

# Forest Heath District Council

**MINUTES** of the **DEVELOPMENT CONTROL COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on Wednesday 2 July 2014 at 6.08pm.

## **PRESENT:**

Councillors:

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

Councillor C Noble was also in attendance in order to observe proceedings.

Also in attendance:

C Ballard, Senior Planning Officer  
G Durrant, Principal Planning Officer – Major Projects  
J Hooley, Lawyer  
P Kelly, Principal Planning Officer – Major Projects  
M Smith, Place Shaping Manager  
S Wood, Head of Planning and Regulatory Services  
H Hardinge, Committee Administrator & FHDC Scrutiny Support

R Feakes, Planning Officer (Policy) – Suffolk County Council  
J Noble, Senior Development Management Engineer – Suffolk County Council  
J Pitchford, Head of Planning – Suffolk County Council

## **APOLOGIES**

Apologies for absence were received from Councillor D W Bowman.

## **SUBSTITUTES**

There were no substitutes at the meeting.

### 043. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 4 June 2014 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

044. **CHAIRMAN'S ANNOUNCEMENT**

Prior to the consideration of the applications on the agenda, the Chairman reminded both Members and Officers that they were to use and speak clearly into the microphones, as those members of the public located in the Training Centre (overflow public gallery) were only able to hear the sound through the microphones, no ambient sound was picked up.

The Chairman also informed all members of the public in attendance that they were present in order to listen to the discussion and did not have the right to address the meeting. They were not to cause a disturbance or interrupt and, if necessary, anyone making a disturbance could be asked to leave.

045. **PLANNING APPLICATION DC/14/0398/HH - 6 ELLIOTT CLOSE, NEWMARKET (REPORT NO DEV14/120)**

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

The application had been originally referred to the Development Control Committee on 4 June 2014 as a result of the objections received and following consideration by the Delegation Panel.

It was deferred from the 4 June 2014 meeting following concerns raised by Members with regard to the impact of the extension of the northern side of the dwelling on No 5 Elliott Close. Accordingly, amended plans had since been submitted by the applicant which now proposed a flat roof to the northern element of the extension.

Officers were continuing to recommend that planning permission be granted, as set out in Paragraph 17 of Report No DEV14/120.

Councillor W Hirst proposed that the application be refused due to the un-neighbourly and overbearing extension on the northern side of the dwelling, overdevelopment of the site and not being in keeping with the surrounding properties. This was duly seconded by Councillor A Drummond.

Upon the proposal for refusal being put to the vote and with 6 voting for, 9 against and with 1 abstention, the Chairman declared the motion lost.

It was then proposed and duly seconded that the application be approved as per the Officer recommendation and with 9 voting for the motion, 6 against and with 1 abstention it was resolved that

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

1. Time limit
2. Materials to match
3. Removal of permitted development rights for windows on north and south elevations of extension
4. Hours of construction to be limited to 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays
5. Compliance with drawings

Speakers: Mr Peter Johnson (neighbour) spoke against the application

Mrs Kay Phillips-Toro (applicant) spoke in support of the application

046. **LAWYER'S ANNOUNCEMENT**

Prior to the consideration of the Newmarket (DC/13/0408/OUT) and Red Lodge (F/2013/0257/HYB) applications on the agenda, the Lawyer advised all present that the National Planning Casework Unit (NPCU) had served Article 25 notices on the Council preventing it from issuing permissions for either application until they had had time to consider whether they should be called-in for consideration by the Secretary of State.

047. **PLANNING APPLICATION DC/13/0408/OUT – HATCHFIELD FARM, FORDHAM ROAD, NEWMARKET (REPORT NO DEV14/121)**

Outline application – Residential development of up to 400 dwellings plus associated open space (including areas of habitat enhancement) foul and surface water infrastructure, two accesses onto the A142, internal footpaths, cycle routes and estate roads (Major Development and Departure from the Development Plan).

The application was referred to the Development Control Committee as it was a proposal for 'major' development which raised complex planning issues of District wide importance.

The Committee was advised that it was an outline planning application and only the means of access to the site formed part of the application proposals. All other matters such as layout and design were 'reserved' for subsequent detailed planning applications.

Newmarket Town Council objected to the proposal on a number of grounds and representations had been received from over 100 people, including a large proportion involved in all aspects of the horse racing industry. The nature of the objections related primarily to the long term impact of the proposals on the horse racing industry. One letter of support had been received.

A Member site visit had been held prior to the meeting. Officers were recommending that planning permission be granted, as set out in Paragraphs 335 – 337 of Report No DEV14/121, subject to the Secretary of State resolving not to call in the application, and with an amendment to the libraries contributions (Paragraph 335) to read £68,000, as opposed to £73,000.

The Principal Planning Officer – Major Projects advised the Committee that since publication of the agenda three further representations had been received as summarised:

- A letter of objection signed by 26 Newmarket residents which concerned the impact of the development on the surrounding highway network;
- A letter from Pegasus Planning Consultants acting on behalf of the Newmarket Horsemen's Group which referred to the S106 planning obligation agreement, with specific reference to education and traffic, and requested that the Horsemen's Group be included in relevant S106 discussions; and
- A letter from Ward Ecology on behalf of Save Historic Newmarket Action Group (SHNAG).

With regard to the request from the Newmarket Horsemen's Group, the Officer explained that the Council did not involve third parties in negotiations concerning S106 agreements, and the document would become publically available once the draft had been agreed.

The Officer also made reference to the planning history of the site. A previous planning application for the comprehensive mixed use development of 67 hectares of land, including up to 1200 residential dwellings which was submitted to the local planning authority in 2009 (F/2009/0713/ESO). The application site included land to which the current planning application related.

Members were reminded that application F/2009/0713/ESO was refused in June 2010, and a Public Local Inquiry held between July 2011 and September 2011. In April 2012, the Secretary of State refused the planning appeal, on the basis that a scheme of 1200 dwellings was premature pending the completion of the Council's Core Strategy.

Considerable discussion then took place by the Committee, in response to which the Officer clarified the following:

- The application before Members did not include a new primary school. However, Suffolk County Council had requested a primary school reservation of 1.51 hectares of land, to be secured by way of an option through the S106 agreement. Should the County Council wish to proceed with this option then this would need to be subject to a separate planning application;
- Planning Officers recognised the importance of the equine industry to Newmarket and surrounding area, however, it was not considered reasonable to refuse the planning application on these grounds, as there was insufficient evidence to demonstrate that the development would harm the racing industry; and
- It was also, in Officers' opinion, unreasonable to object to the planning application on highway/traffic grounds as the Highway Authority and Highways Agency had confirmed that the impact of the development on highways matters was acceptable with the identified mitigating measures.

Councillor W J Bishop spoke in support of the application and moved the Officer's recommendation that it be approved. This was duly seconded by Councillor T J Huggan who requested (with Councillor Bishop's endorsement) that consideration be given to amending the conditions to ensure the identified highways improvement scheme was in place prior to the commencement of the development on site, he also asked if a footbridge/cycleway could be considered as part of the scheme.

In response to the points raised by Councillor Huggan, the Senior Development Management Engineer (Suffolk County Council) explained that it would not, in his opinion, be reasonable to request that the highways improvement scheme was in place prior to commencement on site. Furthermore, sound and robust methods had been used to establish the most appropriate aspects for the scheme and this had not included a footbridge/cycleway.

Therefore the proposal on the table for approval was as per the recommendation set out in in Paragraphs 335 – 337 of Report No DEV14/121, subject to potential consideration by the Secretary of State and with an amendment to the libraries contributions to read £68,000.

Councillor W Hirst then addressed the meeting and raised particular concerns in relation to the impact on the highway/traffic. He proposed that the application be deferred to allow an independent traffic assessment to be undertaken.

Councillor A Drummond also supported deferral. He made reference to the 'Horse Racing Impact Statement' as listed as a supporting document in Paragraph 24 of the report. He stated that he had contacted the Jockey Club and other representatives of the Newmarket horse racing industry who claimed not to have been consulted during the development of the document in question. He therefore, also proposed that the application be deferred to allow the re-submission of the Horse Racing Impact Statement, following wider consultation.

Councillor W Hirst was happy to include an amendment to his motion of deferral to include both the undertaking of an independent traffic assessment and the re-submission of the Horse Racing Impact Statement and this was duly seconded by Councillor S Cole.

In response to the motion for deferral the Senior Development Management Engineer (Suffolk County Council) explained that the Transport Assessment and Travel Plan in connection with the application had already been scrutinised by an independent consultant commissioned by the County Council.

Also in response, the Place Shaping Manager explained that Newmarket's horse racing industry had been fully consulted in respect of the Horse Racing Impact Statement. However, whilst the Committee could indeed defer the application for the two reasons as proposed by Councillor Hirst, it would not be possible for this work to be undertaken in time to bring the application back before Members in a month's time. Furthermore, as the application was now out of time the Council would be at risk of non-determination.

Upon the motion for deferral being put to the vote and with 3 voting for, 10 against and with 3 abstentions, the Chairman declared the motion lost.

Before the vote was taken on the original motion to approve the application, Councillor A Drummond requested a recorded vote and was supported by four other Members, as required under Standing Order 21.3. Upon the motion being put to the vote, Members voted as follows:-

<b>NAME OF MEMBER</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAINED</b>
M J Anderson		X	
C J Barker	X		
W J Bishop	X		
J M Bloodworth	X		
Mrs R E Burt	X		
S Cole	X		
R Dicker	X		
A Drummond		X	
D W Gathercole		X	
W Hirst		X	
T J Huggan	X		

G Jaggard		X	
Mrs C F J Lynch			X
T Simmons	X		
E Stewart	X		
A J Wheble	X		
<b>TOTAL</b>	<b>10</b>	<b>5</b>	<b>1</b>

Whereupon the Chairman declared the motion carried and it was therefore resolved:

That, subject to potential consideration by the Secretary of State, planning permission be **GRANTED** subject to:

- (1) The completion of a S106 agreement to secure:
  1. Affordable housing: 30%
  2. Education contribution: proportionate capital contributions of £1.78m towards the cost of building a new school (either at Hatchfield Farm or another suitable location) and a site option for 1.51 hectares.
  3. Pre school contribution: £243,640
  4. Libraries contribution: £68,000
  5. Highways contributions:
    - £148,000 on the Yellow Brick Road
    - £5,000 on Travel Plan Monitoring
    - £60,000 on off site pedestrian, cycle and horse crossings
  6. Public rights of way contribution: £20,000
  7. Travel plan implementation bond: £341,250
  8. Healthcare contribution: £66,000
  9. Open space contribution: commuted sum and off-site sums to be calculated by the Council's Supplementary Planning Document for Open Space, Sport and Recreation Facilities (October 2011)
- (2) In the event that there were any substantive changes to the S106 package, then this would go back to Members for consideration.
- (3) Conditions, including the following:
  1. Submission of Reserved Matters Applications – approval of details of the layout, scale, appearance, and landscaping (to include all areas of open space and SuDs)
  2. Commencement of development before the expiration of two years from date of approval of reserved matters.
  3. Scope of planning permission – no more than 400 dwellings.
  4. Scope of planning permission – not more than 3 storey in height.
  5. Development in accordance with approved plans.
  6. Highways works in accordance with submitted plans.
  7. Highways – highway improvement works.
  8. Highways – provision of signalised crossings.
  9. Highways - provision of pedestrian and cycle link between the site and the 'Yellow Brick Road'.
  10. Highways - conversion of Studlands Park Avenue junction with Exning Road to a mini roundabout.
  11. Highways – provision of scheme for improvements to A14 J37, and delivery/operation of junction works before first occupation of dwellings.

12. Highways - details of estate roads and footpaths.
13. Highways - construction of carriageways and footways.
14. Highways - car parking provision.
15. Highways - details of travel arrangements for employees.
16. Provision of open space – revised assignment of open space uses.
17. Details of sports pitches and play areas.
18. Design Code.
19. Surface water drainage details.
20. Foul drainage strategy.
21. SuDs details.
22. Renewable energy.
23. Construction Method Statement and management plan.
24. Recommendations/mitigation measures contained in Environmental Report to be implemented.
25. Mitigation of plants – fine leaved fumitory.
26. Reptile mitigation measures.
27. Bat mitigation measures.
28. Badger related mitigation measures.
29. Bird mitigation measures (skylark).
30. Landscape Management Plan.
31. Landscaping and planting scheme.
32. Tree survey and arboricultural implications assessment.
33. Schedule of landscape maintenance.
34. Retention and protection of existing trees.
35. Details of tree works for retained trees.
36. Replacement of dying/damaged trees.
37. Travel Plan implementation.
38. Archaeology – investigation and post investigation assessment.
39. Site Waste Management Plan.
40. Contaminated Land Investigation and Mitigation.
41. Sustainable Materials Strategy.
42. Waste Minimisation and Recycling strategy.
43. Construction in accordance with Codes for Sustainable Homes Standards.
44. Energy Strategy.
45. Contractors details.
46. External lighting details.
47. Hours of construction.
48. Provision of fire hydrants.

Speakers: Mr William Gittus (Jockey Club Estates & Newmarket Horsemen's Group) spoke against the application  
Mr Hugh Anderson (Godolphin & Newmarket Horsemen's Group) spoke against the application  
Mr William Jarvis (Newmarket trainer) spoke against the application  
Deputy Mayor Councillor John Berry (Newmarket Town Council) spoke against the application  
Mr Bob Sellwood (Agent) spoke in support of the application

Prior to the consideration of the next application on the agenda, the Chairman adjourned the meeting at 8.06pm for a short comfort break. The meeting was reconvened at 8.20pm.

048. **PLANNING APPLICATION F/3013/0257/HYB - LAND EAST OF RED LODGE, LAND ADJACENT VILLAGE CENTRE, RED LODGE, LAND ADJACENT ST. CHRISTOPHERS PRIMARY SCHOOL, RED LODGE AND LAND AT HERRINGSWELL (REPORT NO DEV14/122)**

Councillor T J Huggan declared a local non-pecuniary interest in respect of this item as he was a Governor of St Christopher's CEVC Primary School, Red Lodge.

Hybrid application:

- (i) Outline application - demolition of Hundred Acre Farm and the construction of up to 268 dwellings, new public open space, drainage ditches, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge and the construction of up to 225 sq., metres of Class A1 retail floorspace on land forming part of Phase 4a Kings Warren.
- (ii) Full application - (Phase A): construction of 106 dwellings (including the relocation of 3 committed dwellings from Phase 4a), new public open spaces, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge. Restoration of open Breck grassland on land South East of Herringswell, as amended.

The application was referred to the Development Control Committee as it was a proposal for 'major' development which raised complex planning issues of District wide importance.

The Committee was advised that it was a 'hybrid' application with the full details of the first 106 dwellings included for consideration. The later phases of development and the village centre were in outline form with all matters reserved.

Red Lodge Parish Council and a number of neighbouring Parish Councils objected to the proposal on a number of grounds and representations had been received from 37 people.

Prior to his presentation of the planning application, the Principal Planning Officer – Major Projects informed all present of the following corrections to Report DEV14/122:

- Page 110 of the agenda – the second paragraph's reference to "371 dwellings" should read 374;
- Page 110 of the agenda – the third paragraph's reference to "104 dwellings" should read 106;
- Paragraph 18 of the report – Site 1's hectares of land should read 17.26;
- Paragraph 233 of the report – the secondary access for emergency vehicles was not off Burrows Drive and should read Thistle Way; and
- Paragraph 320 of the report – the figure quoted in respect of the contributions to bus services should read £310,000.

The Officer also advised the Committee that since publication of the agenda further representations had been received as summarised:

- A letter of objection signed by 9 Herringswell residents highlighting their issues with the existing sewage system; and
- A letter of objection from a Red Lodge resident raising a number of issues including the capacity of the existing primary school and the infrastructure.



- A letter from the Acting Chair of Governors of St Christopher's CEVC Primary School, Red Lodge requesting that consideration of the application be deferred until full consultation was carried out with the Primary School in respect of the long-term plans for primary school provision in Red Lodge.

All of which were read out in full to the meeting. The Officer also clarified that the County Council were consulted in their role as the education authority for Red Lodge and their comments were included within the report.

Attention was then drawn to the table in Paragraph 332 of the report which set out options for a viable S106 package. Whilst the Council's policy was to seek 30% affordable housing, audited figures had shown that level was 'not viable' in the case of this application. Accordingly, in order to maximise the amount of affordable housing for the development, Officers had removed the contributions to highways, libraries and secondary school education. Two further representations had been received since publication of the agenda specifically in relation to this aspect of the proposal from:

- Suffolk County Council –
  - i. They firstly requested that the £310,000 identified for 'Transport' in the table (amended from the incorrect figure of £355,000, as advised earlier in the meeting) should be removed and, instead, the County Council would work closely with bus operators to address this in the future.
  - ii. Secondly, they made reference to traffic calming measures that would be required as a result of the development in the neighbouring villages of Kentford and Worlington. And they requested that £45,000 be included for these works.
  - iii. Lastly, objection was raised with regard to the removal of the contributions to libraries and secondary school education and a request was made to reinstate these.
- Forest Heath District Council's Affordable Housing Team – Had responded with regard to the affordable housing provision proposed. In view of the development being unable to achieve the desired 30% level of affordable housing, they requested that Option B be pursued with 17-18% affordable housing and with a tenure mix of 70% affordable rent and 30% shared ownership. The Housing Team had also requested that a review of the scheme be put in place so that it could be reappraised should it be possible during the life of the development to deliver a higher percentage of affordable housing.

The Officer explained that in relation to the response from the Housing Team the recommendation set out in Paragraph 353 would be amended to reflect the affordable housing percentage and tenure mix. He also advised the Committee that a review of the scheme was already included within the recommendation before Members (also in Paragraph 353).

Concerning the response from Suffolk County Council, the Officer explained that the Council was happy to accept the amendments to the figures in respect of 'Transport' and the traffic calming measures required for Kentford and Worlington. However, with regard to the request to reinstate the contributions for libraries and secondary school education, Members were advised that should these contributions be put back into the S106 package then the level of affordable housing would reduce further to approximately 14%. Accordingly, an additional recommendation was proposed to give the Head of Planning and Regulatory Services delegated authority, in consultation with the Chairman of

the Development Control Committee and the Portfolio Holder for Planning, Housing and Transport, to work with the County Council in order to address this matter, with the proviso that should the level of affordable housing be reduced further that a report would be brought back before the Committee to determine.

Councillor R Dicker requested that the Ward Members for Red Lodge also be involved in these discussions with the County Council and this was supported by the Portfolio Holder.

A Member site visit had been held prior to the meeting. Officers were recommending that planning permission be granted, as set out in Paragraphs 353 – 356 of Report No DEV14/122, subject to potential consideration by the Secretary of State and with the amendments as outlined by the Officer (above) in respect of the S106 package and the delegation to the Head of Planning and Regulatory Services.

**049. SUSPENSION OF STANDING ORDER 2.1**

Following the Officer's opening presentation of the Red Lodge application, as it was nearing 9.00pm, the Lawyer asked the Committee whether they would wish to continue with the meeting, being aware of the time limits of meetings as contained within Standing Order 2.1.

If Members wished to continue then the Committee could suspend Standing Order 2.1 with regard to the specified time limits.

It was duly proposed and seconded and with 13 voting for the motion and with 3 against, it was

**RESOLVED:**

That Standing Order 2.1 be suspended to allow for the meeting to continue beyond 9.30pm, if needed.

**050. PLANNING APPLICATION F/3013/0257/HYB - LAND EAST OF RED LODGE, LAND ADJACENT VILLAGE CENTRE, RED LODGE, LAND ADJACENT ST. CHRISTOPHERS PRIMARY SCHOOL, RED LODGE AND LAND AT HERRINGSWELL (REPORT NO DEV14/122)**

Councillor A Drummond commenced the discussion on the application and proposed that it be approved as per the Officer recommendations inclusive of all identified amendments and this was seconded by Councillor W J Bishop.

Councillor Drummond also requested if consideration could be given to identifying an alternative access for construction traffic, as he had concerns with the appropriateness of using Larch Way, together with the inclusion of further traffic calming measures on identified crossroads in surrounding villages. The Senior Development Management Engineer (Suffolk County Council) explained that it would not, in his opinion, be reasonable to request further traffic calming measures as the development would not create significant additional traffic in these areas.

Councillor R Dicker then spoke at length on the application and raised a number of detailed concerns in relation to the application, including:

- Lack of infrastructure for Red Lodge;
- Traffic concerns;
- The loss of farming land and the objections raised by the RSPB concerning the impact of the development upon the Special Protection Area (SPA);
- Proposed tree clearance, with the proposed replacement planting being insufficient;
- Failure to deliver 30% affordable housing;
- Ongoing issues with sewage; and
- The lack of a long-term plan for primary school provision in Red Lodge.

Suffolk County Council's Head of Planning responded with regard to the issue of primary school provision. He explained that consultants had been commissioned by the County Council to source a site in Red Lodge for a second primary school which would have the same capacity as the existing one and which would be able to cater for growth in the catchment (natural growth and anticipated housing growth) to 2031.

A number of other Members echoed Councillor Dicker's concerns and also raised issues with the designated access for construction traffic (as previously made reference to by Councillor Drummond). Two further amendments were proposed, each for refusal, and these were duly seconded. However, as these were a direct negative to the proposal for approval that was on the table neither was a valid motion.

Councillor R Dicker then proposed that the application be deferred to the next meeting of the Development Control Committee in order to allow Officers more time in which to clarify:

- Primary school provision;
- The S106 package and the proportions of the contributions; and
- Highways/access.

This was duly seconded by Councillor D W Gathercole.

In view of the sewage system concerns that had been raised Members also requested that Anglian Water be invited to attend the next meeting and the Place Shaping Manager confirmed that she would make the invitation. Furthermore, she also advised the Committee as the application was now out of time the Council would be at risk of non-determination.

Upon the motion for deferral being put to the vote and with 13 voting for, 2 against and with 1 abstention, it was

**RESOLVED:**

That Planning Application F/3013/0257/HYB - Land East of Red Lodge, Land Adjacent Village Centre, Red Lodge, Land Adjacent St. Christophers Primary School, Red Lodge and Land at Herringswell be **DEFERRED** to the next meeting of the Committee in order to allow Officers more time in which to clarify:

- Primary school provision;
- The S106 package and the proportions of the contributions; and
- Highways/access.

Speakers: Dr Allan Marchington (Five Villages Preservation Trust) spoke against the application

Mr Clive MacLeod (Red Lodge resident) spoke against the application

Mrs Gloria Hicks (Clerk to Herringswell Parish Council) spoke against the application

Ms Kathryn Slater (Agent) spoke in support of the application

The meeting closed at 9.58pm.