

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 3 August 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

Andrew Appleby

Carol Lynch

John Bloodworth

Louise Marston

Louis Busuttill

David Palmer

Stephen Edwards

Peter Ridgwell

Brian Harvey

Nigel Roman

151. **Chairman's Announcement**

The Chairman 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.

152. **Apologies for Absence**

Apologies for absence were received from Councillors David Bowman, Ruth Bowman, Simon Cole and Roger Dicker.

153. **Substitutes**

Councillor John Bloodworth attended the meeting as substitute for Councillor Ruth Bowman and Councillor Nigel Roman attended as substitute for Councillor David Bowman.

154. **Minutes**

The minutes of the meeting held on 6 July 2016 were accepted as an accurate record and were signed by the Chairman, with 11 voting for the motion and with 1 abstention.

155. **Planning Application DC/14/2047/HYB - Land East of Beeches Road, West Row (Report No: DEV/FH/16/024)**

The Chairman agreed for this item to be brought forward on the agenda.

Hybrid Planning Application DC/14/2047/HYB comprising: Full application for erection of 41 dwellings (including 12 affordable dwellings), creation of new vehicular access onto Beeches Road, an outline application with all matters reserved for the erection of up to 90 dwellings and an outline application with all matters reserved for 7 self-build homes, the provision of 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of retained agricultural land for potential ecological mitigation.

This application was referred to the Development Control Committee because one of the applicants was related to the Leader of the District Council and because the application was contrary to the Development Plan.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, as set out in Paragraphs 94 - 97 of Report No DEV/FH/16/024.

The Service Manager (Planning – Development) advised that since publication of the agenda a further five additional letters of objection had been received from West Row residents, all of which raised issues which had been covered in previous representations.

The Officer also outlined the following corrections to the report:

Paragraph 20 – the footpath referred to as FP8 should have read **FP6**;

Paragraph 49 – the reference to the village of Lakenheath should have read **West Row**;

Paragraph 55 – the reference to the town of Mildenhall should have read **West Row**; and

Paragraph 94 – the Travel Plan Bond S106 contribution should have read **£123,644**.

The Officer made reference to the current status of the Council's Local Plan and the NPPF. She explained that the recommendation was one of balance; with Officers having weighed up the benefits and dis-benefits of the scheme.

Considerable discussion took place on the highways elements of the development with the Officer outlining the extensive traffic measures that were to be delivered.

Councillor Brian Harvey drew attention to Condition 15 within Paragraph 96 which referred to the Zebra Crossing to be delivered on Beeches Road as part of the scheme. He asked if the condition could be amended to ensure that the crossing was in place prior to the development commencing (as opposed to prior to the first dwelling being occupied). The Officer confirmed that the condition could be amended to reflect this.

Accordingly, Councillor Harvey then moved that the application be approved (inclusive of the amendment to Condition 15, above) and this was duly seconded by Councillor Louis Busuttil.

With 11 voting for the motion and with 1 abstention, it was resolved that

Outline planning permission be **GRANTED** subject to:

1. The completion of a S106 agreement to secure:
 - Proportionate Highway contribution to an altered Queensway Junction – Cost to be confirmed in the coming weeks.
 - SCC Travel Plan evaluation and & support officer – £1,000 per year up to 5 years from final occupation
 - Travel Plan Bond - £123,644
 - Rights of Way - Between £82,320 and £88,920 depending on the order making process.
 - Primary Education £401,973
 - Pre School £73,092
 - Public Transport £15,000
 - Affordable Housing - 30%
 - Library Provision - £2,208
 - Health - £45,380.00
 - Off-site skylark habitat compensation – Control of land and provisions
 - Any further clauses considered necessary by the Head of Planning and Growth.

2. In regard to the Outline part of the permission for up to 90 dwellings the following conditions are proposed to be attached;
 1. Time Limit – Outline
 2. Reserved Matters – Phasing
 3. Approved Plans
 4. Details of the internal accesses to be submitted, approved and implemented
 5. Detailed of the parking and manoeuvring and cycle storage to be submitted, approved and implemented
 6. Garage/ parking areas for each dwelling to be submitted, approved and implemented and retained – PD rights removed
 7. Details of refuse/ recycling bins and a compost bin have been submitted, approved and implemented.
 8. Details of means to prevent the discharge of Surface water onto the highway to be submitted, approved and implemented.
 9. Details of estate roads, footpaths to be submitted approved and implemented
 - 10.No dwelling shall be occupied until the carriageways and footways serving the dwelling have been constructed to at least binder course
 - 11.Details of a Arboricultural Method Statement submitted, approved and implemented for the approved dwellings
 - 12.Details of the foot/cycle paths as indicatively shown on drawing no. 013-027-106 to be submitted, approved and implemented. The details shall include a strategic green corridor for pedestrians, cyclists and wildlife and link the Public Open Space with the existing right of way that links Mildenhall Road and Chapel Road.
 - 13.Soft Landscaping plan submitted, approved and implemented for the dwellings hereby approved
 - 14.Hard Landscaping plan submitted, approved and implemented for the dwellings hereby approved
 - 15.Details to be submitted of future residential development shall be informed by further ecological investigations

- 16.No dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations have been complied with.
 - 17.A remediation strategy should be submitted to and agreed in writing if contamination is found during construction
 - 18.Submit and implement Archaeological WSI
 - 19.Post investigation assessment of archaeology investigation
 - 20.Fire Hydrants
 - 21.Details of an updated Travel Plan to be submitted to an approved in writing by the LPA
 - 22.Construction Method Statement
 - 23.Samples of external facing and roofing materials to be approved in writing
 - 24.Details of the SUDS strategy to be submitted, approved and implemented
3. In regard to the Full details part of the permission (41 dwellings, Public Open Space and Strategic Landscaping) the following conditions are proposed to be attached;
1. Standard Time limit
 2. Approved plans
 3. Details of the proposed new access onto Beeches Road in general accordance with Drawing No. 2765.SK11 rev P2 to be submitted, approved and implemented prior to any works commencing or the delivery of any other materials
 4. The loading, unloading, manoeuvring and parking areas shall be shown on drawing No. 013-027-108 Rev – shall be available for dwelling that it served prior to the occupation of that dwelling
 5. Details of cycle parking shall be submitted, approved and implemented.
 6. The garage parking areas shown on drawing No. 013-027-108 Rev implemented – shall be retained and made available.
 7. The visibility splays serving the new access onto Beeches Road hereby approved shall be provided and maintained prior to the access first being brought into use. PD rights removed to maintain the visibility splays
 8. The visibility splays for the internal accesses shall be submitted to and approved in writing before development commences. The visibility splays must be available prior to serving relevant dwellings and retained thereafter.
 9. Prior to commencement of the internal roads which are to be adopted a Construction Management Plan shall be submitted, approved and followed. The plan shall include details on the construction method, maintenance and protection of the permeable paving.
 - 10.Details of refuse/ recycling bins and a compost bins have been submitted, approved and implemented.
 - 11.Details of means to prevent the discharge of Surface water onto the highway to be submitted, approved and implemented.
 - 12.Details of estate roads, footpaths to be submitted approved and implemented
 - 13.No dwelling shall be occupied until the carriageways and footways serving the dwelling have been constructed to at least

binder course

14. Before any development commences details of a pedestrian crossing from the hereby approved layby to the northern side of the new estate road will be submitted to and approved in writing. The crossing will enable the parents and children using the layby to then use the proposed zebra crossing on Beeches Road. The approved layby and crossing shall be available for use prior to the first dwelling being occupied.
15. Prior to development commencing details to be submitted in general accordance with drawing no. 2765-SK11 Rev P2 of the proposed Zebra Crossing on Beeches Road. The approved details shall be implemented prior to the development commencing.
16. Prior to development commencing details shall be submitted for the southern pedestrian access. The location of the southern access shall have regard to the foot/cycle paths that will go across the Public Open Space, the route of which will be informed by avoiding important shallow archaeological matter. The crossing shall be implemented at a time that shall be agreed in writing with the local planning authority
17. Details of the Landscape and Ecological Management Plan (LEMP) for the Public Open Space, Strategic Open Space and the retained agricultural land to be submitted to and approved
18. Details of a Arboricultural Method Statement submitted, approved and implemented for the approved dwellings
19. Details of a Arboricultural Method Statement submitted, approved and implemented for the approved Public Open Space
20. Soft Landscaping plan submitted, approved and implemented for the dwellings hereby approved
21. Soft Landscaping plan submitted, approved and implemented for the Strategic Landscaping hereby approved
22. Hard Landscaping plan submitted, approved and implemented for the dwellings hereby approved
23. For the residential element the ecological enhancements as set out within the ecology report and update letter to be implemented. Further ecological enhancement measures to be submitted, agreed and implemented.
24. For the Public Open Space, the Strategic Landscaping and the Agricultural field element the ecological enhancements as set out within the ecology report and update letter to be implemented. Further ecological enhancement measures to be submitted, agreed and implemented.
25. Details of Strategic Landscaping for the Public Open Space and the Strategic Landscape areas to be submitted, approved and implemented.
26. No dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations have been complied with.
27. A remediation strategy should be submitted to and agreed in writing if contamination is found during construction
28. Submit and implement Archaeological WSI
29. Post investigation assessment of archaeology investigation
30. No ground disturbance, storage of materials during construction, placing of fencing other than may be approved under other

conditions in the permission shall occur in the area hereby approved for the Public Open Space or strategic landscaping areas

31. Fire Hydrants
 32. Details of an updated Travel Plan to be submitted to an approved in writing by the LPA
 33. Construction Method Statement
 34. Details of the SUDS strategy to be submitted, approved and implemented
4. In regard to the Outline part of the permission for 7 dwellings the following conditions are proposed to be attached;
1. Time Limit – Outline
 2. Reserved Matters – Phasing
 3. Approved plans
 4. Upon receipt of the first reserved matters application details of the new access on Chapel Road shall be submitted and approved – sight splays must not be obstructed PD rights removed
 5. The new junction shall be implemented prior to any works commencing or the delivery of any other materials commencing.
 6. Design Strategy submitted to and approved in writing ahead of the first reserved matters application being submitted to the LPA.
 7. No dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations have been complied with.
 8. A remediation strategy should be submitted to and agreed in writing if contamination is found during construction
 9. Submit and implement Archaeological WSI
 10. Post investigation assessment of archaeology investigation
 11. Details of refuse/ recycling bins and a compost bin have been submitted, approved and implemented.
 12. Details of means to prevent the discharge of Surface water onto the highway to be submitted, approved and implemented.
 13. Details of estate roads, footpaths to be submitted approved and implemented
 14. No dwelling shall be occupied until the carriageways and footways serving the dwelling have been constructed to at least binder course
 15. A Soft Landscaping plan submitted, approved and implemented for the each plot hereby approved
 16. Details of the SUDS strategy to be submitted, approved and implemented

Speakers: Mr John Smith (West Row Action Group) spoke against the application.
Mr Simon Butler-Finbow (Agent) spoke in support of the application.

156. **Planning Application DC/16/0715/FUL - Flat, The Manor, Newmarket Road, Barton Mills (Report No: DEV/FH/16/017)**

Planning Application DC/16/0715/FUL - Retention of - Change of use of Orthodontic Practice (Class D1) to self-contained flat (Class C3)

This application was referred to the Development Control Committee due to the complex policy issues.

Officers were recommending that the application be approved as set out in Paragraph 39 of Report No DEV/FH/16/017.

It was moved by Councillor Brian Harvey, seconded by Councillor Nigel Roman and with the vote being unanimous, it was resolved that

Planning permission be **GRANTED**.

157. **Planning Application DC/15/0070/OUT - Rolfe's Coal Yard, Wilde Street, Beck Row (Report No: DEV/FH/16/018)**

Outline Planning Application DC/15/0070/OUT (means of access to be considered) - up to 8 no dwellings and associated access.

This application was deferred from consideration at the Development Control Committee on 6 July 2016 as Members resolved that they were 'minded to approve' planning permission, contrary to the Officer recommendation of refusal, due to the benefits the scheme provided.

Report No DEV/FH/16/018 included a risk assessment of the potential reasons for approval. A Member site visit had been held prior to the July meeting. Officers were continuing to recommend that the application be refused.

Councillor Louise Marston made reference to the benefits the scheme afforded and moved that the application be approved, this was duly seconded by Councillor Brian Harvey.

With 11 voting for the motion and with 1 against, it was resolved that:

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

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission;
 - or
 - ii. The expiration of two years from the final approval of the reserved matters; or,
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Location plan (received 14.01.2015)

Layout plan 02 B (received 08.02.2016)

Highways improvement layout 150/2014/01

Highways improvement layout 150/2014/02

Highways improvement layout 150/2014/03

Reason: To define the scope and extent of this permission.

4. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13.30 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

5. No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority.

Reason: To ensure a lighting environment of low district brightness at residential properties and to protect the amenity of the area.

6. The recommendations/mitigation set out in the Ecological Scoping Survey and Bat Survey (both by Hillier Ecology Ltd), both dated July 2014, shall be implemented in full. All enhancements shall be carried out prior to occupation of the dwellings.

Reason: To provide ecological enhancements on the site in accordance with the NPPF.

7. 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 drawing no. 150/2014/02; and with a minimum entrance width of 5.5 metres. Thereafter the access shall be retained in the specified form.

Reason: It is necessary to impose a pre-commencement condition in the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

8. 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.
Reason: To prevent hazards caused by flowing water or ice on the highway.
9. 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.
Reason: It is necessary to impose a pre-commencement condition to ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.
10. Before the development is commenced details showing an adequate car turning space within the site shall be submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be carried out before occupation and shall be retained thereafter and used for no other purpose.
Reason: It is necessary to impose a pre-commencement condition to enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.
11. Before the access is first used visibility splays shall be provided as shown on Drawing No. 150/2014/02 with an X dimension of 2.4 metres and a Y dimension of 90 metres and thereafter retained in the specified form. 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.
Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.
12. Before the development is occupied the footway and crossing points on Wilde Street shown on drawing numbers 150/2014/01; 150/2014/02 and 150/2014/03 shall be provided. Details of the works shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a sustainable footway link from the development to the existing footway network of Beck Row in the interests of highway safety and sustainability.

13. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do not exceed an LAeq(16hrs) of 35 dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00 and an LAeq(8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.

Reason: To protect the amenity of residential occupiers due to the close proximity of RAF Mildenhall and RAF Lakenheath.

A Section 106 has already been signed to secure the affordable housing. There are no other s106 requirements.

Speaker: Mr Paul Scarlett (Agent) spoke in support of the application.

158. Planning Application DC/16/0179/FUL - Development Site, Gazeley Road, Kentford (Report No: DEV/FH/16/019)

Planning Application DC/16/0179/FUL - 2no. two storey dwellings as amended by drawing nos. 755/1, 2, 3, 4, 5, 6, 7 and 16 5638 10 Rev J received 20th May, 27th June and 20th July 2016 revising layout and design and omitting 1no. dwelling.

This application was referred to the Development Control Committee due to the complex policy issues.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, as set out in Paragraph 64 of Report No DEV/FH/16/019.

Councillor Brian Harvey raised a query with regard to the amended scheme no longer containing garages. The Planning Officer explained that in order to alleviate Members' concerns with this element a condition could be added to remove permitted development rights, therefore, ensuring that a planning application would have to be submitted for any further development on the site.

Councillor Carol Lynch spoke in support of the application in view of the Parish Council and neighbours supporting the scheme. She moved that it be approved, inclusive of the additional condition regarding permitted development rights, and this was duly seconded by Councillor John Bloodworth.

With the vote being unanimous, it was resolved that:

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

1. 01A – Time limit detailed.
2. 14FP – Development to accord with drawing nos. 755/1, 2, 3, 4, 5, 6 and 7 received 20th May and 27th June 2016, Site Location Plan

and drawing no. 16-5638 - 10 Rev J received 27th June 2016 and 20th July 2016 Arboricultural Impact Assessment and Method Statement received 23rd May 2016.

3. 04C – Facing and roof samples.
4. 18 - 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 DM01; and with an entrance width of 5.4 metres Thereafter the access shall be retained in the specified form.
5. 18 - Prior to the new dwellings 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.
6. 18 - Prior to occupation 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.
7. 18 - 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.
8. 18 - The use shall not commence until the area(s) within the site shown on drawing no 16-5638 - 10 Rev J received 20th July 2016 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
9. 18 - 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 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 90 metres in each direction 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.
- 10.14D - The site preparation and construction works shall be carried out between 08:00 and 18:00 hours on Mondays to Fridays and between 08:00 and 13:30 hours on Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
- 11.23 – Tree Protection Plan & Methodology.
- 12.23 – Landscape Plan
- 13.12D - Boundary Treatment
- 14.Optional requirement for water consumption

15. Permitted development rights be removed from the site

159. **Planning Application DC/14/2096/FUL - Land North of Station Road, Lakenheath (Report No: DEV/FH/16/020)**

Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).

This application was referred to the Development Control Committee because it was a proposal for 'major' development. In addition, it also raised complex planning issues of national and international importance.

By way of background; the Committee were reminded that the application had been withdrawn from the agenda of the Development Control Committee meeting on 2 March 2016 to enable appropriate consideration of a direct threat of legal challenge received from solicitors acting on behalf of Lakenheath Parish Council.

The application was then returned to the Development Control Committee on 6 April 2016 following receipt of a request from Suffolk County Council for the Planning Authority to provide a steer on the merits of the planning application. However, a number of key matters had changed since the April Committee meeting and the Committee were now being asked to determine the planning application in light of the strength of evidence which currently existed.

The Principal Planning Officer – Major Projects opened his presentation by providing the following updates since publication of the agenda:

- Working Paper 4 – this had been mistakenly omitted from the printed agenda, with Working Paper 3 having been attached twice. Working Paper 4 had, therefore, been circulated under separate cover, prior to the meeting;
- Layout plan - the version attached to the agenda was now obsolete, a concept drawing of the new layout was included as part of the Officer's PowerPoint presentation;
- Paragraph 216 – the last sentence beginning "*The receipt from the Leader of Suffolk County Council...*" should be removed and disregarded;
- Paragraph 283 – it had been determined that aircraft movement did not lead to air quality concerns at the application site and this would, therefore, not be part of the Officer's presentation (contrary to what was written in this paragraph of the report);
- Secretary of State – the Planning Authority had received confirmation from the Secretary of State that he would consider whether or not to formally call-in the application following the decision made by the Planning Authority; and
- Four further representations had been received in respect of the application from:
 - I. Lakenheath Parish Council (solicitors acting on their behalf);

- II. Defence Infrastructure Organisation (MoD);
- III. Elveden Estates (agents acting on their behalf); and
- IV. The Council's Public Health and Housing Team.

These representations had been emailed to the Committee by the Case Officer, prior to the meeting. Hard copies were also tabled to the meeting to all present.

The Officer then went through each of the representations and summarised the points made and his response to each.

Lastly, the Committee was advised that a further representation had been forwarded from the Parish Council to the Planning Authority purporting to be from Lakenheath Primary School. However, as the Officer had been unable to confirm the source with anyone from the school, this representation had not been circulated to Members and could not be considered.

The Officer made reference to the current status of the Council's Local Plan and the NPPF. He also outlined each of the other large scale residential planning applications in/around Lakenheath.

Considerable discussion took place with regard to the perceived noise impacts that RAF Lakenheath's operations would have on the development site; as highlighted by the late representations from the Parish Council, the MoD and Elveden Estates.

Councillor Louis Busuttill asked the Council's Lawyer to advise on this matter. The Lawyer explained that she could not guarantee that the Council would not be subject to legal challenge, however, the Council's Public Health and Housing team believed that any noise could be mitigated.

Councillor Louise Marston, Ward Member for the application, spoke in support of the scheme and welcomed the movement of the school site within the new layout. She explained that the existing primary school, together with much of the village, was susceptible to noise from RAF Lakenheath aircraft movement. And she stressed that the existing school had no noise mitigation measures due to the age of the building.

Councillor Marston also asked if it would be possible for a pick up/drop off point to be included at the new primary school. The Planning Officer explained that the District Council would be a consultee on the reserved matters planning application for the school and this could be brought before the Committee.

Councillor Brian Harvey raised a question with regard to the extension of the 30mph limit out of the village that would take place as a result of the development. The Suffolk County Council Officer who was in attendance explained that the extension had been approved by the County Council and would be delivered on receipt of the relevant S106 funding.

The Planning Officer explained that on commencement of the development would be the earliest point at which the S106 funding could be collected by the County Council to deliver the extension of the 30mph zone. And this could be conditioned to reflect this should Members wish.

Councillor Louise Marston moved that the application be approved, inclusive of the condition with regard to the implementation of the 30mph extension, and this was duly seconded by Councillor Louis Busuttill.

With the vote being unanimous, it was resolved that

Planning permission be **GRANTED** subject to:

1. The completion of a S106 agreement to secure:
 - a. Policy compliant affordable housing (30%);
 - b. Land and construction contributions towards the construction of a new primary school (pro-rata to reflect the scale and impact of the housing element of the proposed development proposed);
 - c. Pre-school contribution (up to £231,458);
 - d. Libraries Contribution (up to £81,600);
 - e. Public Open Space contributions:
 - I. Formula to be included in the Agreement to secure, at reserved matters stage, policy compliant provision on site within the parts of the site shown for housing on the submitted Concept Plan, including future delivery and management of those areas,
 - II. Provision, laying out, timing of delivery and management / maintenance of the strategic open space and reptile mitigation areas (which are to be provided over and above SPD compliant levels);
 - f. Local Highways contribution (Crossing, Footpaths and lighting works, temporary and permanent foot & cycle link from end of existing footpath connections to the school site, funding of works to extend the 30mph zone past the frontage of the site etc.);
 - g. Travel Plan - payment of any financial contributions towards travel planning initiatives arising;
 - h. Strategic Highway Contribution towards junction improvements at the Lords Walk roundabout and B1112/Eriswell Road junction (precise contributions to be calculated and agreed following further costed and safety audited design work);
 - i. SPA Recreational Impact Contributions, including i) off site provision/contributions to provide a connection from the site to the footpath on the north side of the drainage channel to the north of the application site, ii) monitoring of potential impacts upon the SPA from development (sums to be determined), iii) provision/payment towards public

information boards and information packs for residents and subsequent monitoring and iv) facilitating the construction of a bridge across the drainage channel from within the application site;

- j. Health Contribution (up to £123,420); and
- k. Any further clauses considered necessary by the Head of Planning and Growth.

And

2. Subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (details to be submitted with the Reserved Matters)
- Sustainable construction and operation methods, including water efficiency measures (further details to be submitted with reserved matters 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 of all open spaces, unless provided for by the S106 Agreement)
- Landscaping details (including precise details of new hard and soft landscaping)
- Retention and protection during construction of existing trees and hedgerows
- Ecology (enhancements at the site, reptile mitigation plan and any further survey work required)
- Construction management plan
- As reasonably recommended by the Local Highway Authority in due course
- Contamination & remediation (further investigations and any remediation necessary and ground water protection measures)
- Means of enclosure (details to be submitted with relevant Reserved Matters submissions)
- Implementation of noise mitigation measures
- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Details of the foul and surface water drainage scheme (full details to be submitted with the Reserved Matters).
- Archaeology.
- Reserved Matters submissions to accord with the approved Concept Plan.
- Landscape and ecology management plan
- Submission of open space plans with subsequent Reserved Matters submissions.
- Details of pedestrian and cyclist links to be provided with Reserved Matters submissions.
- Further/updated arboricultural assessments to be provided with Reserved Matters submission.

- As recommended by the Ecology, Tree and Landscape Officer (paragraph 45 of the report)
- Travel Plan measures (matters not addressed in the S106 Agreement)
- The extension of the 30mph zone past the frontage of the site to take place upon commencement of the development
- Any additional conditions considered necessary by the Head of Planning and Growth.

In the event of;

1. It not being possible to secure a deliverable scheme of highway works to the B1112/Eriswell Road junction that fully mitigates the impact of traffic that is forecast to arise from the development, as discussed in the report,

or,

2. The Head of Planning and Growth recommending alternative (reduced) Heads of Terms on viability grounds from those set out at paragraph 319 above,

or,

3. The applicant declining to enter into a planning obligation to secure the Heads of Terms set out at paragraph 319 above for reasons considered unreasonable by the Head of Planning and Growth,

The planning application be returned to Committee for further consideration.

Speakers: Councillor Hermione Brown (Lakenheath Parish Council) spoke against the application
Mr Simon Butler-Finbow (agent) spoke in support of the application.

160. Tree Preservation Order TPO 3, 2016 - Land North of Station Road, Lakenheath (Report No: DEV/FH/16/021)

The Principal Planning Officer – Major Projects advised the Committee that a provisional Tree Preservation Order (TPO) was made on trees on land North of Station Road, Lakenheath on 2 June 2016.

The TPO was served to protect the mature trees on this site which were an important landscape feature characteristic of the area and of the Breckland landscape character type. 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 is developed, they would increase in their public amenity value.

The statutory consultation period for the TPO expired on 4 July 2016. An objection to the TPO had been received from the agent in connection with the

planning application that had been submitted for the site (as determined under the previous item on the agenda, Report No DEV/FH/16/020).

Members were informed that Planning Officers did not consider the objections made to be warranted and they were recommending that the TPO be confirmed without modifications.

It was moved by Councillor Louise Marston that the TPO be confirmed as per the Officer recommendation and this was duly seconded by Councillor Stephen Edwards.

With the vote being unanimous, it was resolved that

Tree Preservation Order TPO 3, 2016 (Land North of Station Road, Lakenheath) be **CONFIRMED** without modification.

161. Planning Application DC/16/1036/FUL - Newmarket Leisure Centre, Exning Road, Newmarket (Report No: DEV/FH/16/022)

Planning Application DC/16/1036/FUL - 2.4metre high fencing to the rear of the Leisure Centre including replacement of access gates.

This application was referred to the Development Control Committee because the applicant was Forest Heath District Council.

Officers were recommending that the application be approved as set out in Paragraph 17 of Report No DEV/FH/16/022.

It was moved by Councillor Carol Lynch that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Nigel Roman.

With the vote being unanimous, it was resolved that

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

1. 01A – Time limit detailed.
2. 14FP – Development to accord with drawing nos. 01 and 02 received 17th May 2016 and Location Plan and Block Plan received 17th May 2016.
3. 23 – Existing landscaping to be retained.

162. Planning Application DC/16/1131/FUL - Southernwood, Fordham Road, Newmarket (Report No: DEV/FH/16/023)

Planning Application DC/16/1131/FUL - (i) 2no buildings to include 11no. apartments and 1no. Office unit (following demolition of existing building) (ii) Freestanding bicycle/bin store.

This application had been referred to the Development Control Committee because it was a major development and Newmarket Town Council had objected to the development which was contrary to the Officer recommendation.

A Member site visit had been held prior to the meeting. Officers were recommending that the application be approved as set out in Paragraph 45 of Report No DEV/FH/16/023.

The Senior Planning Officer explained that the site already had planning permission achieved in February 2016 for 10 apartments. For the benefit of the Committee she outlined the changes made to the scheme in the application before them.

Whilst some Members spoke in support of the application (including Councillor Andrew Appleby, the Ward Member), Councillor Carol Lynch voiced concern at the loss of a prestigious large house in Newmarket.

Councillor Brian Harvey raised a query concerning the trees on the site. The Officer explained that as the site was within a Conservation Area all the trees were automatically protected.

It was moved by Councillor Appleby that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Louis Busuttill.

With 8 voting for the motion and with 4 against, it was resolved that

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. Prior to development above ground level, samples of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority.
3. Prior to development above ground level, details of the windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed with the Local Planning Authority the details shall be in the form of elevations drawn to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the replacement windows. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
4. No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to first occupation of the property.
Thereafter the access shall be retained in its approved form.

5. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 15.556 P 01 F shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
6. 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.
7. The use shall not commence until the area(s) within the site shown on drawing number 15.556 P01 F for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles and storage of cycles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
8. Prior to commencement of development a construction management plan including a scheme for the mitigation of possible nuisance caused by dust, shall be submitted to and approved in writing by the Local Planning Authority.
9. No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
10. No development above ground level shall commence until full details of a hard landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).
11. No development above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed

numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

12. The trees shown on the approved landscaping scheme to be retained shall be protected in the manner shown on plan no. TIP19 244 or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site.

Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

13. No development shall be commenced until details of the treatment of the boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected. The approved screen walling and/or fencing shall be constructed or erected before the buildings; to which it relates is first occupied.

14. Details of any ventilation systems, to include any proposed noise attenuation, to be submitted to and approved by the local planning authority and installed prior to their use commencing.

15. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

16.The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

Speaker: Mr Philip Kratz (Agent) spoke in support of the application.

The meeting concluded at 8.54 pm

Signed by:

Chairman
