

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 5 August 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	Brian Harvey
David Bimson	James Lay
David Bowman	Carol Lynch
Ruth Bowman	Louise Marston
Louis Busuttil	Peter Ridgwell
Stephen Edwards	David Palmer

66. **Apologies for Absence**

Apologies for absence were received from Councillor Simon Cole.

67. **Substitutes**

Councillor David Palmer attended the meeting as substitute for Councillor Simon Cole.

68. **Minutes**

The minutes of the meeting held on 1 July 2015 were accepted as an accurate record, with 13 voting for the motion and with 1 abstention, and were signed by the Chairman.

69. **Planning Application DC/14/1711/FUL - Small Fen Farm, Small Fen Lane, Brandon (Report No DEV/FH/15/027)**

The Chairman announced that this item had been withdrawn from the agenda.

70. **Prior Approval Application DC/15/1402/PMBPA - Belle Vue, Newmarket Road, Barton Mills (Report No DEV/FH/15/028)**

Prior Approval Application DC/15/1402/PMBPA under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015- (i)

Change of use of agricultural building to dwellinghouse (Class C3) to create 1 no. dwelling (ii) associated operational development.

This application was referred to the Development Control Committee due to the applicant being related to an elected Member. The application was recommended for approval as set out in Paragraph 51 of Report No DEV/FH/15/028.

In response to questions raised by Councillor Brian Harvey, the Planning Officer confirmed that the site was accessed via an established vehicular access off Church Lane and that no objections had been received from the Highway Authority. She confirmed that should the applicant wish to alter the access this would be subject to a further planning application.

Councillor Harvey also queried as to why Town/Parish Councils were not informed of Prior Approval Applications within the weekly notification issued by the Council. The Service Manager (Planning – Development) explained that it was not appropriate to debate this matter during consideration of a planning application at Committee and she would discuss it with the Member outside of the meeting.

Councillor Harvey then moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Louis Busuttil and with the vote being unanimous, it was resolved that:

Prior approval be **GRANTED** subject to the following conditions:

1. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM02; and with an entrance width of 3 metres. Thereafter the access shall be retained in the specified form.
2. Prior to the development hereby permitted being first occupied, the improved 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.
3. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
4. 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.
5. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.

6. Before the development is commenced details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
7. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 90 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) to the east, and a distance of to the west, to the junction with Newmarket Road metres in along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (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.

71. **Planning Application DC/15/0856/FUL - Philips Farm, Wilde Street, Beck Row (Report No DEV/FH/15/029)**

Planning Application DC/15/0856/FUL - Demolition of existing bungalow. Construction of new two storey detached 5 bedroom dwelling and detached Cart Barn (Resubmission of DC/14/1313/FUL).

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

A Member site visit had been held prior to the meeting. No objections had been received from the Parish Council or third parties, however, the application was recommended for refusal on the basis that the proposed replacement two-storey dwelling failed to respect the dwelling it sought to replace.

The Senior Planner confirmed that an alternative proposal for a 1 ½ storey dwelling had also been submitted and this had been approved following consideration by the Delegation Panel as it was considered more appropriate.

Following comments made by the Committee the Service Manager (Planning – Development) explained that should Members be minded to approve the application, contrary to the Officer recommendation, that conditions could be delegated to the Head of Planning and Growth, in consultation with the Chairman of the Development Control Committee.

Councillor David Bowman proposed that the application be approved, contrary to the Officer recommendation for refusal, and that appropriate conditions be delegated. This was duly seconded by Councillor James Lay and with the vote being unanimous, it was resolved that:

Planning permission be **GRANTED** subject to the inclusion of relevant conditions, as delegated to the Head of Planning and Growth, in consultation with the Chairman of the Development Control Committee.

Speaker: Ms Emma Eagle (applicant) spoke in support of the application.

72. **Reserved Matters Application DC/15/0324/RM - Land to the Rear of 12 High Street and to the North of Dumpling Bridge Lane, Lakenheath (Report No DEV/FH/15/030)**

Reserved Matters Application DC/15/0324/RM - Submission of details under outline planning permission F/2010/0337/OUT - The means of appearance, landscaping, layout and scale for 13 residential units including 4 affordable units.

This application had been referred to the Development Control Committee because it was a major application which Lakenheath Parish Council objected to.

Officers were recommending that the application be approved as set out in Paragraph 25 of Report No DEV/FH/15/030.

Considerable discussion took place with regard to the relocation of the residential parking court to the rear of the properties. Both Councillor Ruth Bowman and Councillor Brian Harvey voiced concern that this would result in large numbers of vehicles being parked on the highway at the front of the properties which could cause access difficulties.

The Senior Planner explained that the scheme had been amended to relocate the parking to the rear in order to reduce the visual prominence of car parking on the site. The Service Manager (Planning – Development) explained that the Highways Authority had not raised objections, however, if this became an issue in the future then Traffic Regulation Orders could always be considered.

Councillor Stephen Edwards and Councillor David Bimson both made reference to the materials to be agreed as part of construction. Councillor Edwards requested that flint be included as this had been historically used in construction within Lakenheath village. Councillor Bimson also asked that the palette of the pantiles for the roofs be agreed in order to reflect the surrounding properties.

On the Senior Planner having agreed to liaise with the developer with regard to materials, Councillor David Bimson proposed that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Carol Lynch and with 11 voting for the motion, 2 against and with 1 abstention, it was resolved that:

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

1. Time limit
2. Compliance with approved plans
3. Access completed (AL1)

4. Provision of bin storage as shown
 5. Means to prevent discharge of surface water (D2)
 6. Details of estate roads (ER1)
 7. Construction of roads to at least base course level (ER2)
 8. New junction created prior to any other work (ER3)
 9. Parking and turning provided as shown (P1)
 10. Visibility (V3)
 11. Materials (Officers to liaise with the developer to agree a suitable palette for the roofs and to include flint within the construction)
- All other relevant and necessary conditions are covered by the outline permission F/2010/0337/OUT.

Speaker: Ms Louise Ford (agent) spoke in support of the application.

73. Planning Application DC/15/0530/VAR - Tesco Retail Development, Dumpling Bridge Lane, Lakenheath (Report No DEV/FH/15/031)

Planning Application DC/15/0530/VAR - Erection of Class A1 retail store, associated access, car parking, landscaping and boundary treatment. Refurbishment of Matthew's Nursery shop including change of use to A1, A2 or A3 and creation of hard landscaped area between shop and High Street (demolition of 12 High Street, glasshouses and associated structures). (Major Development) (Departure from the Development Plan) without compliance with conditions 2, 6 and 7 of F/2010/0338/FUL to enable commencement of works prior to discharging conditions.

This application had been referred to the Development Control Committee because it was a major application which Lakenheath Parish Council objected to.

Officers were recommending that the application be approved as set out in Paragraph 23 of Report No DEV/FH/15/031.

The Senior Planner advised the Committee that when Conservation Area consent was granted for the demolition of the glasshouses and associated structures on the site, two conditions were imposed on the consent. As that consent had now lapsed and the demolition was now covered by the current variation application, it was therefore necessary to re-impose those two conditions and they would be added to the list within Paragraph 23.

Furthermore, it was also necessary to vary the Section 106 agreement that was agreed previously, in order to reflect the current variation application.

Councillor Louise Marston made reference to the current condition of the site and asked if planning consent could in anyway be conditioned to ensure that the site was tidied up as a matter of urgency. The Service Manager (Planning – Development) explained that it could not be conditioned as part of the application but she made reference to Paragraph 20 of the report which explained that enforcement action could be taken by the Council, if deemed necessary.

In response to queries made with regard to the access to the site the Service Manager (Planning - Development) reminded Members that the access had

been approved by the Committee at the outline stage of the application and was not up for debate or re-determination.

Councillor David Bowman proposed that the application be approved, as per the Officer recommendation and with the additional conditions as identified, this was duly seconded by Councillor Peter Ridgwell and with 12 voting for the motion, 1 against and with 1 abstention, it was resolved that:

Planning permission be **GRANTED** subject to the variation of the Section 106 agreement and the following conditions:

1. Time limit
2. Compliance with approved plans
3. Details of materials as agreed (under DCON(1)/10/0338)
4. Details of existing, proposed and finished floor levels across the site as agreed (under DCON(1)/10/0338)
5. Details of hard landscaping to be submitted and agreed
6. Soft landscaping, including schedule of all plants to be planted and retained, as agreed (under DCON(1)/10/0338)
7. Details of boundary treatment as agreed (under DCON(1)/10/0338)
8. Tree retention and protection during construction as set out in Townscape Assessment
9. Archaeological investigation & recording
10. Details of fire hydrant provision to be agreed
11. Comparison goods not to exceed 127sq m of floor space
12. Restrict opening hours to 06.00-23.00 Mondays to Saturdays and 09.00-17.00 Sundays (subject to comments from Environmental Services)
13. Restrict delivery times; 07.00 – 20.30 Mon – Fri, 08.00 – 19.30 Saturdays and 09.00 – 14.00 on Sundays and bank holidays (subject to comments from Environmental Services)
14. Restrict loading and unloading times; 07.00 – 20.30 Mon – Fri, 08.00 – 19.30 Saturdays and 09.00 – 14.00 on Sundays and bank holidays
15. Restrict movement of wheeled cages outside the store; 07.00 – 22.00 Mon – Fri, 08.00 – 21.00 Saturdays and 09.00 – 16.00 on Sundays and bank holidays
16. Details of acoustic fencing to be submitted and agreed
17. Restrict construction times to 8am – 6pm Mon – Fri and 9am-1.30pm on Saturdays only
18. Hours of use of the new occupier of the existing Matthews Nursery Building (A1, 2 or 3) to be agreed in writing
19. Construction management plan as agreed, and implemented, to control/mitigate against dust and noise during the construction process. (under DCON(1)/10/0338)
20. AL4 – access laid out and completed
21. V3 – visibility splays provided
22. GTP1 – travel plan to be agreed
23. P1 – parking and manoeuvring provided
24. Scheme for surface water drainage as agreed (under DCON(3)/10/0338)
25. Contamination investigation and remediation as agreed (under DCON(4)/10/0338)

- 26.Verification report demonstrating completion of works set out in remediation strategy
- 27.Contamination found during development and remediation
- 28.Piling or other penetrative methods for foundations not permitted unless agreed
- 29.Scheme of pollution control to the water environment including foul water drainage as agreed (under DCON(3)/10/0338)
- 30.Landscape management plan as agreed (under DCON(1)/10/0338)
- 31.The development shall secure a minimum of 10% of its energy from decentralised and renewable or low carbon sources, as agreed (under DCON(5)/10/0338)
- 32.Details of all external lighting, including within the car parks, to be submitted and agreed prior to first use of the store.
- 33.Details of the method to be used to prevent trolleys being taken out of the car park shall be submitted to, and agreed in writing
- 34.Details of the number, design and location of refuse storage bins and trolley parking bays to be provided within the car park shall be submitted to and agreed in writing
- 35.Details of the refuse storage provision to be made within the service yard shall be submitted to and agreed in writing cycle provision to be provided and retained as shown
- 36.No barriers or gates preventing vehicular access to the car park to be installed at any time
- 37.Prior to the demolition of the extension attached to the existing Matthews Nursery building, details of how the rear elevation will be made good shall be submitted to and agreed in writing with the Local Planning Authority. All making good shall then be carried out in accordance with the agreed details prior to the building being brought into use
- 38.There shall be no grubbing out of foundations or significant grounds works associated with the demolition of above-ground structures.

Speaker: Ms Louise Ford (agent) spoke in support of the application.

74. Overview and Update of Planning Enforcement Services (Report No DEV/FH/15/032)

The Principal Enforcement Officer presented this report which set out existing caseloads and provided an update on the enforcement work of the Council moving forward.

The Committee was advised that in future all Councillors would receive monthly case lists emailed to them for information.

The Officer also advised that he was in the process of developing a local enforcement plan and Members would receive a survey in the near future to complete in order to inform this piece of work.

The Committee welcomed the report and it was proposed, seconded and with the vote being unanimous, it was

RESOLVED:

That the caseload and performance update, together with the enforcement priorities and work programme, be noted.

The meeting concluded at 6.57 pm

Signed by:

Chairman
