

# Development Control Committee



**Forest Heath**  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 27 March 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

Roger Dicker	Stephen Edwards
Andrew Appleby	Brian Harvey
David Bowman	Carol Lynch
Ruth Bowman J.P.	Louise Marston
Louis Busuttil	David Palmer
Simon Cole	Peter Ridgwell

*This was the last meeting of Forest Heath District Council's Development Control Committee before it's dissolution on 6 May 2019. As a result, the minutes of the meeting remain as drafted following the meeting and cannot be confirmed by the Committee and signed by the Chair. This is consistent with all other dissolved Committees and bodies.*

**353. Apologies for Absence**

There were no apologies for absence.

**354. Substitutes**

There were no substitutes present at the meeting.

**355. Minutes**

The minutes of the meeting held on 6 February 2019 were unanimously received as an accurate record and were signed by the Chairman.

**356. Planning Application DC/18/2490/FUL - Land Adjacent to Manor Road, Brandon (Report No: DEV/FH/19/005)**

**Planning Application - (i) Change of use from agricultural land to new municipal cemetery, (ii) new vehicular access, (iii) road crossing and (iv) associated engineering operations (Previous DC/15/1198/FUL)**

This application was referred to the Development Control Committee because the Planning Authority had an interest in the application site.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 46 of Report No DEV/FH/19/005.

As part of her presentation the Principal Planning Officer advised the Committee of the following amendments to the report:

- Paragraph 20 – the reference to "...July 2019..." should have read 'February 2019';
- Condition 14 – in light of ongoing discussions with the Environment Agency the precise wording of the recommendation was to be delegated to the Assistant Director (Planning and Regulatory Services); and
- Condition 18 – the reason for this condition had been mistakenly omitted from the report and was read out to the Committee.

Speaker: David Barker (agent) spoke in support of the application

Councillor David Palmer spoke in support of the application and moved that it be approved, as per the Officer recommendation and inclusive of the amendment to Condition 14, 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 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 Prior to commencement of development a phasing plan for the application site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details or in any other phased arrangement as shall be agreed and approved in writing with the Local Planning Authority.
- 3 No development shall take place within the whole site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation and Evaluation which has been submitted to and approved in writing by the Local Planning Authority.  
The scheme of investigation shall include an assessment of significance and research questions; and:
  - a. The programme and methodology of site investigation and recording
  - b. The programme for post investigation assessment
  - c. Provision to be made for analysis of the site investigation and recording
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e. Provision to be made for archive deposition of the analysis and

records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

- 4 Within six months of the completion of the archaeological fieldwork, or other such phased arrangement as may be agreed and approved in writing by the Local Planning Authority, the site investigation and post investigation assessment shall be completed, submitted to and approved in writing by the Local Planning Authority in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 2 and the provision made for analysis, publication and dissemination of results and archive deposition.
- 5 Prior to the commencement of development a scheme for surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approved details or in any such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 6 Except for the construction of the vehicular access from Manor Road together with the associated levelling works, development shall not begin until a scheme for groundwater monitoring has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the scheme shall include measurements of the depth to groundwater beneath the site at monthly intervals. The scheme shall include details of the measures to protect the existing monitoring wells. The scheme shall be reviewed following the collection of groundwater depth data over a period of one year.
- 7 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing Nos 366/2016/01 Rev P2 and 366/2016/03 Rev P2 and made available for use prior to first use of the cemetery. It shall be retained thereafter in its approved form.
- 8 No development above ground shall take place until details have been 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.
- 9 No above ground development shall take place until details of the areas to be provided for the loading, unloading, manoeuvring, parking of vehicles, including secure cycle storage, have been 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, or in any such other phased arrangement as agreed and approved in writing by the Local Planning Authority, and shall be retained thereafter and used for no other purpose.
- 10 Within two months of commencement of any phase of the development hereby approved, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include planting plans; written specifications; schedules of

- plants, noting species, plant sizes, proposed numbers/densities; implementation programme. The scheme shall also indicate all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development.
- 11 Within two months of commencement of any phase of the development hereby approved, a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include proposed means of enclosure; car parking layouts; hard surfacing materials; street furniture; signs; lighting; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables; pipelines etc. indication lines, manholes, support etc.); retained historic landscape features and proposals for restoration - where relevant.
  - 12 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any phase of the development or in accordance with the programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of planting, any trees or plants or any replacement planting is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) replacement trees and plants of the same species and size as that originally planted shall be planted in the next planting season, in the same place, unless the Local Planning Authority gives its written consent to any variation.
  - 13 Within two months of commencement of any phase of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to first use of any part of the development, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development.
  - 14 The wording of the condition in respect of burials in the cemetery be delegated to the Assistant Director (Planning and Regulatory Services) following discussions with the Environment Agency.
  - 15 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.
  - 16 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.
  - 17 There shall be no obstruction of the route of Brandon Footpath No. 13 which runs adjacent to the application site, and the existing route of the footpath shall be retained.
  - 18 Notwithstanding the provisions of the Town and Country Planning

(General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 12, Class A of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.

- 19 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 part of the highway.
- 20 All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal dated May 2018 prepared by BASEcology as already submitted with the planning application and agreed with the Local Planning Authority prior to determination.
- 21 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

**357. Planning Application DC/18/0492/FUL - Brickfields Cottages, Cemetery Hill, Newmarket (Report No: DEV/FH/19/006)**

*(Councillor Andrew Appleby declared a non-pecuniary interest in this item as he was very familiar with the applicant. He advised that he would remain in the meeting but would not take part in the debate and would abstain from the voting thereon.*

*Councillor Simon Cole also declared a non-pecuniary interest in this item as he was acquainted with both the applicant and the public objectors. He advised that he would remain in the meeting but would not take part in the debate and would abstain from the voting thereon.)*

**Planning Application - (i) Change of use from Stud to Thoroughbred Race Horse Services and Stud (ii) Pony show jumping & training (iii) extension to existing ménage, (iv) 6no lighting columns and (v) new access and track (Part Retrospective)**

This application was referred to the Development Control Committee as it was defined as being a major development owing to the site area of 4.4 hectares and in light of Exning Parish Council having raised objections to the proposal.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 109 of Report No DEV/FH/19/006.

The Senior Planning Officer, as part of his presentation, drew attention to the late papers which had been published supplementary to the agenda and which set out amendments to two conditions (Nos 6 and 8) and listed an additional condition for inclusion in the recommendation.

The Case Officer also drew attention to Paragraphs 18 – 20 which explained that the application fell within the boundary of Exning Parish, following the Community Governance Review undertaken in 2017.

Speaker: Councillor Andy Drummond (Newmarket Town Council) spoke in support of the application

Councillor David Bowman proposed that the application be approved, as per the Officer recommendation and inclusive of the amendments to conditions as outlined in the late papers. This was duly seconded by Councillor Ruth Bowman.

Councillor Simon Cole requested that a recorded vote be taken and this was supported by four other Members.

Upon being put to the vote, Members voted as follows:

<b>Name of Member</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Andrew Appleby			X
Chris Barker	X		
David Bowman	X		
Ruth Bowman	X		
Rona Burt	X		
Louis Busuttil	X		
Simon Cole			X
Roger Dicker	X		
Stephen Edwards	X		
Brian Harvey	X		
Carol Lynch	X		
Louise Marston	X		
David Palmer	X		
Peter Ridgwell	X		
<b>TOTAL</b>	<b>12</b>	<b>0</b>	<b>2</b>

With 12 voting for the motion and with 2 abstentions, it was resolved that

#### Decision

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

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 2 Within 3 months from the date of this permission, a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the proposed position, species, & canopy spread of all retained trees and all proposed planting, with a minimum of at least two new trees to be planted. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of this permission 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. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 3 The development shall be carried out in complete accordance with the Tree Protection Plan as per appendix 5 and appendix 6 of the submitted Arboricultural Impact Assessment (Ref: P3055.4.0, dated 30 November

- 2018).
- 4 No other part of the development hereby approved shall be commenced until the new vehicular access has been laid out and completed in accordance with SCC Drawing No DM04 and has been made available for use. Thereafter the access shall be retained in the specified form.
  - 5 Before the new access onto Exning Road (The B1103) is first used visibility splays shall be provided as shown on Drawing No. 1907/11 REV F with an X dimension of 4.5m and a Y dimension of 120m in both directions 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 shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. This would include the removal and/or pruning of trees in the visibility splay.
  - 6 Before the new access onto Exning Road (the B1103) is first used and within one month from the date of this planning permission, details shall be submitted and approved in writing by the Local Planning Authority showing that the access is to be properly surfaced with a bound material for a minimum distance of 20 metres from the edge of the metalled carriageway. The access shall be carried out in complete accordance with the approved details.
  - 7 Gates shall be set back a minimum distance of 20 metres from the edge of the carriageway.
  - 8 Before the new access onto Exning Road (the B1103) is first used, within one month from the date of this planning permission, 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.
  - 9 Within 3 months from the date of this permission, details shall be submitted to and approved in writing by the Local Planning Authority showing the location and wording of signs related to preventing the use of the existing access between Orchard Loge and Rose Cottage, by HGV and horse boxes over 2.6m in height and 2.2m in width.
  - 10 The upper limit of the main beams of the proposed menage, taken as 1/10th of the peak intensity level of any floodlight, shall not be greater than 70 degrees from the downward vertical.
  - 11 The six telescopic flood lights as approved and shown on drawing 1907/10 REV E shall only be used between the hours of 7am - 9pm. At all other times the lights shall not be used or switched on.
  - 12 Upon completion of the new vehicular access onto Exning Road (the B1103) and the associated track, the vehicle height restrictor as depicted in drawing 1907/10 REV E shall be installed and thereafter the existing access between Rose Cottage Orchard Lodge shall not be used by vehicles exceeding 2.6m in height.  
The height restrictor shall be retained as illustrated on 1907/10 REV E and shall only be removed with the prior written agreement of the Local Planning Authority.
  - 13 The development shall be carried out in full accordance with all mitigation measures, as contained within section 5 of the Ecological

- Impact Assessment (Ref: P3055.5.0 & dated 23 November 2018).
- 14 Within 6 months from the date of this permission, details of: Three Schwegler 1B General Purpose Bird Boxes, Two Schwegler 1SP Sparrow Terraces and one Schwegler IFF / 2F Bat Box, 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.
  - 15 Within six months from the date of this planning permission, the new access onto Exning Road (the B1103) shall be installed as per the approved drawings referred to in condition 1 of this permission and the details that shall have been previously approved pursuant to conditions 6 and 8 of this planning permission.

358. **Planning Application DC/19/0186/FUL - The Avenue, Newmarket (Report No: DEV/FH/19/007)**

**Planning Application - Continued use of first and second floors as a large 9no. bedroom HMO (sui generis)**

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

Newmarket Town Council had raised no objections and Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 35 of Report No DEV/FH/19/007.

Councillor Stephen Edwards 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 the vote being unanimous, it was resolved that

Decision

Planning permission be **GRANTED** subject to:

- 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 Before the large HMO hereby approved is occupied, details of the areas to be provided for 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.
- 4 The HMO 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.



359. **Closing Remarks**

This being the last Forest Heath Development Control Committee prior to the formation of the West Suffolk Council, both the Chairman and Service Manager (Planning – Development) gave thanks to Members and Officers and wished those standing for re-election well.

The meeting concluded at 6.51pm