

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 6 February 2019** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

Andrew Appleby

Brian Harvey

David Bowman

Carol Lynch

Ruth Bowman J.P.

David Palmer

Simon Cole

Peter Ridgwell

Roger Dicker

347. **Apologies for Absence**

Apologies for absence were received from Councillors Louis Busuttill, Stephen Edwards and Louise Marston.

348. **Substitutes**

There were no substitutes present at the meeting.

349. **Minutes**

The minutes of the meeting held on 2 January 2019 were unanimously received by the Committee as a correct record and were signed by the Chairman.

350. **Planning Application DC/18/2308/FUL - Palace Cottage, Palace Street, Newmarket (Report No: DEV/FH/19/002)**

Planning Application - (i) Change of use of existing offices (B1) to 1no dwelling (C3) and associated internal alterations and (ii) Rear enclosure for bin storage and segregation of adjacent property

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

Newmarket Town Council had not objected to the application and Officers were recommending that it be approved, subject to conditions as set out in Paragraph 22 of Report No DEV/FH/19/002.

Councillor Carol Lynch asked if the property had been planned for use as part of the Council's neighbouring Home of Horseracing development.

Councillor David Bowman responded, in his capacity as Cabinet Member for Operations, and explained that the building was not required by the Home of Horseracing complex at present. However, the Council intended to retain the property for rental once converted.

The Service Manager (Planning – Development) reminded the Committee the future usage/ownership of the property was not relevant to the consideration of the application.

Councillor Simon Cole proposed that the application be approved, as per the Officer recommendation, this was duly seconded by Councillor Carol Lynch.

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. The development hereby permitted shall be begun not 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 approved plans and documents.
3. 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, public holidays or bank holidays.
4. No external lighting other than that which forms part of the development hereby permitted and shown on plan no. 30190/PA/003 shall be provided within the application site.
5. The use shall not commence until the areas within the site shown on Drawing No. 30190/PA/003 for the purposes of secure cycle storage have been provided and thereafter that area shall be retained and used for no other purposes.
6. The dwelling(s) hereby approved shall not 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 and evidence of compliance has been obtained.

351. Planning Application DC/18/1863/OUT - Glenroyal, 141 All Saints Road, Newmarket (Report No: DEV/FH/19/003)

Outline Planning Application (all matters reserved) - up to 8no. dwellings with off road parking within courtyard (following demolition of existing residential property and associated detached garage) - Amended plans received 21/12/19 reducing units to 8, revised block plans/ elevations

This application had been referred to the Development Control Committee following consideration by the Delegation Panel. A Member site visit was held prior to the meeting.

Newmarket Town Council raised no objections to the proposal and Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 35 of Report No DEV/FH/19/003.

As part of her presentation the Senior Planning Officer provided the Committee with the following updates:

- Attention was drawn to an amended plan which had been produced by the applicant in response to concerns raised by Suffolk County Council Highways in relation to the car parking spaces at the rear of the site. The spaces to be provided were now shown as 2.8m wide which complied with the Suffolk Guidance for Parking; and
- An additional standard condition was to be added to the recommendation with regard to water efficiency.

Councillor Simon Cole raised a question with regard to the additional water efficiency condition and asked how this was enforced. In response, the Service Manager (Planning – Development) explained that it was addressed via the Building Regulations process.

Councillor Brian Harvey asked if an additional condition needed to be included to reflect the demolition required as part of the scheme. The Service Manager (Planning – Development) drew Councillor Harvey's attention to condition 10 within the recommendation, and assured Members that this included the regulation of any demolition as well as construction.

Councillor Peter Ridgwell raised concern with the quality of the photographs used in the presentation, in response the Chairman stressed the importance of the scheduled site visit.

Councillor Ridgwell then moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Carol Lynch.

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. 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,

In the case of approval on different dates, the final approval of the last such matter to be approved.

2. Prior to commencement of development details of the [access, appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.
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: Site Location Plan, received 17.09.2018
4. Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
5. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at a reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
6. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
 - iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
7. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in condition 6 iii) is submitted and approved, in writing, by the Local Planning Authority. The long term monitoring and maintenance plan in condition 6 iii) shall be updated and be implemented as approved.
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

9. The hours of demolition, site clearance, preparation and construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site demolition, site clearance, preparation or construction activities shall take place at the application site on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.
10. Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation. The programme shall include:-
 - a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - b. noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - c. dust, dirt and vibration method statements and arrangements;
 - d. site lighting.
11. The acoustic insulation of each dwelling shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.
12. The dwelling(s) hereby approved shall not 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 and evidence of compliance has been obtained.

352. Planning Application DC/18/1167/FUL - La Grange House, Fordham Road, Newmarket (Report No: DEV/FH/19/004)

Planning Application - 1no. dwelling

This application was referred to the Development Control Committee following consideration by the Delegation Panel and at the request of Ward Members (Severals) Councillors Andrew Appleby and Ruth Allen. Newmarket Town Council had also submitted objections to the proposal.

A Member site visit was held prior to the meeting. A supplementary document relating to the application had been circulated by way of 'late papers' issued after publication of the agenda.

Officers were recommending that the application be refused, for the reason set out in Paragraph 35 of Report No DEV/FH/19/004.

As part of his presentation the Senior Planning Officer made reference to:

- Site maps of a previously approved (in 2013) scheme;
- A map of protected trees; and
- A shade analysis.

The Officer also advised Members of the following corrections:

- Paragraph 34 of Report No DEV/FH/19/004 should read "*In conclusion, the **detail** of the development...*" (not principle); and
- Paragraph 5 of the supplementary late papers incorrectly referred to 'Paragraph 32' and it should have read Paragraph **25**.

Speaker: Meghan Bonner (architect) spoke in support of the application

Councillor Andrew Appleby spoke in support of the scheme and objected to the reason for refusal in relation to the Beech Tree (T013).

He moved that the application be approved, contrary to the recommendation for refusal, and this was duly seconded by Councillor Roger Dicker.

The Service Manager (Planning – Development) advised that if Members were minded to approve the application, contrary to the Officer recommendation, then the decision making protocol would be invoked and a risk assessment would be produced for consideration by the Committee at a future meeting.

Other Members spoke in support of the Officer recommendation and the impact the tree in question was likely to have on the amenity of future occupants as well as concern about the impact the development itself would have on the tree.

Accordingly, Councillor David Bowman proposed that the application be refused and this was duly seconded by Councillor Peter Ridgwell. However, he was advised by the Solicitor that the amendment was not valid; in that it was a direct negative of the substantive motion.

The Chairman then put the motion for minded to approve to the vote and with 3 voting for the motion and with 8 against, the Chairman declared the motion lost.

Councillor David Bowman then proposed that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Peter Ridgwell.

Upon being put to the vote and with 8 voting for the motion, 1 against and with 2 abstentions, it was resolved that

Decision

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

1. The position of the large Beech Tree (detailed as T013), which is a prominent category A1 specimen, would lead to a significant loss of sunlight hours that the proposed dwelling would otherwise enjoy and be a burdensome seasonal nuisance due to leaf drop and other detritus. The presence of the Beech tree is also the likely to lead to a heightened perception of risk from falling branches to future occupants due to the size and age of the tree in such close proximity to the dwelling. Consequently, these matters are all likely to lead to future

pressure to lop or fell the Beech tree. Should this occur, the significant contribution that the tree does and could continue to make to the overall character and appearance of the conservation area would be lost. The proposal would therefore be in conflict with policies DM2, DM13 and DM17 of the Joint Development Management Policies Document 2015, Policy CS5 of the Forest Heath Core Strategy 2010 and the provisions of the National Planning Policy Framework 2018 which seek to maintain local character and require new development to address key features and characteristics of an area.

The meeting concluded at 6.49pm

Signed by:

Chairman
