

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 5 July 2017 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 Bowman	Brian Harvey
Ruth Bowman J.P.	Carol Lynch
Louis Busuttill	Louise Marston
Simon Cole	David Palmer
Roger Dicker	Peter Ridgwell
Stephen Edwards	

237. **Apologies for Absence**

Apologies for absence were received from Councillor Andrew Appleby.

238. **Substitutes**

There were no substitutes present at the meeting.

239. **Minutes**

The minutes of the meeting held on 7 June 2017 were unanimously received as an accurate record and were signed by the Chairman.

240. **Planning Application DC/16/1897/FUL - Land South of Laurel Close, Holywell Row (Report No: DEV/FH/17/023)**

Planning Application - 6no. detached dwellings with cart lodges, garages and associated works (demolition of agricultural buildings)

This application was referred to the Development Control Committee as it was a departure from development plan policy, in that it proposed residential development outside the limits of the settlement envelope.

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 63 of Report No DEV/FH/17/023.

During the presentation reference was made to the policy conflict in respect of the application; Officers had therefore had to weigh up the benefits and disbenefits of the scheme in order to achieve a balanced recommendation.

The Case Officer also illustrated how the design and layout of the development had been amended during the course of the application.

In response to queries raised at the site visit, the Senior Planning Officer confirmed that there were three other accesses to the adjacent agricultural land so the development proposed would not restrict access.

Lastly, the Committee were advised that three additional recommendations were to be added to the recommendation in respect of surface water, parking provision and deliveries.

Councillors David Palmer and Peter Ridgwell raised questions with regard to the width of the entrance and the roadways within the development. The Case Officer confirmed that Suffolk County Council Highways had raised no concerns and that means of access for the emergency services would be dealt with under the Building Regulations requirements.

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

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. Approved Plans
3. Site clearance not within nesting season
4. Checking for bats prior to demolition
5. Installation of bat boxes on new dwellings
6. Hours of demolition/preparation/construction
7. Construction management and dust mitigation scheme
8. No external lights
9. Acoustic insulation of new dwellings
10. Details of materials, fenestration and doors
11. Contamination conditions as recommended by Environment Officer
12. Soft landscaping (to include native species)
13. Hard landscaping
14. Provision of visibility splays
15. Details of shared surfacing
16. Secure cycle storage
17. Bin storage
18. Water consumption
19. Details to prevent surface water to the highway
20. Construction of carriageway and provision of parking prior to occupation
21. Deliveries management plan

241. **Planning Application DC/16/2762/FUL - Land West of Gazeley Road, Gazeley Road, Kentford (Report No: DEV/FH/17/024)**

Planning Application - 1no. dwelling (following demolition of existing garage)

This application had been referred to the Development Control Committee following consideration by the Delegation Panel. The application came before the Delegation Panel as the Parish Council objected to the development and concerns had been expressed by local Ward Member Councillor Roger Dicker, which was contrary to the Officer recommendation.

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 39 of Report No DEV/FH/17/024.

Councillor Roger Dicker addressed the meeting as Ward Member (South) for the application and expressed disappointment at the quality of the design of the scheme, which he did not consider to be in keeping with other recent developments in Kentford.

Councillor David Bowman asked if it would be possible to condition the opening mechanisms used for the obscure glazed windows in order to reduce the capability of overlooking the neighbouring properties. The Service Manager (Planning – Development) advised Councillor Bowman that this could be looked into.

Councillor Bowman then 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 11 voting for the motion and with 1 abstention, it was resolved that

Decision

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

1. 01A – Time limit detailed.
2. 14FP – Development to accord with Application Form, Design and Access Statement, Biodiversity Checklist, Land Contamination Report, Arboricultural Impact Assessment and Drawing Nos. 10 C, 11 D, 12 A and 5652 D received 16th December 2016, 19th January, 20th February, 13th April and 10th May 2017.
3. 04C – Facing and roofing samples.
4. 18AA – Parking.
5. NS – Hours of construction.
6. NS – Acoustic insulation.
7. 12D – Boundary treatment.
8. 23 – Tree protection in accordance with Hayden’s Tree Report dated 13th December 2016.
9. DM7 – Water consumption.

242. **Planning Application F/2013/0394/OUT - Land West of Eriswell Road, Lakenheath (Report No: DEV/FH/17/025)**

Residential development of up to 140 dwellings with associated open space provision, landscaping and infrastructure works, 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. Amendments to the nesting attempts 'buffer' outside the Special Protection Area and the inclusion of the application site within this buffer; and
- ix. The service of a Tree Preservation Order with respect to trees along the Eastern (road frontage) boundary of the site.

Members conducted a site visit prior to the meeting.

Prior to his presentation the Case Officer tabled two documents to the meeting which related to the application:

1. Late representations from Lakenheath Parish Council and supporting documentation (as emailed directly to all Committee Members by the Parish Council the day before the meeting); and
2. A response to the Parish Council's concerns from RPS CgMs, acting on behalf of the applicant.

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.

Councillor Ruth Bowman joined the meeting at 6.35pm during the adjournment.

The Principal Planning Officer – Major Projects advised Members that, as made reference to in the tabled response from RPS CgMS, the applicant had instructed consultants WSP UK to provide a specific response in relation to the noise concerns raised by the Parish Council. The Officer informed the Committee that the Council's Public Health and Housing Officer had stated that they concurred with WSP UK's report. The most recent noise contour mapping was illustrated as part of the Officer's presentation.

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 124 of Report No DEV/FH/17/025.

Lastly, by way of an update, the Committee were advised that the Council had received an appeal decision in respect of the application at 34 Broom Road, Lakenheath.

Whilst Members were reminded that they were to consider each application on its own merits, attention was drawn to the comments made by the Inspector in respect of highways assessment/mitigation and aircraft noise mitigation which he considered could be transferred to the application before them.

Speakers: Mr Andrew Ellis (resident) spoke against the application
Councillor Hermione Brown (Lakenheath Parish Council) spoke against the application

Councillor Louise Marston, as Ward Member for Lakenheath, spoke both in favour of the appeal outcome (34 Broom Road) and in support of the application and moved that it be approved as per the Officer recommendation. This was duly seconded by Councillor Simon Cole.

Upon being put to the vote and with 11 voting for the motion, 1 against and with 1 abstention, it was resolved that

Decision

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

- A. The completion of a S106 agreement to secure:
 - Affordable housing (30% - up to 42 dwellings)
 - Education contribution (Primary School – up to £ £543,620 towards build costs and up to £45,290 towards land costs)
 - Education contribution – contribution for temporary travel arrangements.
 - Pre-school contribution (up to £151,662)
 - Libraries Contribution (up to £30,240)
 - Public Open Space provision on site (to comply with SPD requirements and future management and maintenance plan) unless the requirements can be appropriately imposed as a condition.
 - SPA Recreational Impact Mitigation Contribution – partly in kind (on land in the control of the applicant) and partly financial contribution to be used towards provision of new and/or upgrade

of existing public footpath network in the vicinity of the application site.

And

B. Subject to conditions, including:

- Time limit (3 years for submission of reserved matters and 2 years for commencement following approval of reserved matters)
- Materials (details to accompany reserved matters submission/s)
- Water efficiency measures (triggering the 'optional' requirements of the Building Regulations)
- Bin and cycle storage areas to be submitted with Reserved Matters
- Public open space (provision in accordance with the adopted SPD and strategy for future management and maintenance, unless specifically required by clauses in the S106 Agreement)
- Protection of retained trees during construction
- Ecology (further ecological surveys, including bat surveys and securing ecological enhancements at the site)
- Construction management plan, including waste minimisation and recycling, hours of construction etc.
- As 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)
- Noise mitigation measures (to internal rooms)
- Fire Hydrants (details to be submitted and agreed)
- Surface water drainage scheme (SUDS - full details to be submitted with the Reserved Matters).
- Provision of public information/interpretation boards and information packs for the new residents with respect to avoiding impacts upon the Special Protection Area.
- Archaeological investigations and recording.

In the event of the Assistant Director for Planning and Regulatory Services recommending alternative (reduced) S106 Heads of Terms from those set out at Paragraph 124 of Report No DEV/FH/17/025 on the grounds of adverse financial viability or other factors pertaining to the deliverability of the development, the planning application be returned to Committee for further consideration.

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 for Planning and Regulatory Services, the planning application be returned to Committee for further consideration.

243. **Planning Application DC/17/0718/FUL - Barley Close, Newmarket
(Report No: DEV/FH/17/026)**

Planning Application - 1no. dwelling

This application was referred to the Development Control Committee following consideration by the Delegation Panel. The application came before the Delegation Panel as the Town Council objected to the development and concerns had been expressed by local Ward Member Councillor Stephen Edwards, which was contrary to the Officer recommendation.

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 34 of Report No DEV/FH/17/026.

The Case Officer spoke on the history of the application site and explained how the recommendation presented to the Committee had been reached on balance.

Speaker: Ms Lisa Beckett (on behalf of applicant) spoke in support of the application

Councillor Stephen Edwards, Ward Member for All Saints, spoke against the application. He proposed that the application be refused on the grounds of the scheme being; overdevelopment, cramped/contrived and out of keeping with the surrounding area. This was duly seconded by Councillor David Bowman.

The Service Manager (Planning – Development) clarified that Officers would not need to undertake a risk assessment on the motion to refuse, meaning the item could be determined and would not need to be deferred to the following meeting of the Committee. She also confirmed that in terms of Policies, the reasons for refusal that Councillor Edwards had cited were contrary to DM2, DM22 and CS5.

Upon putting on the motion to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **REFUSED** as the application was considered to be:

- Overdevelopment;
- Cramped/contrived;
- Out of keeping with the surrounding area; and
- Contrary to Policies DM2, DM22 and CS5

On conclusion of this item Councillors David Bowman and Carol Lynch left the meeting.

244. **Planning Application DC/16/2731/HH - 5 Whitegates, Newmarket
(Report No: DEV/FH/17/027)**

**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 deferred from the Development Control Committee on 7 June 2017 as Members resolved that they were 'minded to refuse' planning permission contrary to the Officer recommendation of approval. The application had been referred to the Development Control Committee following consideration by the Delegation Panel.

A Member site visit was held on 3 April 2017. In their motion to refuse the Committee cited the following objections to the scheme:

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

The Planning Officer reminded Members 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 requested at the June meeting, the following information was 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.

Whilst Officers continued to recommend that the application be approved, subject to conditions as set out in Paragraph I1 of Report No DEV/FH/17/027, reasons for refusal had also been drafted in Paragraphs E9 and F4.

Councillor Ruth Bowman continued to raise concerns, specifically with regard to the unauthorised balcony element and the impact this had on neighbours' amenity. She asked if it would be possible to approve the scheme but condition that the balcony had to be removed.

The Service Manager (Planning – Development) explained that this would not be possible, the Committee were required to determine the scheme before them without amendment.

Councillor Stephen Edwards moved that the application be refused, for the reasons set out in the report, 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 reasons:

1. The development is considered to represent overdevelopment of the application site; the extensions do not respect the character, scale and massing of other dwellings in the locality, detrimental to the visual amenities of the wider street scene. This, together with the use of boarding which is not representative of materials used in the locality, results in a development which has an adverse impact on the character and appearance of the area. The proposals therefore fail to comply with policies DM2 and DM24 of the Joint Development Management Policies Document 2015 and policy CS5 of the Forest Heath Core Strategy 2010; and
2. The proposed development would be detrimental to the amenity of adjacent residents by virtue of resulting overlooking and loss of privacy to neighbouring residents caused by the proposed rear balcony. The proposal would therefore conflict with policy DM2 and DM24 of the Joint Development Management Policies Document 2015.

The meeting concluded at 7.32 pm

Signed by:

Chairman
