

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 7 October 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	Stephen Edwards
David Bimson	Brian Harvey
David Bowman	James Lay
Ruth Bowman	Carol Lynch
Louis Busuttill	Louise Marston
Simon Cole	Peter Ridgwell

82. **Chairman's Announcement**

Prior to the consideration of the items on the agenda, the Chairman informed all members of the public in attendance that there 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.

Due to some interference that could be heard through the audio visual system in the Council Chamber, the Chairman also asked all present to turn off their mobile phones.

83. **Apologies for Absence**

There were no apologies for absence.

84. **Substitutes**

There were no substitutes at the meeting.

85. **Minutes**

The minutes of the meeting held on 2 September 2015 were unanimously accepted as an accurate record and were signed by the Chairman.

86. **Planning Application DC/14/2218/FUL- B2/B8 Warehousing and Distribution Centre, Units 9 - 11, St Leger Drive, Newmarket (Report No DEV/FH/15/038)**

The Chairman agreed to bring this item forward on the agenda in order to accommodate the large number of public in attendance in connection with this planning application.

Construction of a B2/B8 warehouse and distribution centre.

This application was referred to the Development Control Committee because it was a major application and objections had been received from Newmarket Town Council and third parties.

A Member site visit had been held prior to the meeting. Officers were recommending that the application be approved as set out in Paragraph 118 of Report No DEV/FH/15/038.

The Principal Planning Officer advised that since publication of the agenda one further representation had been received from the resident of a neighbouring property which covered issues previously raised by objectors, including noise concerns and the impact on the highway/traffic.

A number of Members raised concerns with the application particularly in relation to the impact the warehouse and distribution centre could have on the neighbouring residential properties.

In response to questions raised concerning the impact on the highway network the Suffolk County Council Highway's Officer that was in attendance responded. She explained that the scheme had been subject to a detailed comprehensive transport assessment which indicated that the development would not have a severe impact on the surrounding road network.

Councillor Andrew Appleby proposed that the application be deferred in order to allow time for Officers to raise the Committee's concerns of the impact on residents with the applicant, and to establish if it was possible to make changes to:

- The height of the building;
- The colour/design of the building;
- The surrounding landscaping; and
- The hours of operation.

This was seconded by Councillor David Bowman.

Following further discussion, Councillor Carol Lynch moved that the application be refused on the grounds of overdevelopment of the site and the unneighbourly/overbearing impact on neighbouring residents. This was seconded by Councillor David Bimson.

Upon the Chairman putting the first motion to the vote (for deferral) and with 7 voting for and 7 against the Chairman exercised her casting vote for and it was resolved that:

The application be **DEFERRED** to the next meeting of the Development Control Committee in order to allow time for Officers to raise the Committee's concerns of the impact on residents with the applicant, and to establish if it was possible to make changes to:

- The height of the building;
- The colour/design of the building;
- The surrounding landscaping; and
- The hours of operation.

Speakers: Mrs Gail Spoore (neighbour) spoke against the application.
Councillor David Wright (Newmarket Town Council) spoke against the application.

87. **Planning Application DC/14/1206/FUL - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row (Report No DEV/FH/15/036)**

Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 9 July 2015 which proposes 49 affordable housing units).

This application was referred to the Development Control Committee because it was a major application and objections had been received from Beck Row, Holywell Row and Kenny Hill Parish Council and third parties.

A Member site visit had been held prior to the meeting. Officers were recommending that the application be approved as set out in Paragraph 267 of Report No DEV/FH/15/036.

The Principal Planning Officer – Major Projects advised the Committee that the site had already achieved planning permission for 150 dwellings for occupation by USAF personnel and the 24 units currently under construction were being built in accordance with that permission. However, if Members were to grant the application before them this would remove the occupancy restriction in respect of these dwelling units.

The Officer also explained that in the application seeking determination, Holmsey Green would no longer be 'stopped up' as had been the case for the previously granted application. The Suffolk County Council Highway's Officer in attendance explained that this change had been brought about following a safety audit which had highlighted that the delivery vehicles visiting the neighbouring retail units would be unable to turn around if Holmsey Green were to be stopped up, and so would therefore need a through route access.

Lastly, the Committee was advised that following comments made by the West Suffolk Strategic Housing team the applicant had confirmed that they would be marginally increasing the size of their 2 bed units, but this would have no impact on the layout of the development.

Some Members raised concern with regard to the access to/from the dwelling units numbered 151 and 152 due to their close proximity to the Holmsey Green/The Street junction. Councillor Ruth Bowman asked if it would be

possible to condition the application to ensure that the additional highway work required under a separate highway application (but not part of the planning application) was implemented prior to occupation of these units. The Planning Officer agreed that this was indeed possible and the Highways Officer stated that she would support this way forward.

Following which it was moved by Councillor Simon Cole that the application be approved, as per the Officer recommendation and with the additional condition as identified. This was seconded by Councillor Louis Busuttil and with 13 voting for the motion and with 1 against, it was resolved that:

Planning permission be **GRANTED** subject to:

1. The completion of a Section 106 agreement to secure the following (subject to meeting the CIL Reg 122 tests):
 - Policy compliant level and tenure split of affordable housing.
 - Education contribution.
 - Pre-school contribution.
 - Provision of on-site and off site open space.
 - Transport contribution.
 - Healthcare contribution.
2. And the following conditions/informatives:
 1. Time (3 years for commencement).
 2. Compliance with approved plans.
 3. Highways – Storage of refuse and recycling bins.
 4. Highways – Details of carriageways and footways.
 5. Highways – Deliveries Management Plan.
 6. Highways – Parking.
 7. Contamination – further investigative work if found.
 8. Foul water disposal details.
 9. Surface water drainage details: SuDs management plan.
 10. Construction method statement.
 11. Working hours.
 12. Ground levels details.
 13. Details of boundary treatment.
 14. Samples of materials.
 15. Detailed scheme of hard and soft landscaping.
 16. Tree protection.
 17. Details of tree works for retained trees.
 18. Detailed Arboricultural Method Statement and Tree Protection Plan.
 19. Open space management plan.
 20. Details of play equipment.
 21. Details of lighting.
 22. Recommendations of Ecological Appraisal to be implemented.
 23. Provision of fire hydrants.
 24. Waste minimisation and recycling strategy.
 25. That the highways measures in connection with the development be in place prior to occupation of dwelling units 151 and 152.

In the event that there are any substantive changes to the Section 106 package, then this would go back to Members for consideration.

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):

1. Unsustainable form of development not mitigating its impact on education provision, open space sport and recreation, transport (contrary to the Framework and Core Strategy Policy CS13).
2. Non compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

Speaker: Mr Martin Davidson (applicant) spoke in support of the application.

Following the conclusion of this item the Chairman permitted a short comfort break.

88. Planning Application DC/15/1030/FUL - New Bungalow, West Suffolk Golf Centre, New Road, Beck Row (Report No DEV/FH/15/037)

Proposed dwelling to replace temporary mobile home.

This application was referred to the Development Control Committee following consideration by the Delegation Panel. No objections had been received from the Parish Council or third parties.

A Member site visit had been held prior to the meeting. Officers were recommending that the application be refused as set out in Paragraph 24 of Report No DEV/FH/15/037.

The Senior Planner advised that a further comment had been received from the agent since the agenda had been published. The comments were summarised as follows:

- The functional need should not be assessed against PPS7 Annex A – only the NPPF applies;
- The report does not refer to Section 3 of the NPPF – supporting economic growth in the countryside which should be taken into account. This includes:
 - Support all types of business in the rural area
 - Promote diversification of business in the rural area
 - Promote diversification of agriculture or other land bases businesses
 - Support leisure developments
 - Support local sports venues;
- The house and buildings at Poplar Farm are on a separate conveyance originally and do not form part of the golf course; and
- The site has been residential in one way or another for at least 50 years.

Officer confirmed that the mobile home currently on site had been empty for some time and that the applicant was unable to demonstrate the need for the development.

Some Members spoke in support of the application subject to the inclusion of a condition to restrict occupation of the dwelling to employees of the West Suffolk Golf Centre.

Accordingly, Councillor David Bowman proposed that the application be approved, contrary to the Officer recommendation of approval, with the inclusion of the identified condition. This was seconded by Councillor James Lay.

With the motion of 'minded to approve' being put to the vote and with the vote being unanimous, it was resolved that

Members were **MINDED TO APPROVE THE APPLICATION CONTRARY TO THE RECOMMENDATION OF REFUSAL**, with the inclusion of a condition to:

1. Restrict occupation of the dwelling to employees of the West Suffolk Golf Centre

This application was, therefore, **DEFERRED** to enable Officers to prepare a risk analysis report and appropriate conditions for consideration by Members at the next meeting.

89. **Planning Application DC/15/1450/RM - Land North of Mildenhall Road, West Row (Report No DEV/FH/15/039)**

Reserved Matters Application – Submission of details under outline planning permission Dc/14/0632/OUT – appearance, layout and scale for 24 no. two-storey dwellings and 2 no. bungalows.

This application was referred to the Development Control Committee because objections had been received from Mildenhall Parish Council and third parties.

Officers were recommending that the application be approved as set out in Paragraph 45 of Report No DEV/FH/15/039.

The Senior Planning Officer advised that since publication of the agenda two further representations had been received from neighbouring residents both of which covered issues previously raised by objectors, including archaeological find concerns and the impact on the highway/traffic.

The Officer reminded Members that the application before them followed a previous approval of outline permission in December 2014. The means of access to the site was approved as part of the outline application as was the inclusion of a footpath; and this was therefore not able to be debated as part of this report.

Councillor David Bowman asked if it would be possible to condition the application so that the traffic measures in connection with the scheme were in place prior to the construction of the development. The Officer explained that

this would not be possible as a condition had been included in the outline permission to ensure that the traffic measures were in place prior to occupation of the units.

A number of Members asked if it would be possible to amend the scheme to include further bungalows along the boundary of the development in order to reduce the impact on neighbouring properties.

Accordingly, Councillor David Bowman proposed that the application be deferred in order to allow time for Officers to raise the Committee's concerns of the impact on residents with the applicant, and to establish if it was possible to include further bungalows along the boundary of the development.

This was seconded by Councillor Carol Lynch and with the vote being unanimous it was resolved that:

The application be **DEFERRED** to the next meeting of the Development Control Committee in order to allow time for Officers to raise the Committee's concerns of the impact on residents with the applicant, and to establish if it was possible to include further bungalows along the boundary of the development.

Speaker: Mrs Alana Stevens (neighbour) spoke against the application.

90. **Planning Application DC/15/1610/TPO (Tree Preservation Order) - Playground, Woodcock Rise, Brandon (Report No DEV/FH/15/040)**

Councillor Peter Ridgwell declared a local non pecuniary interest in this item having already considered this application at a meeting of Brandon Town Council. He would remain in the meeting but would abstain from voting.

TPO/1999/01 - Tree Preservation Order - Oak-1318 on plan - Crown reduction by 1 metre and removal of lower branches over driveway to 5.4 metres where suitable to stop potential damage to building & vehicles. Raising of crown over play equipment to 3 metres. Oak -1319 on plan - Crown reduction by 1 metre and reduction in length by 2 metres of overextended branches over play equipment. Oak - 1323 on plan - Raise or prune back to give clearance over driveway of 4m Group of 40 Beech trees - 2095 on plan- Crown raise to 3m, reduction in height by 2m and 1m reduction in lateral growth, Fell 1 no. Beech tree in group, Beech Coppice in group - pruning to improve stability.

This item had been referred to the Development Control Committee as the applicant was Forest Heath District Council.

No objections had been received from Brandon Town Council or third parties and Officers were recommending that the application be approved as set out in Paragraph 17 of Report No DEV/FH/15/040.

It was moved by Councillor Carol Lynch, seconded by Councillor David Bowman and with 13 voting for the motion and with 1 abstention, it was resolved that:

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

1. The works which are the subject of this consent shall be carried out within two years; and
2. The authorised works shall be carried out to the latest arboricultural standards.

91. **Planning Application DC/15/1635/TPO (Tree Preservation Order) - Amenity Land to the Rear of 1 to 41 Norfolk Avenue, Newmarket (Report No DEV/FH/15/041)**

TPO/1956/012 – Tree Preservation Order – works to 38 no. trees in areas A1, A2 and A3.

This item had been referred to the Development Control Committee as the applicant was Forest Heath District Council.

No objections had been received from Newmarket Town Council or third parties and Officers were recommending that the application be approved as set out in Paragraph 14 of Report No DEV/FH/15/041.

The Planning Officer advised Members that the application concerned 35 trees and not 38 as indicated in the report.

Councillor Simon Cole enquired as to what happened to the wood that was removed from the trees during the works. The Officer advised that he would gain an answer and would advise all Members of the Committee accordingly.

It was moved by Councillor Chris Barker, seconded by Councillor Ruth Bowman and with the vote being unanimous, it was resolved that:

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

1. The works which are the subject of this consent shall be carried out within two years; and
2. The authorised works shall be carried out to the latest arboricultural standards.

92. **Tree Preservation Order TPO 2, 2015 - Land off Bury Road and Gazeley Road, Kentford (Report No DEV/FH/15/042)**

Members were advised that a provisional tree preservation order (TPO) had been made on trees on land off Bury Road and Gazeley Road, Kentford, south of the Cock Inn, on 10 April 2015. The TPO was served to protect the mature trees on this site which could be seen from both Bury Road and Gazeley Road where they contribute to the amenity of the locality and the rural character of the village of Kentford.

The TPO was required to prevent the precipitous removal of trees on this potential development site and to protect retained trees into the future when, if the site was developed, they would increase in their public amenity value. The statutory consultation period for the TPO expired on 15 May 2015. Two

representations have been received. Minor modifications were recommended to the plan and the schedule to resolve the concerns raised.

Officers were recommending that the TPO be confirmed with modifications.

The Principal Planning Officer advised that a planning application for development on this site was due to be considered by the Committee at their meeting in November 2015.

It was moved by Councillor Carol Lynch, seconded by Councillor James Lay and with the vote being unanimous , it was

RESOLVED:

That the report be noted and the Tree Preservation Order be **CONFIRMED** with the recommended modifications as shown on the revised plan and schedule (Working Papers 2 and 3) as follows:

- Reduce the extent of area A1;
- Rename W1 as G4 and identify the trees to be protected;
- Exclude garden trees within the property of The South Lodge; and
- Rename A 2 as G3, reduce the extent and identify the trees to be protected.

93. **Quarterly Monitoring Report of Development Management Services (Report No DEV/FH/15/043)**

The Service Manager (Planning – Development) presented this report which updated the Committee with regard to performance and key trends relating to Development Management, Planning Enforcement and Appeals on a quarterly basis.

A supplementary document was tabled to the meeting which set out the performance against key indicators for the month of September 2015 and the Officer was pleased to report that all targets were achieved in that month.

The Officer drew attention to Paragraph 2.3.1 of the report and explained that the penultimate sentence (which began “Of which, 3 (37.5%)...”) should be disregarded as this referred to St Edmundsbury Borough Council figures and should not have been included within the report.

Councillor Brian Harvey made reference to Paragraph 2.2.5 and the reference therein to the case concerning the land at Fiveways roundabout Barton Mills. He explained that he, along with other local Members, continued to receive a number of public enquiries with regard to this matter and he asked Officers to ensure that both Members of the Committee and Barton Mills Parish Council were kept updated.

Lastly, the Officer advised Members of the current position with regard to the Hatchfield Farm (Fordham Road, Newmarket) planning application DC/13/0408/OUT. She reminded the Committee that the Secretary of State had called-in the application in question which prevented the Council from issuing the permission granted on 2 July 2014.

Accordingly an inquiry had taken place during April 2015 and the Inspector had submitted her report to the Secretary of State for his consideration. The Secretary of State had initially stated that he would issue his decision on or before 12 October 2015.

However, the Council had since been informed that the decision had now been postponed to on or before 16 December 2015. The Committee were advised that this delay would have significant implications on the Council's local plan process and Officers would be drafting an appropriate response to the DCLG.

It was proposed, duly seconded and with the vote being unanimous, it was

RESOLVED:

That the update report on performance and key trends be noted.

The meeting concluded at 8.58 pm

Signed by:

Chairman
