

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 6 December 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

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

272. **Apologies for Absence**

There were no apologies for absence.

273. **Substitutes**

There were no substitutes present at the meeting.

274. **Minutes**

The minutes of the meeting held on 1 November 2017 were unanimously received as a correct record and were signed by the Chairman, subject to Councillor Peter Ridgwell asking that it be noted that he had voiced agreement with the statement made by Councillor David Palmer with regard to electrical vehicle charging points, in respect of Minute No 271 (Planning Application DC/17/1106/FUL – Mildenhall Hub, Sheldrick Way, Mildenhall).

The Service Manager (Planning – Development) also took this opportunity, with the permission of the Chairman, to advise the Committee that the Secretary of State had formally decided not to call in the Mildenhall Hub application for his determination, hence planning permission had now been formally granted.

275. **Planning Application DC/17/1107/FUL - Land at Elm Farm, Wilde Street, Beck Row (Report No: DEV/FH/17/041)**

Planning Application - 39 no. dwellings with an area of open space, associated landscaping, access and engineering works (demolition of existing dwelling and associated outbuildings)

This application was referred to the Development Control Committee because it was for a major application and because the Parish Council objected 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 79 of Report No DEV/FH/17/041.

The Principal Planning Officer made her presentation which included visuals of; landscaping, visibility splays, elevations and street scenes. Attention was also drawn to noise contour mapping in light of the proposed dwellings being under the flight path from RAF Lakenheath.

Attention was drawn to Paragraph 10 of the report in which the S106 contributions required for primary education were stipulated as being for West Row Community Primary School. The Officer explained that West Row would be the catchment school in respect of the contributions from this development, if approved, because Beck Row Primary School had already been allocated the maximum number of contributions from other approved developments.

The Principal Planning Officer also advised of the following corrections/amendments to the report (relevant agenda page numbers as indicated):

- Condition 2 – revision number in relation to block 5 was incorrect – this should be 'P03' (Page 36) and the visibility splay drawing number should have revision P01 on the end;
- Condition 6 – word '*not*' to be deleted (double negative – Page 38);
- SCC Archaeological Service confirmed that Condition 9 (Page 39) was no longer required as all archaeological works and reporting had now been completed;
- Condition 13 – Officer note – wording agreed with Anglian Water (Page 41);
- Condition 23 – slight reword at the beginning; 'The dwellings hereby approved shall not be occupied...' (Page 43);
- Condition 24 – Vis splay plan No. missing; 31429-IW-XX-XX-DR-A-2001 P01 (Page 43-44);
- Condition 30 – insert '(shown on the Tree Reference Plan by ACD Environmental; drawing ORB21002-01B)' after 'T14' to make the condition more precise (Page 45); and
- Condition 34 – delete the word 'residential' (Page 46).

Speakers: Annette Dawson (resident) spoke against the application;
Nicole Perryman (agent) spoke in support of the application

Members asked a number of questions in relation to; defined need, school capacity, density of the scheme, elevations and maintenance of driveways. All of which were responded to by the Case Officer and the Service Manager (Planning – Development).

Councillor David Bowman spoke as Ward Member for the application and voiced support for the scheme which would provide much needed affordable housing. He moved that the application be approved, as per the Officer recommendation and inclusive of the identified amendments, 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 **GRANTED** subject to the completion of a Section 106 Agreement to secure the following Heads of Terms, and subject to the following conditions:

HEADS OF TERMS:

- 100% affordable housing (39 dwellings)
- Public open space contribution for improvements at Aspal Close nature reserve - £59,670
- Library contribution - £608
- Pre-school - £24,364
- Primary - £85,267

CONDITIONS:

1. The development to which this permission relates must be commenced not later than the expiration of 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. No development shall commence above slab level until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 on Saturdays and at no time on Sundays or Bank Holidays.
5. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year +CC storm will not exceed the run-off from the undeveloped site following

the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details of which will include:

- Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
- Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance network. A statement on the amount of impermeable area served by each soakaway should also be illustrated on the plans and should be cross referenceable with associated soakaway calculations.
- Modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
- Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table. If individual soakaways are being used they will be at least 5m away from any foundation (depending on whether chalk is present).
- Only clean water will be disposed of by infiltration devices due to the site being close to a Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted- SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.
- Infiltration devices will have a half drain time of less than 24hours (this can be relaxed to where it can be demonstrated that the system has spare capacity for a subsequent 10yr storm within 24hrs).
- Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.
- Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

- Arrangements to enable any surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.
6. No dwelling hereby permitted shall be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
 7. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.
 8. No development shall commence until a scheme for the provision of fire hydrants within the application site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.
 9. 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.

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 iii) is submitted and approved, in writing, by the Local Planning Authority. The long term monitoring and maintenance plan in iii) shall be updated and be implemented as approved.

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.
10. 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.
 11. The trees shown on the approved landscaping scheme to be retained shall be protected in the manner shown on the submitted plans or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site. Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing cannot be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.
 12. No development shall commence above slab level until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
 13. No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
 14. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins 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 for no other purpose.
 15. Prior to the accesses being constructed the ditch beneath the proposed access shall be piped or bridged in accordance with details which

- previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form. (See Note 6).
16. Before the development is commenced 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.
 17. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
 18. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.
 19. The new estate road junction(s) with Wilde Street inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials.
 20. An upgrade of the existing footway to a width of 1.8m, between the site boundary with 'Ashlands' and the junction with Aspal Lane is required to create a safe pedestrian link from the proposed development into Beck Row. This will include a dropped crossing point across Aspal Lane. The extended footway shall be constructed with falls away from Wilde Street to direct water into the existing shallow ditch located along the site boundary, unless otherwise agreed in writing with the Local Planning Authority. This work should be carried out within a section 278 agreement. Prior to any development commencing above slab level, the following should be submitted to and approved in writing by the Local Planning Authority:
 - i) A plan showing the extended footway and location of the UKPN underground cable
 - ii) Details of the means of surface water drainage from the extended footpath to the existing shallow ditch along the site boundary, or any alternative solution agreed in writing with the Local Planning Authority.
 21. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.
 22. The dwellings hereby approved shall not be occupied until the area(s) within the site shown on 31429-IW-XX-XX-DR-A-2000-P18 for the

purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

23. Before the accesses are first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area as shown on drawing no. 31429-IW-XX-XX-DR-A-2001 P01.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (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.

24. All planting comprised in the approved details of landscaping (shown on drawings ORB21001-11F - Sheet 1 and ORB21001-11F - Sheet 2) shall be carried out in the first planting season following the commencement of development (or in the case of planting, seeding or turfing within the curtilage of a dwelling within 12 months of the dwelling being first occupied) or at such other time as may be agreed in writing with the Local Planning Authority. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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.

25. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all soft landscape areas detailed on drawings ORB21001-11F - Sheet 1 and ORB21001-11F - Sheet 2 (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, shall be submitted to and approved by the Local Planning. The landscape management plan shall be carried out in accordance with the approved details and timetable.

26. All hard landscaping (shown on drawing 31429-IW-XX-XX-DR-A-2000-P18 – site development plan) shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

27. Within 3 months of commencement of development, details of the treatment of the boundaries of the site (including the hedgehog mitigation referred to in condition 33) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted. The approved screen walling and/or fencing shall be constructed or erected before the dwelling to which it relates is first occupied. The approved soft landscaping to be planted shall be done so within 12 months of the date when the dwelling to which it relates is first occupied. Any planting removed, dying, being severely damaged or becoming

seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted.

28. The demolition of building 1 (existing bungalow) shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) A licence issued by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010, authorising the demolition to go ahead; or
- b) A statement in writing from the relevant licensing body to the effect that it does not consider that the demolition will require a licence.

29. A pre-felling inspection of trees T1, T3, T4, T9 and T14 (shown on Tree Reference Plan by ACD Environmental; drawing ORB21002-01B) by a class II bat licenced ecologist shall take place; Should a bat or evidence of a bat be found then work should stop to allow the need for a European Protected Species (EPS) licence to be considered. Work should only continue once the necessary mitigation is in place.

30. Prior to the commencement of development (including demolition, ground works, or vegetation clearance) a reptile mitigation strategy including a reptile translocation shall be submitted to and agreed in writing with the Local Planning Authority. The strategy must include:

- Updated reptile survey information as appropriate;
- Method statement for site clearance;
- Location of habitats to be retained and protected;
- Working methods including storage of materials, escape routes from excavations;
- Location and method of habitat enhancement and creation;
- Location and creation of hibernacula and refuges;
- Phasing of the above;
- Monitoring

The measures shall be carried out strictly in accordance with the approved scheme.

31. The Hedgehog mitigation detailed within section 6.73 of the ADC Environmental Ecological Impact Assessment shall be implemented in full prior to occupation of the development. Mitigation shall be detailed on the boundary treatment plan (condition 28).

32. Precautionary site clearance measures and methods of work in sections 6.48, 6.65 and 6.72 of the ADC Environmental Ecological Impact Assessment shall be carried out in their entirety.

33. No development shall commence until details for ecological enhancement measures and a timescale for implementing the measures have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the full satisfaction of the Local Planning Authority.

34. No construction of any dwellings shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

- i) Details of the development that demonstrate that for each

unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35dB LAeq (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;

ii) Details of a measurement and assessment methodology for demonstrating compliance with the limits set out in i), including the identification of specific properties where monitoring shall take place. This methodology shall include measurements within more than one dwelling.

35. Prior to first occupation, a suitably qualified noise specialist shall demonstrate compliance with the noise criteria detailed in Condition 35 i) using the measurement and assessment methodology as advocated in Condition 35 ii) and during periods of normal flying operations at RAF Lakenheath and RAF Mildenhall. The findings of the compliance assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings.

36. No work of construction above slab level shall commence until details of the provision of the infrastructure required to provide electric vehicle charging points to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be provided prior to the dwellings being first occupied and shall be retained thereafter as approved.

(Councillor Stephen Edwards joined the meeting at 6.18pm during the preliminary discussion of this item and prior to the voting thereon.)

276. **Planning Application DC/17/2052/VAR - Mildenhall Social and Bowls Club, Recreation Way, Mildenhall (Report No: DEV/FH/17/042)**

Planning Application - Variation of conditions 2 and 4 of DC/17/0790/FUL - to allow use of amended plans for providing a new entrance to restaurant and amended opening hours Sunday - Thursday 11am - 10pm and Friday and Saturday 11am to 11 pm for Change of use of Sports Pavilion (D2) to Restaurant/Cafe (A3)

This application had been referred to the Development Control Committee by the Delegation Panel following call-in of the application by Councillor Ruth Bowman (Ward Member).

A Member site visit was held prior to the meeting. Mildenhall Parish Council were in support and Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 21 of Report No DEV/FH/17/042.

The Senior Planning Officer made reference to Planning Application DC/17/0790/FUL which was granted in July 2017. The application before Members sought a variation to conditions in relation to the July permission.

The Officer advised that since publication of the agenda amended plans had been submitted by the applicant which showed details of a designated smoking shelter. The Council's Public Health and Housing had been consulted on this amendment and were happy with what was proposed (as per Condition 10 of the recommendation).

Speakers: Aidan Keogh (resident) spoke against the application
Marilyn McGuire (applicant) spoke in support of the application

Councillor Ruth Bowman (Ward Member) spoke on the application. She raised concerns that restaurant patrons could gravitate towards the Social Club's outside seating areas and, similarly, that those attending the Social Club could walk through the building in order to access the restaurant's designated smoking area.

The Service Manager (Planning – Development) explained that the movement of customers throughout the building was a matter for management and could not be controlled via planning conditions/restrictions.

The Senior Planning Officer explained that whilst there was nothing to restrict smoking at the outside seating areas, the restaurant was not permitted to serve food to these tables, as per Condition 11 of the recommendation.

Another Member made comment as to whether the vegetation along the boundary of neighbouring Turnstone Close could be increased in order reduce the impact on residents' amenity. The Service Manager (Planning – Development) explained that it would be not be reasonable to request this on such a small-scale application, however, the applicant was present and may take note of the comment.

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

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. NS time limit
2. NS Approved plans (amended)
3. NS plant, machinery and equipment details
4. NS operational hours
5. NS delivery times
6. NS Bin empty times
7. NS background music only
8. NS hours of construction
9. NS parking prior to first use

- 10. NS smoking area – to be provided prior to first use
- 11. NS No external seating

(Councillor Roger Dicker left the meeting at 6.51pm during the preliminary discussion of this item and prior to the voting thereon.)

277. **Planning Application DC/17/2080/FUL - 15 Craven Way, Newmarket (Report No: DEV/FH/17/043)**

Planning Application - Change of use from B1 (Light Industrial) to B2 (Food Preparation)

This application had been referred to the Development Control Committee as Forest Heath District Council owned the building for which planning permission was sought.

No representations had been received from third parties. Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 18 of Report No DEV/FH/17/043.

Councillor David Bowman moved that the application be approved, as per the Officer recommendation. 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 **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.

The meeting concluded at 7.01 pm

Signed by:

Chairman
