

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 1 July 2015 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

Simon Cole

David Bimson

Stephen Edwards

David Bowman

Brian Harvey

Ruth Bowman

Carol Lynch

Louis Busuttil

Peter Ridgwell

57. Apologies for Absence

Apologies for absence were received from Councillors James Lay and Louise Marston.

58. Substitutes

There were no substitutes present at the meeting.

59. Minutes

The minutes of the meeting held on 3 June 2015 were unanimously accepted as an accurate record and were signed by the Chairman.

60. Planning Application DC/14/2162/FUL - Caravan Mobile Site, Elms Road, Red Lodge (Report No DEV/FH/15/024)

The Chairman agreed to bring this item forward on the agenda in order to accommodate the attendance of the representative from the Environment Agency and the Council's Environmental Health Officer.

Change of use of land to residential use for three gypsy families including 3 no. mobile home and 6 no. amenity buildings.

This application had been deferred from the Development Control Committee meeting on 3 June 2015 in order to allow additional information on the contamination risk to be provided prior to a decision being made. Officers had also arranged for Mr A Ireland to be attendance from the Environment

Agency in order to answer any Members' questions together with an Officer from the Council's Environmental Health department.

A Member site visit had been held prior to the June Committee meeting. Officers were continuing to recommend that the application be approved subject to conditions.

The Planning Officer advised that since publication of the agenda a further letter had been received from the applicants' representative which highlighted that the applicants and their families were currently living in cramped conditions at Willow Park travellers site in Beck Row and that their children already attended local schools.

Officers had also been made aware of a further letter of objection that had been sent to all Members by a local resident.

As part of the presentation the Officer drew attention to amended plans which showed the minor levels changes on the site, the relocation of the septic tank on the plot closest to the access track and the plot layouts.

In response to questions put to him by the Committee, Mr Ireland from the Environment Agency explained that evidence indicated that there would be minimal contamination from the site and that it could be managed with conditions. The Planning Officer added that the Council would liaise with the Environment Agency to ensure that the relevant conditions had been discharged prior to the work being commenced on site..

Councillor David Bowman proposed that the application be granted subject to all the conditions identified and this was seconded by Councillor Simon Cole and with the vote being unanimous, it was resolved that:

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

1. Standard time limit
2. In accordance with submitted plans
3. Details of all facing and roofing materials to be agreed for the utility/day blocks and outbuildings
4. Occupation limited to those who satisfy the planning definition of a Gypsy or Traveller, as set out in PPTS
5. Details of vehicular access to be provided
6. Means to prevent discharge of water onto highway to be agreed
7. Light source shall not be visible from any highway
8. Parking and manoeuvring areas to be provided
9. Gates to be set back a minimum of 10m and shall only open into the site.
10. Details of visibility splays to be provided
11. Clear visibility to be provided and thereafter permanently retained
12. Scheme of foul water drainage
13. Scheme of surface water drainage
14. Full contamination assessment and remediation to be carried out and completed prior to any other works commencing (as per EA and Environmental Health recommendations)
15. Amenity buildings not to be used for residential occupation
16. Site levels to be agreed

61. **Outline Planning Application DC/14/1745/OUT (All Matters Reserved) - Land at Beck Lodge Farm, St Johns Street, Beck Row (Report No DEV/FH/15/021)**

Erection of up to 24 dwellings (including 12 affordable units) with relocated access drive, area of open space and associated storage and parking facilities.

This application was referred to the Development Control Committee due to its complex nature which raised District wide planning policy issues.

A Member site visit had been held prior to the meeting. The application was recommended for conditional approval subject to conditions and following completion of a Section 106 agreement.

The Principal Planning Officer – Major Projects explained that since publication of the agenda the results of a Botanical Survey had been provided by the applicant which indicated that the site contained no rare plant species.

In response to questions raised, the Officer confirmed that matters such as the precise percentage of affordable housing and density would be considered in detail during determination of the full application.

Councillor David Bowman proposed that the application be granted as per the Officer recommendation and this was seconded by Councillor Louis Busuttill and with the vote being unanimous, it was resolved that:

Outline planning permission be **GRANTED** subject to:

1. The completion of a S106 agreement to secure the following (subject to meeting the CIL reg 122 tests):
 - Affordable housing – 12 units.
 - Primary school contribution -£2,030/dwelling
 - Pre school contribution - £12 181
 - Libraries contribution - £5 184
 - Open space contribution – to be confirmed.
 - Transport contribution - £3 000.

In the event that there are any substantive changes to the S106 package, then this will go back to Members for consideration.

2. And the following conditions:
 1. Time.
 2. Compliance with approved plans.
 3. Archaeology – investigation and post investigation assessment.
 4. Contamination – further investigative work if found.
 5. Foul water disposal details.
 6. Surface water drainage details: SuDs management plan.
 7. Construction management plan.
 8. Details of boundary treatment.
 9. Samples of materials.
 10. Detailed scheme of hard and soft landscaping.
 11. Tree protection.

12. Details of tree works for retained trees.
13. Detailed Arboricultural Method Statement and Tree Protection Plan.
14. Recommendations of Ecological Appraisal and Reptile Survey to be implemented.
15. Provision of fire hydrants.
16. Waste minimisation and recycling strategy.

62. Planning Application DC/14/2219/FUL - Land at Fengate Drove, Brandon (Report No DEV/FH/15/022)

Construction of 64 no. dwellings with associated external works including new vehicular access (as amended).

This application was referred to the Development Control Committee because it was for a major development and objections had been received from Brandon Town Council.

The Principal Planning Officer – Major Projects asked Members to note that the application was a cross boundary application with part of the development falling under Breckland, but with the majority of the proposed dwellings being within Forest Heath.

Officers were recommending that the application be approved subject to conditions and the completion of a Section 106 agreement.

The Committee was also advised that planning permission had already been granted for the site for 63 dwellings in 2005 which achieved a Certificate of Lawfulness for commencement in 2011; accordingly the developer was at liberty to deliver that development irrespective as to whether the application currently before the Committee was granted.

The Officer, as part of his presentation, set out a brief comparison between the application currently for determination and that which had already been granted for the site. Officers were of the opinion that the new scheme had improved upon that which was granted previously.

Members were advised of the following updates since the agenda papers were published:

- Breckland Council's Planning Committee had met on 22 June 2015 to consider this application and it had been granted subject to conditions and the completion of a Section 106 agreement;
- A further letter of objection had been received from a resident of Thetford who was a member of a local cycling group. The individual raised concerns as to the cycle path within the development and requested that it be amended in certain areas. The Officer explained that all areas identified fell under Breckland (as opposed to Forest Heath) and Breckland Council had not taken these changes into consideration when granting the application;
- Comments had been received from Anglian Water who requested that a condition be added to ensure that no dwellings were constructed within 15 metres of the pumping station adjacent to the site. The Officer explained that this condition would be unnecessary as the application

before Members was detailed (a full application) and all of the properties were more than 15m away; and

- Lastly, an error was identified within Paragraph 24 of the report where it stated that the capital contribution of £13,824 would be spent at Lakenheath library – when this should have read Brandon library.

In response to queries raised by Members of the Committee, the Officer clarified that it was not uncommon for developments of this size to cross county/local authority boundaries. In such cases, for matters such as waste collection, the relevant authorities would liaise and come to a sensible agreement as to who would manage the collection from the development.

Councillor Peter Ridgwell made reference to the objections raised by Brandon Town Council, particularly their concerns regarding traffic safety. He asked if it would be possible to include a roundabout as part of the access to the site. The Officer explained that this could not be requested as the application had been accessed by the Highways Authority who were of the opinion that this was not necessary.

Councillor David Bimson made reference to Paragraph 5 of the report and the reference therein to the roofs in the development being constructed with dark grey concrete pantiles. He requested that Officers liaise with the applicant to agree the palette of the buildings, with the view to not having all the roofs as purely grey.

On the agreement of the Principal Planning Officer – Major Projects to undertake this negotiation, Councillor Bimson proposed that the application be granted as per the Officer recommendation and this was seconded by Councillor Brian Harvey, and with 11 voting for the motion and with one abstention, it was resolved that:

Planning permission be **GRANTED** subject to:

1. The completion of a Section 106 agreement to secure:
 - Policy compliant level and tenure split of affordable housing
 - Education contribution (Primary School - £194,896)
 - Pre-school contribution (£36,546)
 - Libraries Contribution – if subsequently deemed compliant with CIL Regulation 122 (36,546)
 - Provision of on-site Public Open Space together with (if appropriate) a commuted sum for future maintenance if transferred to the District Council (or the Town Council if appropriate) to manage and maintain.
 - Health contribution, if requested and justified.
 - SPA Enhancement measures deemed not appropriate as planning conditions (including the footpath enhancement contribution - £82,200).
 - Any additional obligations considered necessary by the Head of Planning and Regulatory Services.
2. And subject to conditions (to be agreed with Breckland Council), including:
 - Time limit (3 years for commencement)

- Materials (Officers to liaise with the developer to agree a suitable palette for the roofs)
- Strategy for enhancing water use efficiency, post occupation.
- Bin and cycle storage strategy
- Landscaping scheme (hard and soft)
- Ecology i) enhancements at the site
- Ecology ii) Implementation of the recommendations of the ecology report (on-site non-SPA measures)
- Ecology iii) Implementation of the recommended mitigation package of SPA measures from the applicants Habitats Regulations Assessment (note only those matters not secured by the S106 Agreement).
- Construction management plan
- As recommended by LHA's (Norfolk and Suffolk)
- Travel Plan measures.
- Contamination & remediation (further investigations and any remediation necessary and new contamination encountered during development)
- Noise mitigation measures to relevant dwellings and garden spaces.
- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Details of the surface water drainage scheme.
- Any additional conditions considered necessary by the Head of Planning and Regulatory Services.
- Details of informal play equipment to be provided.
- Archaeological investigations and recording.

That, in the event of the Head of Planning and Growth recommending alternative (reduced, with the exception of the health and libraries contributions) Heads of Terms from those set out above, the planning application be returned to the Development Control Committee for further consideration.

That in the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out above for reasons considered unreasonable by the Head of Planning and Growth, planning permission be refused for the following reasons (as may be appropriate):

- i) Unsustainable form of development not mitigating its impact upon, education provision (primary and pre-school), open space, sport and recreation, transport, health and libraries (contrary to the Framework and Core Strategy policy CS13)
- ii) Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).
- iii) Adverse impact upon the Special Protection Area, contrary to the Habitats Regulations, to Core Strategy Policy CS2 and to Joint Development Management Policies Document policy DM10, DM11 and DM12.

63. Planning Application DC/15/0803/HH - Southview Cottage, 28 Bury Road, Newmarket (Report No DEV/FH/15/023)

Councillor Andrew Appleby declared a pecuniary interest in this item, having considered it previously at Newmarket Town Council, and left the meeting during the discussion and voting thereon.

Two storey rear extension, first floor side extension, single bay cartlodge and boundary wall.

This application had been referred to the Development Control Committee following consideration by the Delegation Panel and because objections had been received from Newmarket Town Council.

A Member site visit had been held prior to the meeting. Officers were recommending that the application be approved as set out in Paragraph 17 of Report No DEV/FH/15/023.

The Principal Planning Officer clarified that since publication of the agenda the boundary wall element of the application had been withdrawn and the hedge would be retained. The construction of any future wall would be governed by permitted development rights.

Councillor David Bowman proposed that the application be approved as per the Officer recommendation and this was seconded by Councillor Simon Cole, and with the vote being unanimous, it was resolved that:

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

1. Standard time limit
2. Accord with plans
3. Samples of bricks and slates (22AI)

Speakers: Ms Samantha Lawton (neighbour) spoke against the application.
Councillor Warwick Hirst (Newmarket Town Council) spoke against the application.

64. **Planning Application DC/15/0749/TPO (Tree Preservation Order) - Aspal Close Local Nature Reserve, St Johns Street, Beck Row (Report No DEV/FH/15/025)**

Works to 27 Oak (Quercus robur) trees.

This application had been referred to the Development Control Committee due to Forest Heath District Council being the applicant.

One objection had been received in respect of the application and this was detailed at Paragraph 9 of Report No DEV/FH/15/025.

Councillor David Bowman spoke in support of the works and moved that the application be approved as per the Officer recommendation, this was seconded by Councillor Simon Cole and with the vote being unanimous, it was resolved that:

The works proposed to the protected trees be **APPROVED** subject to the following conditions:

The works which are the subject of this consent shall be carried out within two years

The authorised works shall be carried out to the latest arboricultural standards and in line with the Pro Natura 'Ancient Pollard Management Plan' (2011)

65. Update Report on DC/14/0585/OUT - Meddler Stud, Bury Road, Kentford (Report No DEV/FH/15/026)

Prior to the presentation of this report the Solicitor clarified that this item was purely an update for noting and it did not re-open the debate on the application.

The Principal Planning Officer – Major Projects explained that Members had resolved to refuse this planning application, contrary to the Officer recommendation, at the Development Control Committee on 5 November 2014. An appeal was subsequently lodged on 5 June 2015 and the appellant has requested a Public Inquiry.

The Committee were advised that following the decision of the Council to refuse the planning application the landowners had terminated the equine tenancy on the site and the majority of the buildings (including all the stables) had been demolished and the land had been ploughed. The Council has, therefore, been invited by the appellant to decline to contest the appeal, based on the argument that the site was no longer in equine use.

Since publication of the agenda further external legal advice in respect of this matter had been received, on the basis of which the Council considered it appropriate to continue to contest the appeal.

A start date for the appeal was yet to have been provided by the Planning Inspectorate, for which it would be necessary for the Council to appoint a specialist planning consultant and equine expert.

The Committee was simply being asked to note this update in respect of the changes to the use of the land in question, the ongoing appeal and the appointment of specialists to represent the Council.

Councillor Carol Lynch requested that she be consulted with regard to the equine expert so that she could ensure that the person appointed had the relevant knowledge within the equine industry.

The Head of Planning and Growth agreed to liaise with Councillor Lynch on this matter. He also reiterated the sensitivity of this item and asked that any further questions or queries be directed to the Case Officer outside of the meeting.

The meeting concluded at 7.38 pm

Signed by:

Chairman

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