

Forest Heath District Council

MINUTES of the **DEVELOPMENT CONTROL COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on Wednesday 4 June 2014 at 6.00pm.

PRESENT:

Councillors:

C J Barker (Chairman)	W Hirst
A Drummond (Vice-Chairman)	T J Huggan
W J Bishop	G Jaggard
J M Bloodworth	Mrs C F J Lynch
D W Bowman	W E Sadler
Mrs R E Burt	T Simmons
S Cole	E Stewart
R Dicker	A J Wheble
D W Gathercole	

Councillor M J Jefferys was in attendance in order to speak upon Report No DEV14/117 'Planning Application DC/14/0340/FUL – 2-5 Elizabeth Parade, Newmarket - Erection of rear extension to Units 3-5. Creation of new entrance and shop fronts. Installation of ATM. Internal alterations to enable enlargement of shops. Relocation of Plant/Bin Store to rear of Unit 2' in his capacity as a Ward Member for the application.

Councillor R D S Hood was also in attendance in order to observe proceedings.

Also in attendance:

C Ballard, Senior Planning Officer
C Flittner, Principal Planning Officer
J Hooley, Lawyer
G Lockey, Principal Growth Officer
M Smith, Place Shaping Manager
S Wood, Head of Planning and Regulatory Services
H Hardinge, Committee Administrator & FHDC Scrutiny Support

APOLOGIES

Apologies for absence were received from Councillor M J Anderson.

SUBSTITUTES

Councillor W E Sadler attended the meeting as substitute for Councillor M J Anderson.

024. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 14 May 2014 were accepted by the Committee as an accurate record, with 16 voting for the motion and with 1 abstention, and were signed by the Chairman.

025. **PLANNING APPLICATION F/2013/0355/FUL - LAND AT KENNETT PARK, KENTFORD (PARISH OF MOULTON) (REPORT NO DEV14/114)**

Prior to the deliberation of this planning application, the Lawyer advised the meeting that Councillor R Dicker had declared a disclosable pecuniary interest in this item as he owned the Kentford Post Office and Village Stores. He had been granted a dispensation so that he could remain in the meeting and comment upon the application but would abstain from voting.

Erection of 16 new dwellings (including 5 affordable) with associated car parking and the provision of a footpath link to Bury Road (Major Development).

The application had been originally referred to the Development Control Committee on 14 May 2014 as it was a major development and the site had previously been before the Committee and had approval for employment use.

It was deferred from the 14 May 2014 meeting following concerns raised by Members in order to seek clarification on the marketing strategy undertaken by the applicant.

Accordingly, supplementary documentation had been circulated separately to the agenda which set out in detail the marketing enquiries received in connection with the site, together with an accompanying report from the Council's Principal Growth Officer. Further to this, a marketing brochure was also tabled to the meeting for the Committee's reference.

Officers were continuing to recommend that planning permission be granted as set out in Paragraph 23 of Report DEV14/114.

Members continued to deliberate the application at length and posed a number of questions to the Officers. In response to references made to the Meddler Stud appeal decision the Place Shaping Manager reminded the Committee that they were to consider this application on its own merits.

Councillor A Drummond proposed that the application be refused and this was duly seconded by Councillor Mrs C F J Lynch. The Lawyer advised the Committee that should the Committee be 'minded to refuse' the application contrary to the Officer recommendation the application would be deferred to the next meeting of the Committee in order to enable Officers to prepare a risk assessment report and draft formal reasons for refusal.

Councillor Mrs C F J Lynch asked that, should the application be approved, consideration be given to adding additional conditions with regard to:

- Street lighting to be adopted by the County Council; and
- Paths and cycle ways to be provided.

The Principal Planning Officer explained that the Highway Authority required a number of standard conditions to ensure details of road layout, surfacing and provision of parking spaces. Furthermore, the S106 agreement had to be made proportionate to the development; with the Highway Authority having requested a contribution of £5,185 towards a proposed cycle path along the Bury Road.

Councillor W E Sadler then added a further suggested condition:

- Roads to be built to an adoptable standard.

Councillor A J Wheble then moved an amendment that the application be granted with the additional conditions as discussed. This was duly seconded by Councillor E Stewart, whereupon Councillor A Drummond then withdrew his recommendation for refusal.

Accordingly, with 9 voting for the motion, 6 against and with 2 abstentions, it was resolved that

Permission be **GRANTED** subject to:

- (1) The completion of a S106 agreement
- (2) And the following conditions:
 1. Time limit
 2. Approved plans and details
 3. Materials as detailed
 4. Construction hours
 5. Construction Management Plan
 6. Internal Noise Environment (sound attenuation for buildings)
 7. Unsuspected Contamination
 8. Details of landscaping scheme.
 9. Tree Protection Plan
 10. Landscaping and Tree Protection Plan implementation
 11. Landscaping Management Plan for Tree Belt to northern boundary and general landscaping.
 12. Recommendations of ecology report to be implemented and enhancement measures incorporated into detailed landscape plan
 13. Lighting scheme to be provided and implemented including the recommendations within the ecology report
 14. Details of surface water discharge to highway.
 15. Details of road layout and surfacing arrangements.
 16. Provision and retention of parking and manoeuvring areas
 17. Surface water disposal.
 18. Bin storage and collection points to be provided and retained
 19. Roads to be built to an adoptable standard

Speakers: Councillor Bill Rampling (Moulton Parish Council) spoke against the application

Ms Emily Warner (agent) spoke in support of the application

026. **PLANNING APPLICATION DC/14/0340/FUL – 2-5 ELIZABETH PARADE, NEWMARKET (REPORT NO DEV14/117)**

Erection of rear extension to Units 3-5. Creation of new entrance and shop fronts. Installation of ATM. Internal alterations to enable enlargement of shops. Relocation of Plant/Bin Store to rear of Unit 2.

This application had been referred to the Development Control Committee following consideration by the Delegation Panel. No objections had been received from consultees or Newmarket Town Council, however, one of the Ward Members Councillor M J Jefferys had raised concerns at the loss of the fish and chip shop (Unit 2) together with the proprietor of said business.

The Senior Planning Officer explained that as the change of use of Unit 2 did not require planning permission it was not possible to refuse planning permission for the application on these grounds. The landlord had taken the choice to end the tenancy of the fish and chip shop and this was a private matter and not a material planning consideration.

A Member site visit had been held prior to the meeting. Officers were recommending that planning permission be granted, as set out in Paragraph 19 of Report No DEV14/117.

With the permission of the Chairman, Councillor M J Jefferys then addressed the meeting as one of the Ward Members for the application. He reiterated his comments as set out in Paragraph 8 of the report.

A number of Members voiced concern at the general appearance of the retail units, their garages and the immediate surrounding area. The Place Shaping Manager explained that Officers could make a request to the owner/occupiers to take measures to tidy up the site; however, this was not a material planning consideration and could not, therefore, be made the subject of a condition.

Accordingly, Councillor T Simmons moved the recommendation for approval and this was duly seconded by Councillor Mrs C F J Lynch. With 14 voting for the motion, 2 against and with 1 abstention it was resolved that

Permission be **GRANTED** subject to the following conditions:

1. Time limit
2. Opening hours to be 07.00-23.00 Monday - Sunday
3. Plant yard to be sound proofed to prevent excess noise transfer to neighbouring residences. Noise data for plant with soundproofing to be submitted and approved.
4. Compliance with drawings

Speakers: Mr Trevor Cook (proprietor of neighbouring business) spoke against the application

Mr Mark Eldridge (applicant) spoke in support of the application

027. **PLANNING APPLICATION DC/14/0398/HH - 6 ELLIOTT CLOSE, NEWMARKET (REPORT NO DEV14/118)**

Prior to the deliberation of this planning application Councillor W Hirst explained that as his comments with regard to this application had been included within the report he had been advised to abstain from voting on this item.

Erection of side and rear extensions and bay window to front elevation.

This application had been referred to the Development Control Committee as a result of the objections received and following consideration by the Delegation Panel. Whilst Newmarket Town Council did not initially object to the application, they had subsequently raised concerns regarding potential over-development and the lack of clarity over the boundary wall.

A Member site visit had been held prior to the meeting. Officers were recommending that planning permission be granted, as set out in Paragraph 17 of Report No DEV14/118.

Members raised a number of queries with regard to the development on the northern side of the dwelling and the potential harm this could cause to the residents of No 5 Elliott Close.

Concerns were also voiced with regard to the boundary fencing during the construction phase and the Place Shaping Manager reminded the Committee that access for construction was not a material planning consideration.

Councillor A Drummond proposed that the application be refused due to the un-neighbourly and overbearing extension on the northern side of the dwelling. This was duly seconded by Councillor S Cole.

Councillor W E Sadler then proposed an amendment, that the application be deferred in order to allow the applicant to undertake further work with a view to reaching some form of compromise regarding the extension on the northern side, and to reduce the impact on No 5 Elliott Close. This was seconded by Councillor W J Bishop.

In view of the proposal for deferment Councillor Drummond then withdrew his motion for refusal. However, Councillor A J Wheble then proposed that the application be refused and this was again seconded by Councillor Cole.

The Chairman then put the motion for deferral to the vote and with 13 voting for the motion, 3 against and with 1 abstention it was

RESOLVED:

That Planning Application DC/14/0398/HH - 6 Elliott Close, Newmarket be **DEFERRED** to the next meeting of the Committee in order to enable the applicant to undertake further work with a view to reaching some form of compromise regarding the extension on the northern side, and to reduce the impact on No 5 Elliott Close.

Speakers: Mr Peter Johnson (neighbour) spoke against the application
Mrs Kay Phillips-Toro (applicant) spoke in support of the application

028. **PROGRAMME AND PROTOCOL FOR THE DETERMINATION OF THE HATCHFIELD FARM, NEWMARKET AND 'YELLOW LAND', RED LODGE PLANNING APPLICATIONS (REPORT NO DEV14/119)**

The Place Shaping Manager explained that the Council had two major planning applications for consideration at Hatchfield Farm in Newmarket and land east of Red Lodge. This report proposed a procedure for dealing with these applications in the most effective manner and in the interests of certainty and transparency.

Members were advised that since the agenda was published it had been agreed for the informal briefing session on 17 June 2014 (as set out in Paragraphs 7 – 13 of Report No DEV14/119) to be opened up to allow the public to attend in order to observe proceedings.

Councillor W E Sadler also requested a further amendment in that all District Councillors be able to attend the site visits for the applications on 30 June 2014, and Officers agreed to this.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The programme for determination, as set out in Paragraphs 3 – 6 of Report No DEV14/119, be approved with the amendment that all District Councillors be permitted to attend the site visits for the applications on 30 June 2014;
2. The protocol for the informal briefing on 17 June 2014, as set out in Paragraphs 7 – 13 of Report No DEV14/119, be approved with the amendment that the public be allowed to attend;
3. The protocol for the planning agents' presentations, as set out in Paragraphs 8 – 10 of Report No DEV14/119, be approved; and
4. The protocol for the Development Control Committee on 2 July 2014, as set out in Paragraphs 14 – 19 of Report No DEV14/119, be approved.

The meeting closed at 7.41pm.