

Forest Heath District Council

MINUTES of the **DEVELOPMENT CONTROL COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on Wednesday 6 August 2014 at 6.00pm.

PRESENT:

Councillors:

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

Also in attendance:

C Ballard, Senior Planning Officer
G Durrant, Principal Planning Officer – Major Projects
C Flittner, Principal Planning Officer
P Heard, Legal Services Manager
B Heidecke, Planning Officer
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
I Maxwell, Assistant Education Officer - Suffolk County Council
J Pitchford, Head of Planning – Suffolk County Council

APOLOGIES

Apologies for absence were received from Councillor T J Huggan.

Councillor R Dicker was also unable to attend the meeting.

SUBSTITUTES

There were no substitutes at the meeting.

102. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 2 July 2014 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

103. **PLANNING APPLICATION F/2013/0257/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 DEV14/123)**

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 had been originally referred to the Development Control Committee on 2 July 2014 as it was a proposal for 'major' development which raised complex planning issues of District wide importance.

It was deferred from the 2 July 2014 meeting in order for Officers to obtain further information in respect of:

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

The Committee was reminded 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 various grounds, and representations had been received from a large number of people.

A Member site visit had been held in June 2014. Officers were continuing to recommend that planning permission be granted, as set out in Paragraphs 358 – 361 of Report No DEV14/123, subject to potential consideration by the Secretary of State.

The Principal Planning Officer – Major Projects also explained that the following S106 contributions had been mistakenly omitted from the recommendation in Paragraph 358 and would need to be inserted:

- Early Years education £225,367
- Libraries £80,136
- Traffic calming £45,000

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

- A 'Sewerage Infrastructure Briefing' paper had been submitted by the applicant and this had been circulated to Members under separate cover; and

- A letter of objection from the Acting Chair of Governors of St Christopher's Primary School, Red Lodge which was read out to the meeting.

Attention was drawn to a plan included as part of the Officer's presentation which illustrated the route the applicants had proposed to provide access to the site for construction vehicles. This would be via the existing road serving the Kings Warren industrial estate to the north of the village then travelling southward along the eastern edge of the village. The route would avoid construction vehicles needing to utilise existing housing estate roads.

Further to the discussion which took place at the last meeting of the Committee with regard to the primary school provision, the Officer made reference to figures within his presentation which illustrated the pupil yields for the next five academic years both with and without the proposed development. The figures showed that even without any new development St Christopher's Primary School would be beyond its capacity by the 2017/2018 academic year.

Predicted figures showed that around 17 new primary school pupils would emerge per year from the new development in two years time and Members were reminded that they were basing their decision on the application specifically in relation to the *impact of the development* on the primary education in the school catchment area.

Councillor A Drummond commenced the discussion on the application; he asked that his thanks be recorded to Councillor R Dicker for proposing deferral of the application at the last meeting, as he believed that was the right decision to have made. He then proposed that the application be approved as per the Officer recommendations inclusive of all identified amendments.

A number of other Members continued to raise concerns specifically in relation to primary school provision. In response, Suffolk County Council's Assistant Education Officer re-affirmed that the Local Education Authority had concluded that the development proposals were sustainable and appropriate and there was a suitable education strategy in place to cater for the additional primary school pupils forecast.

Following ongoing discussion, particularly with regard to primary school provision, it was proposed independently by both Councillor E Stewart and Councillor W J Bishop that the question be put. The Legal Services Manager explained that as the only motion on the table for approval (proposed by Councillor Drummond) had not been seconded then it was not possible for the Chairman to put this to the vote.

Councillor S Cole then proposed that the Committee be 'minded to refuse' the application on the grounds of; unsustainability, primary school provision, prematurity, ecological concerns, sewerage issues and inadequate access, and this was seconded by Councillor A J Wheble.

The Place Shaping Manager responded to each of the reasons cited in turn in order to seek clarification, and after discussion Councillor Cole confirmed the reasons for being 'minded to refuse' as:

- Primary school provision – including lack of confidence in the evidence cited by the Local Education Authority;
- Sewerage issues – particularly with regard to the lack of resident input into the studies undertaken by the applicant; and

- Inadequate (single) access to the site.

The Officer explained that none of the reasons for refusal stated could be substantiated by the statutory bodies, however, should the Committee be 'minded to refuse' the application contrary to the Officer recommendation then the application would be deferred to the next meeting of the Committee in order to enable Officers to prepare a risk assessment report. She also reminded Members that as the application was now out of time the Council would be at risk of non-determination.

With 12 voting for the motion, 2 voting against and with 1 abstention, it was resolved that

Members were **MINDED TO REFUSE PERMISSION CONTRARY TO THE RECOMMENDATION** on the grounds of:

- Primary school provision – including lack of confidence in the evidence cited by the Local Education Authority;
- Sewerage issues – particularly with regard to the lack of resident input into the studies undertaken by the applicant; and
- Inadequate (single) access to the site.

The application was therefore **DEFERRED** to enable Officers to prepare a risk assessment report and appropriate formal reasons for refusal for consideration by Members at the next Committee.

Speakers: Dr Allan Marchington (Five Villages Preservation Trust) spoke against the application
Mr Paul Evans (Herringswell resident) spoke against the application
Mrs Gloria Hicks (Clerk to Herringswell Parish Council) spoke against the application
Councillor Ben Graveston (Red Lodge Parish Council) spoke against the application
Ms Kathryn Slater (Agent) spoke in support of the application

Councillors W J Bishop and E Stewart left the meeting at 7.15pm on conclusion of the above item.

104. **PLANNING APPLICATION DC/13/0927/OUT - LAND SOUTH OF WORLINGTON ROAD, MILDENHALL (PARISH OF BARTON MILLS) (REPORT NO DEV14/124)**

Councillor J W Bloodworth declared a local non-pecuniary interest in respect of this item as he was Chairman of Mildenhall Parish Council.

Outline application – residential development of up to 78 dwellings with creation of new vehicular access.

This application was referred to the Development Control Committee as it was a proposal for 'major' development and the recommendation to grant planning permission was contrary to the provisions of the extant Development Plan. The proposal also raised complex planning issues of District-wide importance.

The Committee was advised that the proposals were considered to comply with the relevant policies of the National Planning Policy Framework but the

countryside location of the site meant the proposed housing development conflicted with adopted Development Plan policies.

A Member site visit had been held prior to the meeting, Officers were recommending that planning permission be granted, as set out in Paragraphs 214 – 217 of Report No DEV14/124, subject to no concerns, objections or new material planning issues being raised by Natural England or the Health and Safety Executive.

The Principal Planning Officer – Major Projects also explained that the wording “up to” needed to be inserted against the amounts listed in the recommendation in Paragraph 214 in respect of the contributions for: pre-school, libraries and health.

The Officer further advised the Committee that since publication of the agenda:

- Two further representations had been received from local residents objecting to the development, echoing many of the issues listed within Paragraph 29 of the report;
- Suffolk Wildlife Trust had responded and were satisfied with the proposal and raised no concerns;
- Comments were still awaited from Natural England and the Health and Safety Executive, however, neither had raised any issues informally;
- Following comments made by local residents and by Members at the site visit (and despite no objections being raised by the Highways Authority) the applicants had subsequently withdrawn the means of access from the outline application and this would be considered at reserved matters stage; and
- Lastly, contrary to Paragraph 9 of the report, it had come to light that there was relevant planning history affecting the site. An application was submitted in 1988 for ‘residential development’ on part of the current application site. This application had been refused by the Planning Authority on the basis that it was outside of the settlement boundary and that residents could be adversely affected by the neighbouring Bridge Dairy (which was no longer in existence – with the site having been developed for housing).

The Principal Planning Officer – Major Projects drew attention to a map as part of his presentation and highlighted:

- Where the existing munitions factory (former railway station) was located (hence, the comments awaited from the Health and Safety Executive);
- Where the 30mph speed limit would be extended to as part of a Road Traffic Order; and
- Where the pedestrian crossing would likely be situated.

Councillor A J Wheble spoke against the application and proposed that the Committee be ‘minded to refuse’ the application on the basis that the development would encroach on the villages of Barton Mills and Worlington, thereby ‘blurring’ the village boundaries. This was duly seconded by Councillor D W Gathercole.

The Place Shaping Manager explained that whilst Councillor Wheble could indeed propose that as a reason for refusal, Officers did not consider it to be robust, however, should the Committee be ‘minded to refuse’ the application contrary to the Officer recommendation then the application would be deferred to the next meeting of the Committee in order to enable Officers to prepare a

risk assessment report. She also reminded Members that as the application was now out of time the Council would be at risk of non-determination.

Following further discussion, Councillor D W Bowman proposed that the application be approved as per the Officer's recommendation and this was duly seconded by Councillor W Hirst. The Legal Services Manager explained that as this was a direct negative to the proposal for refusal that was on the table it was not a valid motion.

Upon the motion for refusal being put the vote and with 3 voting for, 9 against and with 1 abstention, the Chairman declared the motion lost.

Councillor Bowman then again proposed that the application be approved and this was duly seconded by Councillor S Cole. Upon the motion being put to the vote and with 9 voting for, 3 against and with 1 abstention it was resolved:

That, subject to no concerns, objections or new material planning issues being raised by Natural England or the Health and Safety Executive, outline planning permission be **GRANTED** subject to:

1. The completion of a S106 agreement to secure:
 - Affordable housing (30%)
 - Education contribution (Primary School – up to £146,172)
 - Pre-school contribution (up to £48,728)
 - Libraries Contribution (up to £16,848)
 - Public Open Space contribution (Formula to be included in the Agreement to secure policy complaint provision on site at reserved matters stage and appropriate off-site contribution)
 - Health contribution (up to £13,000)
 - Travel Plan
 - Pedestrian crossing (either 'in-kind' or financial contribution – to be advised by the Local Highway Authority)
 - Bus stop enhancements (if justified as CIL Regulation 122 compliant by the Local Highway Authority in advance of the completion of the Agreement)
 - Viability review opportunity at Reserved Matter submission stage.

2. And subject to conditions, including:
 - Time limit (3 years for commencement)
 - Materials (to be submitted with the Reserved Matters)
 - Sustainable construction (further details to be approved and thereafter implemented)
 - Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
 - Public open space (strategy for future management and maintenance)
 - Landscaping and tree protection (precise details of new hard and soft landscaping)
 - Retention and protection of existing trees and hedgerows
 - Ecology (enhancements at the site and strategy to retain recreational activity at the site)
 - Construction management plan

- As recommended by LHA
 - Contamination & remediation (further investigations and any remediation necessary)
 - Means of enclosure (to be submitted with Reserved Matters)
 - Noise mitigation
 - Fire Hydrants
 - Waste minimisation and re-cycling strategy
 - Details of the surface water drainage scheme (SUDS – full details to be submitted with the Reserved Matters).
 - Any additional conditions considered necessary by the Head of Planning and Regulatory Services.
3. In the event of the Head of Planning and Regulatory Services recommending alternative (reduced) Heads of Terms from those set out at Recommendation 1. above, the planning application be returned to the Development Control Committee for further consideration.
4. In the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out at Recommendation 1. above for reasons considered unreasonable by the Head of Planning and Regulatory Services, planning permission be refused for the following reasons:
- 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 and saved Local Plan policy 10.3).
 - ii. Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

Speakers: Mrs Jennifer Laker (resident) spoke against the application
Councillor Rupert Osborn (Worlington Parish Council) spoke against the application
Councillor Pamela Boura (Barton Mills Parish Council) spoke against the application
Mr Jake Nugent (Agent) spoke in support of the application

105. **PLANNING APPLICATION DC/14/0786/FUL - 4 EXETER ROAD, NEWMARKET (REPORT NO DEV14/125)**

Part demolition of former conservative club allowing erection of a part three-storey part four-storey building comprising 2 no. retail units at ground floor with 8 no. one-bedroom flats and 1 no. two-bedroom flat on the floors above.

The application was referred the Development Control Committee because the recommendation was contrary to advice received from the Highways Authority.

A Member site visit had been held prior to the meeting, Officers were recommending that planning permission be granted, as set out in Paragraph 33 of Report No DEV14/125.

The Senior Planning Officer explained that further to the comments made by Members with regard to the tree that was observed on the site visit, she would

consult with the Council's Senior Ecology, Landscape Officer to see if it would be possible to serve a Tree Preservation Order (TPO) as it was under the County Council's ownership. At the request of the Cabinet Member for Planning, Housing and Transport, the Officer agreed to inform all Members of the Committee with the outcome of this matter directly.

It was moved by Councillor W Hirst, seconded by Councillor T Simmons and with 11 voting for, 1 against and with 1 abstention it was resolved:

That planning permission be **GRANTED** subject to the following conditions:

1. Time limit
2. Samples of materials to be submitted and approved
3. Cycle parking to be provided prior to occupation and retained thereafter
4. Hours of demolition and construction
5. Waste material to be removed from site
6. No security lights or flood lights on site
7. Acoustic insulation of flats shall meet set levels
8. Restricted delivery times to retail units
9. Extraction and odour control measures to be installed in the ground floor commercial units where cooking takes place
10. Any odour control installed shall be operated and maintained in accordance with manufacturers instructions
11. Development in accordance with approved plans

Informative: Unilateral Undertaking, Land contamination

106. **PLANNING APPLICATION DC/14/0982/R3LA - PALACE HOUSE STABLES, PALACE STREET, NEWMARKET (REPORT NO DEV14/126)**

Councillor W Hirst declared a local non-pecuniary interest in respect of this item as he was a member of the Home of Horseracing Project Board in his capacity as Cabinet Member for Leisure, Culture and Communities.

Planning Application – Internal reconfiguration of a proposed new barn building, internal relocation of biomass boiler and flue. Erection of an external timber and brick screen to conceal biomass fuel store. (Development affecting the setting of a listed building).

This application had been referred to the Development Control Committee due to it being a Forest Heath District Council planning application in connection with the National Heritage Centre Home of Horseracing Project.

It was moved by Councillor D W Gathercole, seconded by Councillor Mrs C F J Lynch and with 11 voting for the motion and with 1 abstention it was resolved:

That deemed consent be **GRANTED** subject to

1. Full Time Limit.
2. Compliance with submitted plans.
3. Restrict times for demolition/construction works to take place.
4. Dust mitigation measures
5. Details of timber cladding
6. Details of flues and outlets

Councillor A J Wheble left the meeting at 8.17pm during the discussion of the above item and prior to the voting thereon.

107. **TREE PRESERVATION ORDER - FOREST HEATH DISTRICT COUNCIL - TREE PRESERVATION ORDER: TPO 1, 2014 – PRESTIGE PLACE STABLES SNAILWELL ROAD, NEWMARKET (REPORT NO DEV14/127)**

The Planning Officer advised the Committee that a provisional Tree Preservation Order (TPO) had been served on five groups of trees on 21 May 2014 following objections lodged to a Section 211 Notice for work to trees in a Conservation Area.

The statutory consultation period for the TPO expired on 2 July 2014 and no objections had been received; it was therefore recommended that Members confirmed the TPO.

Councillor W Hirst thanked the Officers for the TPO and for reaching a satisfactory outcome, and moved the recommendation that the TPO be confirmed, this was duly seconded by Councillor Mrs C F J Lynch.

With the vote being unanimous, it was

RESOLVED:

That Tree Preservation Order: TPO 1, 2014 Prestige Place Stables, Snailwell Road, Newmarket be confirmed.

The meeting closed at 8.24pm.