) had been made on nine trees on the land belonging to St John's Church, Beck Row.

The TPO had been made on 22 July 2016 and was served to protect seven Irish Yew trees, a Common Yew tree and a Norway Maple. The TPO had been made due to a proposal to remove the Irish Yew tree which would have had a negative impact on the local area, as the trees had a high amenity, historical and cultural value.

Representations to the TPO had been made by the Parish Priest, with objections being made in relation to the inclusion of the two Irish Yew trees (Trees T2 and T3). Officers had considered these objections, along with the information submitted with the representations and were now recommending that the TPO be modified to omit these two trees from the Order.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The report be noted.
2. The Tree Preservation Order 2016 (No.8) be confirmed, with the modifications as set out in Report No: DEV/FH/16/041 (namely that Trees T2 and T3 be omitted from the Order).

The Meeting concluded at 7.05 pm

Signed by:

Chairman

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