

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 2 March 2016 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

David Bowman

Ruth Bowman

Louis Busuttill

Simon Cole

Brian Harvey

James Lay

Carol Lynch

Louise Marston

Peter Ridgwell

119. **One Minute Silence**

Prior to the commencement of the meeting, the Chairman asked all those present to observe a one minute silence in memory of former District Councillor David Bimson who had recently passed away after a short period of ill health and who had sat on the Development Control Committee as the Ward Member for Brandon West.

120. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby and Stephen Edwards.

121. **Substitutes**

There were no substitutes at the meeting.

122. **Minutes**

The minutes of the meeting held on 3 February 2016 were unanimously accepted as an accurate record and were signed by the Chairman.

123. **Planning Application DC/14/2096/FUL - Land North of Station Road, Lakenheath (Report No DEV/FH/16/004)**

The Lawyer advised that this item had been withdrawn from the agenda as a result of the Council having received notice earlier that day of a potential challenge of Judicial Review in relation to this application. Accordingly,

Officers now required time in which to consider this matter and potentially seek further legal advice.

124. **Planning Application DC/15/0754/FUL - 146a High Street, Newmarket (Report No DEV/FH/16/005)**

Conversion of former nightclub to residential use (36 dwelling units including 2 affordable units) and 290 square metres of office space, a detached block of 10 affordable housing apartments and ancillary parking (as amended by drawings received 19 October 2015).

This application was referred to the Development Control Committee because it was for a 'major development' and raised issues which were in the public interest.

A number of comments had been received from statutory consultees and third parties. A Member site visit had been held prior to the meeting and Officers were recommending that the application be approved as set out in Paragraph 178 of Report No DEV/FH/16/005.

The Principal Planning Officer – Major Projects advised that since publication of the agenda amended plans had been submitted by the applicant showing an altered layout to the affordable units and the Council's Housing Team had confirmed the acceptability of the amended layout.

The Committee's attention was drawn to the percentage of affordable housing provided by the development, which fell below the Council's desired 30%. The Officer explained that a financial contribution in lieu of the additional affordable units could be secured through the Section 106 agreement.

Secondly, it was also highlighted to Members that given the urban location Suffolk County Council considered the reduced parking provision for the development (1 per dwelling and 5 for the office space) to be acceptable.

The Officer also explained that the former De Niros nightclub building was re-listed as an Asset of Community Value (ACV) in January 2016 (following an initial nomination in September 2015) and a further review was requested by the building owner. The outcome of this review was expected within the next week.

The Committee were advised that further comments had been received from the West Suffolk Tree and Landscape Officer, further to those set out in the report at Paragraph 47. The Tree and Landscape Officer was now satisfied that with conditions (as included at Paragraph 178) the impact on the existing trees within the neighbouring Memorial Gardens could be managed and that any direct damage would not cause unacceptable harm. Hence, they were no longer objecting to the application.

The Planning Officer added that the applicant had offered to provide a tree planting scheme and was currently in discussions with Newmarket Town Council (as owners of the Memorial Gardens) to facilitate this.

Lastly, the Case Officer drew attention to two additional items that needed to be added to the recommendation in Paragraph 178:

1. Section 106 agreement to include a contribution to Newmarket Railway Station (this had been mistakenly omitted); and
2. An additional condition to be included for details of levels.

A number of Members raised concerns with regard to the effects the construction could have on both the trees within the Memorial Gardens and the usage of the neighbouring Grosvenor Yard car park.

The Principal Planning Officer – Major Projects explained that the Highways Engineer considered there to be sufficient space within the site for construction vehicles without compromising the car park. Furthermore, a condition had been included within the recommendation for a Construction Management Plan to be submitted.

In response to a number of comments with regard to the former usage of the building as a nightclub the Service Manager (Planning – Development) reminded the Committee that the application before them was to be considered on its own merits; irrespective of the former use.

It was moved by Councillor Chris Barker, seconded by Councillor Louise Marston and with 8 voting for the motion, 2 against and with 1 abstention 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):
 - Affordable housing – 30% provision (12 units on site provision and off site financial contribution in respect of 1.8 units).
 - Primary school contribution - £48 724.
 - Pre school contribution - £12 181.
 - Open space contribution – to be confirmed.
 - Libraries contribution - £7 776.
 - Highway improvement works contribution - £4 000.
 - Newmarket Railway Station contribution – £500 per dwelling

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

2. And the following conditions:
 1. Time
 2. Compliance with approved plans.
 3. Highways – details of proposed access (including gates).
 4. Highways – details of areas to be provided for storage of refuse/recycling bins.
 5. Highways – set back of gates.
 6. Highways – details of manoeuvring and parking of vehicles.
 7. Highways – details of secure motorcycle and cycle storage.
 8. Surface water management strategy.
 9. Archaeology – investigation and post investigation assessment.

10. Contamination – further investigative work if found.
11. Construction management plan.
12. Details of boundary treatment.
13. Samples of materials.
14. Scheme of hard and soft landscaping, including tree planting.
15. Tree protection.
16. Details of works to trees.
17. Detailed arboricultural method statement and tree protection plan.
18. Tree planting scheme.
19. Waste minimisation and recycling strategy.
20. Details of site levels.

Speaker: Mr Don Proctor (agent) spoke in support of the application.

**125. Planning Application DC/15/2109/FUL - Bay Farm, Worlington
(Report No DEV/FH/16/006)**

Installation of on farm Anaerobic Digestion plant to produce biogas and digesters, silage clamps, lagoons, pipeline to gas grid, landscaping and associate infrastructure.

This application was referred to the Development Control Committee because it was for a 'major development' and raised issues which were in the public interest.

A number of comments had been received from statutory consultees and third parties, including Worlington Parish Council and neighbouring Parish Councils. A Member site visit had been held prior to the meeting and Officers were recommending that the application be approved as set out in Paragraph 97 of Report No DEV/FH/16/006.

The Principal Planning Officer advised that since publication of the agenda amended plans had been submitted by the applicant which removed the standalone gas compound from the application as this would now be located within the main Anaerobic Digestion (AD) plant.

As part of her presentation the Officer outlined a number of additional comments that had been received from the following parties:

- West Suffolk Tree and Landscape Officer;
- Environment Agency;
- Worlington Parish Council;
- Red Lodge Parish Council;
- Herringswell Parish Council;
- Royal Worlington Golf Club; and
- Historic England.

The Committee's attention was drawn to the comments made by Historic England with reference to the Scheduled Monument of the Bowl Barrow on Chalk Hill which formed part of the application site. The Officer advised that

the applicant had provided a landscape plan to reduce the impact on the Scheduled Monument and this was deemed acceptable.

Members were informed that the application was for a development that would generate renewable energy and, as such, this was given significant weight in line with both local and national policy.

Lastly, the Officer drew attention to the following amendments/additions to the list of conditions set out in Paragraph 97:

1. Condition No 7 to be amended to read "HGV **movements**" as opposed to deliveries;
2. Condition No 16 (contamination remediation strategy) to be removed; and
3. Additional conditions to be included in respect of:
 - I. Details of lagoon covers;
 - II. Protective fencing for trees;
 - III. Fixing of bat boxes (as recommended by the Environmental Report); and
 - IV. Recommendations of the Badger Survey to be carried out.

In light of the traffic concerns raised by the Parish Councils Councillor David Bowman asked if it would be possible to amend Condition No 4 to state that no development would commence until the Traffic Management Plan was approved.

The Case Officer consulted her file of correspondence and confirmed that she did have in writing confirmation from the applicant that they would be happy for this to be conditioned in this way.

Accordingly, it was moved by Councillor David Bowman, seconded by Councillor Ruth Bowman and with the vote being unanimous, it was resolved that:

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

1. Time
2. Compliance with approved plans.
3. Highways – surfacing of access
4. Highways – Traffic Management Plan; with no development to commence until this is approved
5. Highways – Construction Delivery Plan
6. Highways – Geographical extent of feedstock sources plan
7. Highways – no AD HGV movements to use farm track between Bay Farm and Golf Links Road
8. Feedstock type
9. Hours of construction
10. Control of waste material arising from site preparation and construction
11. Details of security or flood lights
12. Sound proofing
13. Recommendations of Ecology report to be carried out
14. Archaeology - report of investigations
15. Landscaping Implementation
16. Environment Agency – surface water disposal scheme
17. Environment Agency – pollution control

18. Environment Agency – piling, bore holes and foundations
19. Precise details of materials
20. Details of lagoon covers
21. Protective fencing for trees
22. Fixing of bat boxes (as recommended by the Environmental Report); and
23. Recommendations of the Badger Survey to be carried out.

Speakers: Mr Clive Macleod (resident) spoke against the application.
Councillor Rupert Osborn (Worlington Parish Council) spoke against the application.
Mr Charlie Fillingham (applicant) spoke in favour of the application.

126. **Farewell to Principal Planning Officer**

Before closing the meeting, the Chairman thanked the Principal Planning Officer for all her hard work during her time with the Planning Department and wished her well in her new role in Legal Services which she was due to commence later that month.

The meeting concluded at 7.49 pm

Signed by:

Chairman
