

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 7 June 2017 at **6.00 pm** at the **Council Chamber, District
Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

| | |
|------------------|-----------------|
| Andrew Appleby | Roger Dicker |
| Chris Barker | Stephen Edwards |
| David Bowman | Brian Harvey |
| Ruth Bowman J.P. | Louise Marston |
| Rona Burt | David Palmer |
| Louis Busuttil | Peter Ridgwell |
| Simon Cole | |

In attendance:

Lance Stanbury

222. **Election of Chairman for 2017/2018**

This being the first meeting of the Development Control Committee since the Authority's Annual Meeting in May 2017, the Business Partner (Planning) opened the meeting and asked for nominations for the Chairman of the Committee for 2017/2018.

Councillor David Bowman nominated Councillor Rona Burt as Chairman and this was seconded by Councillor Brian Harvey.

There being no other nominations, the motion was put to the vote and with the vote being unanimous, it was

RESOLVED:

That Councillor Rona Burt be elected Chairman for 2017/2018.

Councillor Burt then took the Chair for the remainder of the meeting.

223. **Election of Vice Chairman for 2017/2018**

Councillor Rona Burt nominated Councillor Chris Barker as Vice Chairman and this was seconded by Councillor David Bowman.

There being no other nominations, the motion was put to the vote and with the vote being unanimous, it was

RESOLVED:

That Councillor Chris Barker be elected Vice Chairman for 2017/2018.

224. Chairman's Announcements

Prior to continuing with the business on the agenda, the Chairman took the opportunity to formally welcome David Collinson who had recently joined the West Suffolk Councils as Assistant Director for Planning and Regulatory Services.

The Chairman then paid tribute to two elected Members who had recently passed away; Councillor Bill Sadler long-serving Forest Heath District Councillor for Newmarket and St Edmundsbury Borough Councillor Angela Rushen. All those present then observed a one minute silence in their memory.

225. Apologies for Absence

Apologies for absence had been received from Councillor Carol Lynch.

226. Substitutes

There were no substitutes present at the meeting.

227. Minutes

The minutes of the meeting held on 3 May 2017 were unanimously received as an accurate record and were signed by the Chairman.

228. Planning Application DC/16/2652/OUT - Stock Corner Farm, Stock Corner, Beck Row (Report No: DEV/FH/17/015)

Outline Planning Application (Means of Access and Layout to be considered) 9 no. dwellings (following demolition of existing agricultural buildings), alterations to existing access and associated works (amended scheme to DC/15/2456/OUT)

This application was referred to the Development Control Committee as the Parish Council supported the proposal which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 75 of Report No DEV/FH/17/015.

Members were advised that the application was also before Committee in the interests of consistency, as the previously determined application for the site (DC/15/2456/OUT) had been considered by the Committee in May 2016 when the proposal for 11 no. dwellings was refused.

Speaker: Mr Michael Hendry (agent) spoke in support of the application

It was moved by Councillor David Bowman that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Simon Cole.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **REFUSED** for the following reason:

The site falls outside of the defined settlement boundary of Beck Row and is therefore within the countryside where the provision of new housing is strictly controlled. The exceptions are set out under policies DM5, DM26, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing, dwellings for rural workers, small scale infill development of 1 or 2 dwellings, and the replacement of an existing dwelling. The proposal does not represent any of these exceptions and as such is contrary to policies DM5, DM26, DM27 and DM29 of the Joint Development Management Policies Document, CS10 of the Forest Heath Core Strategy 2010 and the guiding principles of the National Planning Policy Framework (NPPF).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 12 of the NPPF is clear however that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. There are no material considerations in this case that warrant an approval of the proposed development which is contrary to policy.

229. **Supplementary Information in Respect of Agenda Items 7, 8 & 9**

Prior to the consideration of Agenda Items 7, 8 and 9 the Case Officer for the three Lakenheath planning applications tabled two sets of documents to the meeting which related to each of the three reports:

1. Late representations from Lakenheath Parish Council and supporting documentation (as emailed directly to all Committee Members by the Parish Council earlier in the day); and
2. Correspondence setting out matters which arose pertaining to the cumulative traffic study following publication of the Committee agenda.

The Case Officer spoke to each of the items and summarised what Members had before them.

The Chairman then allowed a 10 minute adjournment in order to permit the Committee time in which to peruse the tabled documentation.

230. **Planning Application DC/14/2096/HYB - Land North of Station Road, Lakenheath (Report No: DEV/FH/17/016)**

Hybrid planning application - 1) Full application for the creation of a 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 item was originally considered by the Development Control Committee on 3 August 2016 when Members determined that the application be granted.

The planning application was returned to Committee in order to enable Members to consider material changes in circumstances that had occurred since the August 2016 determination, these being:

- i. The Council's submission to the Planning Inspectorate of the 'Single Issue Review' and 'Site Allocations' Development Plan Documents;
- ii. The completion of a cumulative traffic assessment for the village; and
- iii. The recent publication of noise contour information by the Defence Infrastructure Organisation (on behalf of the Ministry of Defence).

The Committee were also advised that following the resolution to grant planning permission in August 2016 the Secretary of State issued an 'Article 31 Holding Direction' in respect of this application, which prevented the Planning Authority from granting planning permission for the development, in order to enable the Secretary of State to determine whether or not to 'call in' the application for his own determination.

Accordingly, whilst Officers were continuing to recommend that the application be approved, subject to the completion of a S106 agreement and conditions as set out in Paragraph 75 of Report No DEV/FH/17/016, this was subject to the Secretary of State confirming withdrawal of the Holding Direction and/or deciding not to call in the planning application.

Members conducted a site visit prior to the meeting.

As part of his presentation to the meeting the Principal Planning Officer – Major Projects drew attention to the following:

- The two supplementary document bundles that related to this application, as made reference to earlier in the meeting;
- The correct site map which had been emailed separately to Members prior to the meeting (the wrong version had been attached to the published agenda);
- The most recent noise contour mapping – the Committee were advised that following the noise contours having been updated the application site now fell within the defined boundaries (this wasn't the case when the application was considered in 2016);
- The 'nesting buffer' and the boundaries that had been updated in respect of this, however, the application site remained unaffected; and
- Other determined and pending planning applications for Lakenheath and the current status of each.

Speaker: Councillor Hermione Brown (Lakenheath Parish Council)
spoke against the application

Councillor Brian Harvey made reference to the tabled correspondence in relation to the cumulative traffic study and voiced concerns with regard to the estimations made reference to within the documentation. In light of this supplementary paper he felt unable to support the planning application.

In response, the Case Officer explained that Highways had carried out their own assessment of the roads/junctions in question, this included a cumulative impact assessment of all relevant applications, and in light of which they concluded that that with appropriate mitigation the application before Members would not have a severe impact on the highway network.

Councillor Peter Ridgwell voiced concern with regard to the position of the access off Station Road that would be used to travel to/from the primary school within the scheme. The Officer explained that whilst the position of the school had moved from the North of the site in initial plans to the South, the access had always remained at the same point. The Committee were also advised that the 30mph speed limit had been recently extended along Station Road and now covered the whole frontage of the application site.

Councillor Ridgwell also asked if consideration had been given to the promotion of Lakenheath Railway Station in view of the expansion of Lakenheath village. The Case Officer explained that railway operators had not requested this and it was therefore unreasonable for the Planning Authority to request this.

Councillor Louise Marston, as Ward Member for Lakenheath, spoke in support of the planning application. She explained that over half of the village fell within the same noise contour as the application site. Furthermore, she pointed out that the existing primary school fell within a higher noise contour than the application site and the school was unable to be entirely mitigated due to the age of the building.

Councillor Marston moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Simon Cole.

Upon being put to the vote and with 10 voting for the motion, 2 against and with 1 abstention it was resolved that

Decision

Subject to the Secretary of State confirming withdrawal of the Article 31 Holding Direction and/or deciding not to call in the planning application for his own determination, that outline 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 £400,821)

(d) Libraries Contribution (up to £81,000)

(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; and

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 mitigation contribution (including pedestrian crossing of Station Road, 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.), except as may be appropriately secured by means of a 'Grampian' planning condition.

(g) Travel Plan - payment of any appropriate and agreed financial contributions towards travel planning initiatives arising and agreed at the outline stage.

(h) SPA Recreational Impact Contributions, including i) monitoring of potential impacts upon the SPA from development (commuted sum to be calculated), ii) and iv) facilitating the construction of a pedestrian bridge across the drainage channel to the north of the site from within the application site.

(i) Health Contribution (up to £123,420)

(j) Any further clauses considered necessary by the Assistant Director (Planning and Regulatory).

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 and environmental management plan
 - As reasonably recommended by the Local Highway Authority, including provision of the strategic highway improvements to the 'Eriswell Road' junction prior to the occupation of the first dwelling.
 - 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)
 - Noise mitigation measures (separate conditions for the school and dwellings – precise details to be submitted with any reserved matters submissions)
 - Provision of 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 (as requested by Suffolk County Council).
 - Reserved Matters submissions to generally 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, including linking the school site back into the village.
 - Further/updated arboricultural assessments to be provided with Reserved Matters submission/s.
 - As recommended by the Ecology, Tree and Landscape Officer (Ecological mitigation and enhancement)
 - Travel Plan measures (i.e. matters not addressed by the S106 Agreement)
 - Provision of public information/interpretation boards and information packs for residents with respect to avoiding impacts upon the Special Protection Area.
 - Any additional conditions considered necessary by the Assistant Director (Planning and Regulatory).
3. That, in the event of;
- i) The Assistant Director (Planning and Regulatory) recommending alternative (reduced) Heads of Terms on viability grounds from those set out above; or
 - ii) the applicant declining to enter into a planning obligation to secure the Heads of Terms set out at above for reasons considered unreasonable by the Assistant Director (Planning and Regulatory);
- the planning application be returned to the Development Control Committee for further consideration.

231. **Planning Application F/2013/0345/OUT - Land at Rabbit Hill Covert, Station Road, Lakenheath (Report No: DEV/FH/17/017)**

Residential development (up to 81 dwellings, as amended)

This item was originally considered by the Development Control Committee on 3 September 2014 when Members determined that the application be granted.

The planning application was returned to Committee in order to enable Members to consider material changes to circumstances that had occurred since the September 2014 determination, these being:

- i. The Council's submission to the Planning Inspectorate of the 'Single Issue Review' and 'Site Allocations' Development Plan Documents;
- ii. The completion of a cumulative traffic assessment for the village;
- iii. The recent publication of noise contour information by the Defence Infrastructure Organisation (on behalf of the Ministry of Defence);
- iv. The ability of the Council to demonstrate a five-year land supply of deliverable housing sites;
- v. The adoption by the Council of the Joint Development Management Policies document in February 2015;
- vi. The submission of a number of additional planning applications proposing large scale housing development at and around Lakenheath village; and
- vii. Enactment of CIL Regulation 123 which led to a requirement for the off-site public open space contributions being omitted from the S106 Agreement.

Members conducted a site visit prior to the meeting. Officers were continuing to recommend that the application be approved, subject to the completion of a S106 agreement and conditions as set out in Paragraph 115 of Report No DEV/FH/17/017.

As part of his presentation to the meeting the Principal Planning Officer – Major Projects drew attention to the following:

- The two supplementary document bundles that related to this application, as made reference to earlier in the meeting;
- The comments made by the Council's Public Health and Housing Officers (as set out in Paragraph 17 of the report) in confirming that they continued to retain no objections to the application; and
- The most recent noise contour mapping – the Committee were advised that following the noise contours having been updated the application site now fell within the defined boundaries (this wasn't the case when the application was considered in 2014).

Speaker: Councillor Hermione Brown (Lakenheath Parish Council)
spoke against the application

Councillor Louise Marston moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor David Bowman.

Upon being put to the vote and with 11 voting for the motion and with 2 abstentions it was resolved that

Decision

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

A. The completion of a S106 agreement to secure:

- Affordable housing: 30% provision.
- Education contribution (towards land and build costs for a new primary school).
- Pre-school contribution (towards a new pre-school facility to be co-located with the new primary school).
- Open space maintenance commuted sum (in the event the Public Open Space on site is subsequently transferred to the Council for maintenance).
- Contribution towards strategic village green infrastructure provision (off site).
- Libraries contribution.

And

B. Subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (use of those proposed)
- Water efficiency measures (triggering the 'optional' requirements of the Building Regulations)
- Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented)
- Public open space (strategy for future management and maintenance, unless specifically required by clauses in the S106 Agreement)
- Landscaping (precise details and implementation of new hard and soft landscaping)
- Retention and protection of existing trees and hedgerows during construction
- Ecology (securing ecological enhancements at the site)
- Construction management plan, including waste minimisation and recycling.
- As reasonably recommended by the Local Highway Authority, including provision of the strategic highway improvements to the 'Eriswell Road' junction prior to the occupation of the first dwelling.
- Contamination & remediation (further investigations and any remediation necessary)
- Means of enclosure (to be submitted for the dwellings and outer boundaries of the site.
- Noise mitigation (to internal rooms)
- Fire Hydrants (details to be submitted and agreed)
- Surface water drainage scheme.

- Provision of public information/interpretation boards and information packs for residents with respect to avoiding impacts upon the Special Protection Area.
 - Water efficiency measures
2. In the event of the Assistant Director (Planning and Regulatory) recommending alternative (reduced) S106 Heads of Terms from those set out above on the grounds of adverse financial viability or other factors pertaining to the deliverability of the development, the planning application be returned to the Development Control Committee for further consideration.
 3. In the event the applicant declines to enter into a planning obligation in full or in part to secure the Heads of Terms set out above for reasons considered unreasonable by the Assistant Director (Planning and Regulatory), the planning application be returned to the Development Control Committee for further consideration.

232. Planning Application DC/13/0660/FUL - Land off Briscoe Way, Lakenheath (Report No: DEV/FH/17/018)

Erection of 67 dwellings (including 20 affordable dwellings) together with public open space, as amended

This item was originally considered by the Development Control Committee on 3 September 2014 when Members determined that the application be granted.

The planning application was returned to Committee in order to enable Members to consider material changes in circumstances that had occurred since the September 2014 determination, these being:

- i. The Council's submission to the Planning Inspectorate of the 'Single Issue Review' and 'Site Allocations' Development Plan Documents;
- ii. The completion of a cumulative traffic assessment for the village;
- iii. The recent publication of noise contour information by the Defence Infrastructure Organisation (on behalf of the Ministry of Defence);
- iv. The ability of the Council to demonstrate a five-year land supply of deliverable housing sites;
- v. The adoption by the Council of the Joint Development Management Policies document in February 2015;
- vi. The submission of a number of additional planning applications proposing large scale housing development at and around Lakenheath village;
- vii. Enactment of CIL Regulation 123 which led to a requirement for the off-site public open space contributions being omitted from the S106 Agreement;
- viii. Adoption of new parking guidance by Suffolk County Council, replacing the 2002 Suffolk Advisory Parking Standards; and
- ix. Amendments to the proposal made by the applicant to address changes in circumstance relevant to public open space, car parking provision and surface water drainage requirements.

Members conducted a site visit prior to the meeting.

The Committee were advised that there were still some minor 'snagging issues' to be resolved in respect of highways (as made reference to in Paragraph 86 of Report No DEV/FH/17/018), which were considered negligible enough to be delegated to Officers to confirm with the Highways Authority following the submission of further details with the applicants. Accordingly, whilst Officers were continuing to recommend that the application be approved, subject to the completion of a S106 agreement and conditions as set out in Paragraph 119, this was subject to the receipt of confirmation from the Highways Authority that they had no reasonable objections to the amended details.

As part of his presentation to the meeting the Principal Planning Officer – Major Projects drew attention to the following:

- The two supplementary document bundles that related to this application, as made reference to earlier in the meeting;
- The amendments made to the plans since September 2014, principally with regard to the public open space element (the number of dwellings within the scheme remains the same); and
- The most recent noise contour mapping – the Committee were advised that following the noise contours having been updated the application site now fell within the defined boundaries (this wasn't the case when the application was considered in 2014).

Speaker: Councillor Hermione Brown (Lakenheath Parish Council)
spoke against the application

Following a question from Councillor Brian Harvey, the Case Officer reiterated that Highways had carried out a cumulative impact assessment of all relevant applications, they had not been solely considered in isolation.

Councillor Peter Ridgwell raised a question with regard to NHS Trust S106 contributions. In response to which, the Officer drew attention to Paragraph 12 of the report which explained that due to the 'pooling restrictions' set out in the CIL Regulations the Trust had confirmed that they did not wish to request developer contributions from this application. Instead they would request contributions from the three largest schemes which had been put forward for Lakenheath.

Councillor David Bowman moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Louise Marston.

Upon being put to the vote and with 11 voting for the motion and with 2 against it was resolved that

Decision

1. Following receipt of confirmation from the Local Highway Authority of no reasonable objections to the planning application, full planning permission be **GRANTED** subject to:

- A. The completion of a S106 agreement to secure:
- Affordable housing: 30% provision.
 - Education contribution (towards land and build costs for a new primary school).
 - Pre-school contribution (towards a new pre-school facility to be co-located with the new primary school).
 - Open space maintenance commuted sum (in the event the Public Open Space on site is subsequently transferred to the Council for maintenance).
 - Contribution towards strategic village green infrastructure provision (off site).
 - Libraries contribution.

And

- B. subject to conditions:
- Time limit (3 years for commencement)
 - Materials (use of those proposed)
 - Water efficiency measures (triggering the 'optional' requirements of the Building Regulations)
 - Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented)
 - Public open space (strategy for future management and maintenance, unless specifically required by clauses in the S106 Agreement)
 - Landscaping (precise details and implementation of new hard and soft landscaping)
 - Retention and protection of existing trees and hedgerows during construction
 - Ecology (securing ecological enhancements at the site)
 - Construction management plan, including waste minimisation and recycling.
 - As reasonably recommended by the Local Highway Authority, including provision of the strategic highway improvements to the 'Eriswell Road' junction prior to the occupation of the first dwelling.
 - Contamination & remediation (further investigations and any remediation necessary)
 - Means of enclosure (to be submitted for the dwellings and outer boundaries of the site.
 - Noise mitigation (to internal rooms)
 - Fire Hydrants (details to be submitted and agreed)
 - Water efficiency measures
 - As recommended by the Flood and Water Management team at Suffolk County Council.
 - Provision of public information/interpretation boards and information packs for residents with respect to avoiding impacts upon the Special Protection Area.
 - Any additional conditions considered necessary by the Assistant Director (Planning and Regulatory).

2. In the event of the Assistant Director (Planning and Regulatory) recommending alternative (reduced) S106 Heads of Terms from those set out above on the grounds of adverse financial viability or other factors pertaining to the deliverability of the development, the planning application be returned to the Development Control Committee for further consideration.
3. In the event the applicant declines to enter into a planning obligation in full or in part to secure the Heads of Terms set out above for reasons considered unreasonable by the Assistant Director (Planning and Regulatory), the application be returned to the Development Control Committee for further consideration.

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

Councillor Louise Marston left the meeting at 7.40pm on conclusion of this item.

233. **Planning Applications DC/16/2832/RM & DC/16/2833/FUL - Land East of Kings Warren, Warren Road, Red Lodge (Report Nos: DEV/FH/17/019 & DEV/FH/17/020)**

The Chairman agreed for these two items to be considered concurrently as they concerned the same site.

Reserved Matters Application - Submission of details under Planning Permission F/2013/0257/HYB - the means of access, appearance, landscaping, layout and scale for Phases B and C

Planning Application – 8no dwellings and associated garaging and parking

These applications had been referred to the Development Control Committee at the request of one of the Red Lodge Ward Members, Councillor Lance Stanbury, for the reasons detailed Paragraph 29 of Report No DEV/FH/17/019.

A Member site visit was held prior to the meeting. Officers were recommending that the applications be approved subject to conditions, as set out in Paragraph 53 of Report No DEV/FH/17/019 (DC/16/2832/RM) and Paragraph 47 of Report No DEV/FH/17/020 (DC/16/2833/FUL).

The Principal Planning Officer made reference to the previously granted hybrid application for the site (F/2013/0257/HYB) within her presentation.

Speaker: Mr Clive MacLeod (resident) spoke against the applications

Further to the comments made by the public speaker, the Officer drew attention to the agreed haul route plan in respect of the development; she confirmed to Members that past breaches of this plan had been notified to the

Council who were monitoring this. The Committee were advised that the separate enforcement matter was not a material planning consideration.

In response to a question concerning education provision, Officers confirmed that Suffolk County Council had recently granted permission for Red Lodge's second primary school to be constructed.

Councillor Lance Stanbury was present as Ward Member for the application and spoke on the importance of space standards and the quality of developments within the District. He advised the Committee that he had raised the size of properties with the Council's Strategic Housing Team who confirmed that the size of the units met with minimum space requirements.

The Service Manager (Planning – Development) also added that Officers had been undertaking a piece of work with regard to space standards across West Suffolk and this would be presented to a future meeting of the Development Control Committee.

Councillor David Bowman moved that Planning Application DC/16/2832/RM (Report No DEV/FH/17/019) be approved as per the Officer recommendation and this was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 8 voting for the motion, 2 against and with 2 abstentions, it was resolved that

Decision

Planning permission for DC/16/2832/RM (Report No DEV/FH/17/019) be **GRANTED** subject to the following conditions:

1. Development to be carried out in accordance with the approved plans and documents
2. Details of emergency access to be provided and implemented in advance of 194th dwelling.

Councillor David Bowman moved that Planning Application DC/16/2833/FUL (Report No DEV/FH/17/020) be approved as per the Officer recommendation and this was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 8 voting for the motion, 2 against and with 2 abstentions, it was resolved that

Decision

Planning permission for DC/16/2833/FUL (Report No DEV/FH/17/020) be **GRANTED** subject to conditions to address the following:

1. 3 year commencement condition
2. In accordance with plans and documents
3. Unexpected contamination
4. Scheme for surface water disposal including implementation and management

5. Details of roads and footpaths to be submitted and then constructed
6. Construction traffic to use the haul road in accordance with DC/13/0257/HYB
7. Parking and manoeuvring to be provided in accordance with plans

234. **Planning Application DC/16/2740/FUL - Caps Cases , Studlands Park Industrial Estate, Newmarket (Report No: DEV/FH/17/21)**

Planning Application - (i) Extensions to B1 Light Industrial warehouse including loading bay (ii) additional parking area and new access

This application was referred to the Development Control Committee because Newmarket Town Council raised objections which were contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 38 of Report No DEV/FH/17/021.

A Member site visit was held prior to the meeting.

The Senior Planning Officer made reference to the planning application granted for the site in 2013 (F/2013/0253/FUL) and explained that the change to the HGV access proposed in the scheme before Members for determination was considered a much better solution by Officers.

As part of the Officer's presentation attention was drawn to Paragraph 31 of the report, which contained the comments made by the Council's Public Health and Housing Team who raised no objections to the scheme, on the basis that the proposed extension was likely to reduce the noise levels generated during operation by serving as a barrier to the plant.

Lastly, the Officer advised that since publication of the agenda a response had been received from the consultee in respect of surface water. No objections were raised to the scheme, subject to the inclusion of three conditions which would be added to those listed within the report's recommendation.

It was moved by Councillor David Bowman that the application be approved, as per the Officer recommendation and inclusive of the three additional surface water conditions, and this was duly seconded by Councillor Peter Ridgwell.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

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

- 1 Time limit
- 2 14FP Approved drawings.
- 3 Implementation of a programme of archaeological work
- 4 Completion of a site investigation and post investigation assessment
- 5 Provision of electric vehicle charge points

- 6 Provision of new vehicular access in accordance with Drawing No. 3875 - 009 Rev A
- 7 Provision of manoeuvring and parking areas
- 8 Provision of visibility splays
- 9 Hours of demolition and construction
- 10 Hours of use for loading bays
- 11 Hard and soft landscaping scheme
- 12 Details of the strategy for the disposal of surface water
- 13 Details of the implementation, maintenance and management of the strategy for the disposal of surface water
- 14 Details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction

235. Planning Application DC/16/2184/FUL - Nowell Lodge, Fordham Road, Newmarket (Report No: DEV/FH/17/022)

10 No. apartments (demolition of existing dwelling)

This application was originally referred to the Development Control Committee on 3 May 2017 because it was for a major development and Newmarket Town Council raised objections. A Member site visit was held prior to the meeting.

At the May meeting a number of Members voiced varied concerns with regard to the scheme and the Committee resolved that they were minded to the refuse permission, contrary to the Officer recommendation.

Accordingly, a risk assessment had been produced for Members' consideration. Officers were continuing to recommend that the application be approved subject to conditions, as set out in Section I of Report No DEV/FH/17/022.

The Principal Planning Officer advised Members that following the May Committee meeting the applicant had submitted an amended site plan which included four additional parking spaces and an acoustic fence. The applicant had also confirmed that the scheme allowed two vehicles to pass at the entrance to the site. A revised tree protection plan had also been submitted, in light of the works required to enable the four additional parking spaces, which would be mitigated by way of replacement planting.

The Officer also stated that she was aware that the applicant's agent had emailed Members of the Committee directly with supporting information.

Speaker: Mr Malcolm Daines-Smith (agent) spoke in support of the application

Whilst some Members of the Committee continued to voice concern with the scheme a number found it generally acceptable.

It was moved by Councillor Simon Cole that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 9 voting for the motion and with 3 against, it was resolved that

Decision

Full planning permission be **GRANTED**, subject to the following conditions:

1. The development hereby permitted shall be begun no later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:
 - Amended plans and elevations received 1 April 2017
 - Amended roof plan received 13 April 2017
 - Amended site plan received 24 May 2017
 - Amended Tree Protection plan – date TBC
 - Location Plan received 28 September 2016
3. Prior to their first use, samples of all external materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
4. No development above damp course level shall be constructed until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
5. 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.
6. No part of the development hereby permitted shall be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with SCC Drawing DM03; and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.
7. Prior to the development hereby permitted being first occupied, the vehicular 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.
8. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 01.2 rev B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
9. 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.
10. The use shall not commence until the area(s) within the site shown on drawing no. 01.2 rev B for the purposes of manoeuvring and parking

of vehicles and cycle storage has been provided and thereafter that area(s) shall be retained and used for no other purposes.

11. Before the access is first used visibility splays shall be provided as shown on Drawing No. 01.0 Rev A with an X dimension of 2.4 metres and a Y dimension of 80 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 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high excluding the existing mature trees within the highway verge of Fordham Road shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

12. The site preparation, demolition and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

236. **Planning Application DC/16/2731/HH - 5 Whitegates, Newmarket
(Report No: DEV/FH/17/023)**

**Householder Planning Application - (i) Single storey front extension
(ii) Two Storey side and rear extension (iii) Single storey rear
extension - revised scheme of -DC/15/2282/HH**

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

A Member site visit was held on 3 April 2017. No comments had been received from Newmarket Town Council and Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 31 of Report No DEV/FH/17/023.

The Planning Officer explained that in 2016 planning permission was granted under application DC/15/2282/HH. However, whilst works had been largely completed, several elements had been found not to conform to what was granted permission.

Accordingly, the plans before Members had been amended as part of the retrospective application to better show what works had been completed.

As part of his presentation the Case Officer advised that a first floor front elevation window had been omitted from the plans, however, this could be delegated to Officers to include if Members resolved to approve the application.

Councillor Ruth Bowman explained that whilst she was not happy with the noncompliance and subsequent retrospective application, she moved that the application be approved as per the Officer recommendation (inclusive of the delegation in respect of the first floor window) and this was duly seconded by Councillor Simon Cole.

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

Councillor Brian Harvey raised a question with regard to building regulations. Officers confirmed that a building regulations application had been submitted via an external company, however, Members were reminded that building regulations compliance was not a material planning consideration.

The Case Officer advised the Committee that a significant amount of the scheme before them would have been allowed under Permitted Development.

The Service Manager (Planning – Development) reminded Members that whilst the application was retrospective it, like any other, needed to be considered on its own merits. She also advised the Committee that it was custom and practice to consider Permitted Development alongside an application in order to help inform an Officer recommendation.

Councillor Stephen Edwards spoke against the application, he cited objections to the scheme in respect of:

- Poor design being out of character in the street scene;
- Impact on neighbours' amenity (overlooking); and
- Overdevelopment of the site.

Councillor David Bowman proposed that the application be refused, contrary to the Officer recommendation, for the reasons cited by Councillor Edwards and this was duly seconded by Councillor Edwards.

The Service Manager (Planning – Development) explained that the 'minded to' process would be invoked in respect of this application should Members resolve to refuse, and Officers would produce a risk assessment for consideration at the next meeting of the Committee.

Councillor Cole requested that the following information be included in the risk assessment report; the scheme granted approval under DC/15/2282/HH, development allowed under Permitted Development and the scheme applied for retrospectively – to enable Members to clearly consider all elements in comparison with each other.

The Chairman then put the motion for refusal to the vote and with 9 voting for the motion, 2 against and with 1 abstention it was resolved that

Decision

Members were **MINDED TO REFUSE PLANNING PERMISSION, CONTRARY TO THE OFFICER RECOMMENDATION** due to concerns with:

- Poor design being out of character in the street scene;
- Impact on neighbours' amenity (overlooking); and
- Overdevelopment of the site.

The meeting concluded at 8.57 pm

Signed by:

Chairman
