

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 4 November 2015 at **6.00 pm** at the **Council Chamber,**
District Offices, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

David Bimson

Brian Harvey

David Bowman

Carol Lynch

Ruth Bowman

Louise Marston

Louis Busuttill

Peter Ridgwell

Simon Cole

Ruth Allen

Stephen Edwards

Bill Sadler

94. **Chairman's Announcement**

Prior to the consideration of the items on the agenda, the Chairman informed all members of the public in attendance that there 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.

95. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby and James Lay.

96. **Substitutes**

Councillor Ruth Allen attended the meeting as substitute for Councillor Andrew Appleby and Councillor Bill Sadler attended as substitute for Councillor James Lay.

97. **Minutes**

The minutes of the meeting held on 7 October 2015 were unanimously accepted as an accurate record and were signed by the Chairman.

98. **Planning Application DC/14/2218/FUL - B2/B8 Warehousing and Distribution Centre, Units 9-11, St Leger Drive, Newmarket (Report No DEV/FH/15/044)**

Construction of a B2/B8 warehouse and distribution centre.

This application had been referred to the Development Control Committee because it was a major application and objections had been received from Newmarket Town Council and third parties.

It was originally considered at the Committee meeting on 7 October 2015 at which a decision was made to defer the item in order to allow time for Officers to raise Members' concerns with the applicant regarding the impact of the scheme on residents and to establish if it was possible to make changes to the application to address these concerns.

A Member site visit had been held prior to the October Committee meeting. Officers were continuing to recommend that the application be approved as set out in Paragraph 18 of Report No DEV/FH/15/044.

The Principal Planning Officer advised that since the last meeting of the Committee amended plans had been submitted by the applicant which all parties had been consulted with. In summary the amended plans:

- Contained no further landscaping within the scheme;
- The footprint of the building was unchanged in size or location;
- The height of the building had been reduced by 0.5metres;
- Shadow plans had been submitted for the months of March and April;
- The applicant had confirmed that they could comply with the conditions in respect of the hours of operation;
- The applicant stated that the building did not have to be blue in colour and would comply with any condition with regard to this; and
- The end user of the building was still unknown by the Planning Authority.

Furthermore, the Committee was advised that since publication of the agenda 10 new objections had been received, over and above those listed previously, and the Officer summarised the points raised in these representations as part of her presentation.

Councillor Carol Lynch spoke against the application and proposed that it be refused on grounds of overdevelopment of the site and the unneighbourly/overbearing impact on neighbouring residents.

Councillor Ruth Allen, as Ward Member for the application, then spoke at length in opposition to the proposal. She clarified that whilst she lived on the neighbouring Studlands estate she was not in close proximity to the development site and having taken advice from the Council's Lawyer she confirmed that she was able to take part in consideration of the application. On conclusion she duly seconded Councillor Lynch's motion of refusal.

In order to be in a position in which to demonstrate and defend the Committee's decision the Principal Planning Officer asked the proposer and

seconded of the motion to confirm that they wished to refuse the application on the basis of:

- The size and position of the scheme;
- It's proximity to residential properties and the detrimental impact on their amenity; and
- Non compliance with Policies DM2, g. (v), (vi) and j together with the NPPF 56.

Both parties were in agreement with the detailed reasons for refusal and upon being put to the vote and with 13 voting for the motion and with 1 abstention it was resolved that:

The application be **REFUSED**, contrary to the Officer recommendation of approval, for the following reasons:

1. The size and position of the scheme;
2. It's proximity to residential properties and the detrimental impact on their amenity; and
3. Non compliance with Policies DM2, g. (v), (vi) and j together with the NPPF 56.

Speaker: Mrs Gail Spoore (neighbour) spoke against the application.

Councillor Ruth Allen left the meeting at 6.34pm on conclusion of the above item.

99. **Planning Application DC/15/1030/FUL - New Bungalow, West Suffolk Golf Centre, New Road, Beck Row (Report No DEV/FH/15/045)**

Proposed dwelling to replace temporary mobile home.

This application was referred to the Development Control Committee following consideration by the Delegation Panel. No objections had been received from the Parish Council or third parties.

It was originally considered at the Committee meeting on 7 October 2015 at which Members resolved that they were 'minded to approve' the application, contrary to the Officer recommendation of refusal. As a result of which, Officers had prepared a Risk Assessment to assess any potential implications of such a decision.

A Member site visit had been held prior to the meeting. Officers were continuing to recommend that the application be refused as set out in Paragraph 13 of Report No DEV/FH/15/045.

The Senior Planner drew Members' attention to Paragraph 12 of the report in which it set out conditions to be imposed should the Committee grant approval. These included a condition in respect of restricting occupation of the dwelling to employees of the West Suffolk Golf Centre, as Members had made reference to at the October Committee.

Councillor David Bowman, as Ward Member for the application, spoke in support. He made reference to the NPPF and the essential need for a rural

worker to live near their place of work and proposed that the application be approved. This was duly seconded by Councillor Simon Cole.

The Chairman asked if it would be possible to include a further condition, in addition to those listed in Paragraph 18, to stipulate that the existing mobile home on the site be removed.

With all parties being in agreement, the Chairman then put the motion to the vote and with 9 voting for, 3 against and with 1 abstention it was resolved that:

The application be **APPROVED** contrary to the Officer recommendation of refusal subject to the following conditions:

1. Time limit
2. Compliance with approved plans
3. Parking and turning to be provided and retained
4. Hard and soft landscaping details to be submitted and agreed
5. Boundary treatment details to be submitted and agreed
6. Materials to be submitted and agreed
7. Occupation of bungalow to be tied to anyone employed at the golf course with an essential need to live on site, such as a green keepers
8. The existing mobile home on the site to be removed

100. **Planning Application DC/15/1651/FUL - Land North East of North End Road, North End Road, Exning (Report No DEV/FH/15/046)**

Change of use of land to use as a residential caravan site for 2 no. gypsy families, each with 2 no. caravans and an amenity building (total of 4 no. caravans and 2 no. amenity buildings), including the laying of hardstandings and improvement of access.

This application was referred to the Development Control Committee by the Head of Planning and Growth due to the controversial and contentious nature of the proposal.

A Member site visit was held prior to the meeting. Exning Parish Council and a number of residents objected to the application.

Officers were recommending that the application be refused as set out in Paragraph 88 of Report No DEV/FH/15/046. Attention was drawn to a supplementary paper tabled to the meeting which set out an amendment to recommendation 2 (Paragraph 88), further to this the Committee was advised that the wording "... and Northend Stud, Exning" needed to be added to the end of the first sentence.

The Planning Officer also made reference to Paragraph 36 of the report and explained that the extract from the guidance therein contained an error and the words "...or permanently..." should be removed and disregarded.

Members were advised that since publication of the agenda a further letter had been received from Northmore Stud in Exning, stating that there was a possibility that the land in question could have been used for target practice historically. In response to which, the Officer drew attention to Paragraph 58

of the report and the Environmental Health Officer's comments with regard to land contamination.

Additional objections had also been received from residents, however, none of which raised any new issues/points to those covered in previous representations.

Lastly, the Committee was provided with an update in respect of Paragraph 36 a) which made reference to an unmet need for 9 additional traveller sites/pitches within the District for 2011-2016. The Officer explained that approval for 3 sites had been granted within Red Lodge, meaning there was now an unmet need for a further 6.

Councillor Simon Cole, as Ward Member for the application, spoke in support of the Officer recommendation and moved that the application be refused. This was duly seconded by Councillor David Bowman and with the vote being unanimous, it was resolved that:

The application be **REFUSED** for the following reasons:

1. The proposed development would, by virtue of the inadequate visibility splays and access gradient, have an unacceptable impact on highway safety, to the detriment of both vehicles leaving the site and other road users (including horses) on North End Road. Furthermore, there are no footpath or highway verges close to the application site, where the lane is narrow, such that there is potential for further highway conflict. The proposal is therefore considered to be contrary to policy DM5 of the Council's Joint Development Management Policies Document and paragraph 32 of the National Planning Policy Framework.
2. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the development would not adversely affect the operational use of Northmore Stud and Northend Stud, Exning. In the absence of such information, and given the unique quality of Newmarket and the surrounding area which is dominated by the horseracing industry, the Local Planning Authority is of the opinion that the proposed development would, by virtue of the layout/position of the buildings and caravans on site, have an adverse impact on the horseracing industry by virtue of increased noise, light pollution and additional traffic in an unsustainable location. The proposal is therefore contrary to Policy DM48 of the Council's Joint Development Policies Document (February 2015).
3. The applicant has not sufficiently demonstrated a need to be located on the site, including local connections to support any need, and has not demonstrated why this need cannot be met by an alternative site. By failing to provide any evidence of substance, the Local Planning Authority cannot positively determine this application, where the site is situated within the open countryside, away from the defined settlement boundary of Exning. The proposal is therefore considered to be contrary to policy CS 8 of the Council's Core Strategy and policies B, C and H of the Planning Policy for Traveller Sites (PPTS).

Speakers: Mr James Meade spoke against the application
Councillor Terry Wood (Exning Parish Council) spoke against the application.

101. **Planning Application DC/14/2203/OUT - Land adj Cock Inn, Bury Road, Kentford (Report No DEV/FH/15/047)**

Outline planning application – residential development of up to 34 dwellings together with associated roads, paths and access to the public highway.

This application was referred to the Development Control Committee due to its potential cumulative impact upon the village of Kentford when considered in conjunction with other planning applications.

A Member site visit was held prior to the meeting. Kentford Parish Council and a number of residents objected to the application. Officers were recommending that the application be approved as set out in Paragraph 140 of Report No DEV/FH/15/047.

The Principal Planning Officer – Major Projects confirmed that the application before the Committee was in outline form and the mans of access only to the site formed part of the application. All other matters were reserved for consideration as part of any subsequent reserved matters application(s).

Attention was drawn to an error within Paragraph 63; Members were advised that the "...171 dwellings." made reference to at the very end of the paragraph should have read **117**.

The Committee was also reminded that a Tree Preservation Order in connection with the site was considered and confirmed by Members at their October meeting.

In response to a question raised by Councillor Simon Cole with regard to the S106 Open Space contribution, the Officer explained that the figure would be based on the final number and the amount of open space provided on site; which at this point in time was unknown.

Councillor Carol Lynch spoke against the application and proposed that it be refused on the basis of prematurity and concerns with the infrastructure capacity. This was duly seconded by Councillor Peter Ridgwell.

The Service Manager (Planning – Development) advised the Committee that the motion to refuse would be "minded to" as it was contrary to the Officer recommendation of approval and was considered to have risks associated with the Council's policies, an appeal and the potential risk that the refusal could be judged by the Inspectorate to have been unreasonable; thereby risking an award of costs against the Council. This route, in accordance with the decision making protocol, would enable Officers to prepare a risk assessment report for consideration at the next meeting.

Upon being put to the vote and with 2 voting for, 8 against and with 2 abstentions the Chairman declared the motion failed.

Councillor David Bowman then proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Bill

Sadler. With 9 voting for, 1 against and with 2 abstentions it was resolved that:

The application be **APPROVED** subject to:

1. The completion of a S106 agreement to secure:
 - Affordable housing – 30% of the total dwelling units.
 - Primary school contribution –£3,224 per dwelling.
 - Pre-school contribution - £18,273.
 - Highways contributions - £13 731(cycle link across Bury Road), public transport infrastructure: £4,000.
 - Open space contribution – in accordance with SPD.

In the event that there are any substantive changes to the S106 package, then this will go back to Members for consideration.
2. And the following conditions:
 1. Outline time limit.
 2. Reserved Matters to be agreed (appearance, scale, layout [including internal site layout of roads and ways] and landscaping).
 3. Compliance with approved plans.
 4. Highways – details of proposed access.
 5. Highways – details of bin storage.
 6. Highways – details of surface water discharge.
 7. Highways – details of carriageways and footways.
 8. Highways - details of car parking and manoeuvring areas, including cycle storage.
 9. Highways – details of turning space.
 10. Highways – provision of visibility splays.
 11. Archaeology – implementation of a programme of work; site investigation and post investigation assessment.
 12. Contamination – remediation strategy.
 13. Contamination – further investigative work if necessary.
 14. Details of surface water disposal.
 15. No piling or investigation boreholes using penetrative methods.
 16. Scheme to provide flood plain compensation.
 17. Scheme of surface water drainage/surface water strategy.
 18. Scheme for provision and implementation of pollution control.
 19. Foul water disposal details.
 20. Surface water drainage details.
 21. Construction management plan.
 22. Hours of construction.
 23. Design code.
 24. Details of boundary treatment.
 25. Samples of materials.
 26. Detailed scheme of hard and soft landscaping.
 27. Arboricultural Impact Assessment.
 28. Tree survey and management plan for tree belts, including planting details.
 29. Tree protection details, including details of tree works for retained trees.
 30. No development within RPA of existing trees.
 31. No development to take place until the use of the site by bats has been fully investigated and any mitigation agreed.

32. Landscape management plan, including enhancements for biodiversity.
33. Details of bat licence.
34. Details of lighting.
35. Provision of fire hydrants.
36. Waste minimisation and recycling strategy.

Speakers: Mrs Liz Sneezum spoke against the application
Councillor Malcom Baker (Kentford Parish Council) spoke against the application.

Councillor David Bimson left the meeting at 7.26pm during the preliminary discussion of the above item and prior to the voting thereon.

102. **Planning Application DC/14/1308/FUL - Land at 1-10, Sharpes Corner, Lakenheath (Report No DEV/FH/15/048)**

Erection of 20 no. two-storey dwellings with associated external works (demolition of existing 10 dwellings).

This application was referred to the Development Control Committee as it was a proposal for 'major' development of which Lakenheath Parish Council objected to.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved as set out in Paragraphs 65 and 66 of Report No DEV/FH/15/048.

The Senior Planning Officer advised the Committee that since publication of the agenda Suffolk County Council had confirmed that the S106 contribution towards primary education provision would be £24,362; which would be spend on the interim expansion of the existing village primary school. This figure would be added to the recommendation.

In response to comments made by the Parish Councillor in her speech to the Committee the Service Manager (Planning – Development) confirmed that Officers actively encouraged developers to consult with the relevant Parish Council during the application process.

Councillor Louise Marston, as Ward Member for the application, spoke in support of the Officer recommendation and moved that the application be approved. This was duly seconded by Councillor Carol Lynch and with the vote being unanimous, it was resolved that:

The application be **APPROVED** subject to:

1. The completion of a S106 agreement to secure 3 on site affordable dwellings as well as any additional CIL compliant contributions requested by the County Council including £24,362 towards primary education provision.
2. Following completion of the planning obligation referred to above, the Head of Planning and Growth be authorised to grant planning permission subject to conditions, including:
 - Time limit

- Materials to be submitted and approved
- Accesses from Sharpes Corner to be completed in accordance with plans prior to occupation
- Surface water drainage details to be submitted and approved
- New junction with Sharpes Corner to be completed prior to commencement
- Parking areas to be provided prior to occupation
- Details of cycle storage to be submitted and approved
- Bin storage details to be submitted and approved
- Details of lighting to be submitted and approved
- Land contamination – If found remediation strategy to be submitted
- Development to be carried out in accordance with FRA
- Archaeological assessment to be undertaken
- Archaeological post investigation report to be submitted
- Waste minimisation and recycling strategy to be submitted and approved
- Landscaping details to be submitted and approved
- Bat roost tiles and artificial house martin nests – one to be installed in each dwelling
- Demolition outside of bird nesting season (March – September inclusive)
- Development to be in accordance with approved plans

Speakers: Councillor Hermione Brown (Lakenheath Parish Council) spoke on the application
Mr Mark Savin (Agent) spoke in support of the application

103. **Any Other Business**

The Service Manager (Planning – Development), with the agreement of the Chairman, provided Members with a response to a question raised at a previous Committee meeting in connection with a Tree Preservation Order.

A Member had enquired as to what happened to the wood that was removed from trees within the Council's ownership. Planning Officers had sought a response from the Council's Assistant Arboricultural Officer.

He had explained that in most cases the wood removed was of poor quality (due to the trees being diseased or in poor health) so, where possible, the dead wood was kept on site to encourage biodiversity.

There had been instances (albeit rare) where wood of value had been removed from trees, in this case it had been sold on commercially.

The Committee noted and thanked the Officer for the response.

The meeting concluded at 8.10 pm

Signed by:

Chairman

