

# Development Control Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on  
**Wednesday 7 November 2018** 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	Stephen Edwards
Ruth Bowman J.P.	Carol Lynch
Louis Busuttill	David Palmer
Simon Cole	Peter Ridgwell
Roger Dicker	

## 328. **Apologies for Absence**

Apologies for absence were received from Councillor Louise Marston.

Councillor Brian Harvey had advised that he would be attending a prior engagement but hoped to also attend the Committee, albeit arriving late. However, if he did not achieve the meeting he had asked that his apologies be noted. *(As it transpired, Councillor Harvey did not arrive during the Development Control Committee meeting and his apologies were therefore recorded.)*

Councillor Andrew Appleby was also unable to attend the meeting.

## 329. **Substitutes**

There were no substitutes present at the meeting.

## 330. **Minutes**

The minutes of the meeting held on 3 October 2018 were unanimously received by the Committee as an accurate record and were signed by the Chairman.

## 331. **Planning Application DC/18/1705/PIP - 2 Saxon Close, Exning (Report No: DEV/FH/18/023)**

**Permission in Principle - 3no. dwellings and associated access**

The Principal Planning Officer explained that this application was for Permission in Principle and was subject to the Town and Country Planning (Permission in Principle) Order 2017 and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

The determination of applications for Permission in Principle was not currently delegated to Officers, as such the application had been referred to the Development Control Committee for determination.

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused, for the reason set out at Paragraph 12.1 of Report No DEV/FH/18/023.

Following questions raised at the site visit, the Principal Planning Officer made reference within her presentation to Exning's settlement boundary. She assured Members that the agreed changes that were to be made to the village boundary would not affect the site; which would remain outside of the defined boundary.

Councillor David Bowman spoke in objection to the application, raising concern at the impact the development could have on the protected trees in the site. He moved that the application be refused, 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 **REFUSED** for the following reason:

- 1) The site falls outside of the defined settlement boundary of Exning and is therefore within the countryside where the provision of new housing is strictly controlled. The proposal does not accord with any of the exceptions to such development as set out in Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015). As such, it represents unsustainable development and fails to comply with policy DM5 and the provisions of the National Planning Policy Framework.

#### 332. **Announcement by Solicitor**

The Solicitor, who was providing legal support to the meeting, advised that Councillor Roger Dicker had sought advice from the Monitoring Officer and would be declaring a local non pecuniary interest in Agenda Items 5 and 6 in his capacity as a local business owner within Kentford. He would remain in the meeting to speak on the items but would refrain from voting on both applications.

333. **Planning Application DC/17/2476/RM - Development Site, Meddler Stud, Bury Road, Kentford (Report No: DEV/FH/18/024)**

**Reserved Matters Application - Submission of details under Outline Planning Permission - DC/14/0585/OUT - Appeal ref - AP/15/0030/REF - the appearance, landscaping, layout and scale for 20-box racehorse training establishment (with associated Trainer's house) and up to 63 no. dwellings (including 19 no. affordable units) with associated access arrangements and open space provision**

This application was originally referred to the Development Control Committee meeting on 3 October 2018 by the local Ward Member (Councillor Roger Dicker – South Ward) due to the importance of the site to the village and the local interest in the application.

At the October meeting Members resolved to defer consideration of the application in order to allow Officers additional time in which to work with the applicant in light of concerns raised by the Committee in relation to:

- The adequacy of the racehorse training establishment element of the development;
- The impact of the development on neighbouring amenity;
- The clustering of the affordable housing; and
- The shortfall in visitor parking.

Since publication of the agenda supplementary papers had been circulated which related to; the Council's standard water efficiency condition and further comments received from the Jockey Club.

A Member site visit was held prior to the meeting. Officers were continuing to recommend that the application be approved, subject to conditions as set out in Paragraph 8.37 of Report No DEV/FH/18/024.

The Committee were reminded that outline permission granted at appeal had established the use of the site for racehorse training and the component parts of the establishment and this was not therefore for the Planning Authority to debate in a reserved matters application.

As part of her presentation, the Principal Planning Officer advised the Committee of the following updates:

- **The misspelling of Nick Patton (of the Jockey Club)'s name** within the supplementary paper;
- **Further comments had been received from the Design Out Crime Officer** reiterating earlier points made with regard to surveillance.
- **A management plan for the preservation of archaeology had been submitted** by the applicant;
- **Further comments had been received from Suffolk County Council Highways** welcoming the provision of visitor parking but reiterating other concerns as previously raised.

The Officer also drew attention to the amendments which had been made to the plans by the applicant in respect of the racehorse training establishment element, following the comments submitted by the Jockey Club which provided assurance that the scheme proposed could fulfil a useful purpose.

Lastly, reference was made to the visitor parking that had now been included alongside the amendments which had been made to the residential element of the scheme.

One less market dwelling was proposed and the layout at the Northern boundary had been altered to improve the appearance of this area and to reduce the impact of the development on the residents in Meddler Gardens.

Speakers: Councillor Malcolm Baker (Chairman, Kentford Parish Council) spoke against the application  
Mr Matthew Bartram (applicant) spoke in support of the application

Councillor Roger Dicker was invited to address the meeting by the Chairman, in his capacity as Ward Member (South) for the application. Councillor Dicker highlighted to the Committee that the first application submitted for the site was for 144 houses; he now considered the scheme seeking determination to be a much more acceptable level.

Councillor Dicker commended the work that the applicant had undertaken with the Planning Authority and the Parish Council. He welcomed the inclusion of visitor parking and praised the amendments that had been made to the layout at the Northern boundary.

Councillor Carol Lynch raised a question with regard to the buildings required for the racehorse training establishment element, she stressed that these would need to be constructed as permanent structures.

In response, the Case Officer advised that the plans detailed permanent and not temporary structures, furthermore the materials to be used would be controlled by way of a condition.

Councillor Ruth Bowman spoke in support of the application and the amendments that had been made since the previous meeting of the Committee. She moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Carol Lynch.

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

#### Decision

Reserved Matters consent be **GRANTED** subject to conditions including the matters set out below, the precise wording of which to be delegated to Officers:

1. Compliance with approved plans
2. Material samples

3. Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented)
4. Secure bicycle storage provided for each market plot
5. Full details of highways and footways including paths within open space and connecting path to the east
6. Landscaping (precise details of new hard and soft landscaping, including on plot planting, planting of the public open space and play area)
7. Equipped play area details
8. Boundary treatment details including any knee-rails and bollards
9. All boundary fences to be hedgehog permeable
10. Details of anti-crime design features
11. Retention of access to areas of open space
12. Mitigation, enhancement and precautionary measures as set out in ecology reports
13. Stable waste management plan
14. Water consumption for dwellings
15. Refuse storage and collection details
16. Lighting details
17. Adherence to strategy for preserving earthworks

334. **Planning Application DC/18/0135/RM - Land Adjacent to Cock Inn (now known as The Kentford Public House), Bury Road, Kentford (Report No: DEV/SE/18/025)**

**Reserved Matters Application - Submission of details under DC/14/2203/OUT - the means of appearance, landscaping, layout and scale for the construction of 30no. dwellings with associated access**

This application was referred to the Development Control Committee in light of an objection from the Parish Council, which was contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 13.1 of Report No DEV/FH/18/025.

Members were advised that this reserved matters application followed the grant of outline permission (with all matters reserved apart from access) for up to 34 dwellings with associated roads, paths and access to the public highway. A Member site visit was held prior to the meeting.

During the course of the application amendments had been made to the scheme, including changes to the layout and design to better preserve the area of open space and protected trees to the North, and to address Highways' concerns. Additional supporting information had also been provided in respect of ecology and drainage.

Since publication of the agenda supplementary papers had been circulated which related to the Council's standard water efficiency condition.

As part of her presentation, the Principal Planning Officer drew attention to the following:

- **A minor amendment to the entry way** which was shown on amended plans;

- **Two additional conditions to be included in the recommendation** in respect of a Highways Management Plan and a Highways Lighting Plan;
- **The proposal for the front boundary low wall** which the Conservation Officer considered acceptable; and
- **The proximity and connectivity to the Meddler Stud site** application (as granted by the Committee under the previous agenda item).

The Officer also advised that Suffolk County Council Highways had confirmed that they would not be adopting the highways within the site, however it was not unusual for elements of schemes like the one before Members not to be adopted.

Speakers: Councillor Malcolm Baker (Chairman, Kentford Parish Council) spoke against the application  
Mr Chris Smith (agent) spoke in support of the application

Councillor Roger Dicker was invited to address the meeting by the Chairman, in his capacity as Ward Member (South) for the application. Councillor Dicker made reference to the linkage between the application site and that of the Meddler Stud approved application. He considered that the ability for pedestrians and cyclists to travel across the village away from the highway (Bury Road) to be a key benefit.

Councillor Simon Cole also made reference to the foot/cycle way linkage between the two sites. He asked if, in light of the Meddler Stud application having now been approved, the arrangements for this connectivity could be assured by the applicants. The Case Officer stated that she would ensure that this was confirmed.

Councillor Carol Lynch proposed that the application be approved, as per the Officer recommendation and inclusive of the two additional conditions relating to Highways management and lighting. This was duly seconded by Councillor David Bowman.

Upon being put to the vote and with 10 voting for the motion and with 1 abstention, it was resolved that

#### Decision

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

1. Approved plans;
2. Access in accordance with KEN4 003 RevN with entrance width of 5.5m;
3. Construction and surfacing of access road;
4. Refuse/Recycling bins as shown on drawing number KEN4 003 Rev N;
5. Areas for parking and turning as shown on KEN4 003 Rev N;
6. Deliveries management plan;
7. Secure cycle storage;
8. Sustainability Measures;
9. Water consumption for dwellings;

10. Recommendations of Ecology Report;
11. Hedgehog permeable fencing;
12. Highways Management Plan; and
13. Highways Lighting Plan

335. **Planning Application DC/18/0821/OUT - Former Police Station, Lisburn Road, Newmarket (Report No: DEV/FH/18/026)**

**Outline Planning Application (All matters reserved) - Conversion of existing building (mixed use: Class D1 and Sui Generis) into 12no. apartments (Class C3) with associated external works, landscaping and parking**

This application was referred to the Development Control Committee in light of the Asset of Community Value (ACV) application that was made earlier in the year for the building and also due to the Newmarket Neighbourhood Plan (NNP) which was in the early stages of being drafted.

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 10.1 of Report No DEV/FH/18/026.

Since publication of the agenda supplementary papers had been circulated which related to the Council's standard water efficiency condition.

Speaker: Doctor Rachel Wood (Governor, All Saints Primary School) spoke against the application

Members raised questions with regard to the Asset of Community Value (ACV) application; in response the Senior Planning Officer explained that the application was to be determined based on the information that was before the Committee, with no weight to be attributed in the planning balance in respect of the ACV nomination.

Further questions were posed by the Committee in respect of parking arrangements and safeguarding (in relation to the neighbouring primary school). The Case Officer explained that as the application before the Committee was in outline form, these factors would be addressed at the reserved matters stage.

Councillor David Bowman moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Simon Cole who spoke on the need for this type of accommodation in Newmarket.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

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

- 1 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before

the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i) The expiration of three years from the date of this permission;
- or
- ii) The expiration of two years from the final approval of the reserved matters; or,

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

2 Prior to commencement of development 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,
- 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), a 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.

3 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works is set out in the remediation strategy.

4 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.

5 Prior to commencement of development details of the access, appearance, landscaping, layout, and scale [access, appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

7 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

8 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.



9 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.

336. **Planning Application DC/18/0614/FUL - Land East of Beeches Road, Beeches Road, West Row (Report No: DEV/FH/18/027)**

**Planning Application - 46 no. Dwellings (including 14no. affordable dwellings) with the creation of new vehicular access onto Beeches Road**

This application was referred to the Development Control Committee because it was contrary to the Development Plan and because the applicant was related to the Leader of the District Council.

Officers were recommending that the application be approved subject to the completion of a Section 106 Agreement and subject to conditions, as set out in Paragraph 11.1 of Report No DEV/FH/18/027.

Since publication of the agenda supplementary papers had been circulated which related to the Council's standard water efficiency condition.

The Principal Planning Officer reminded Members that the Development Control Committee had resolved to approve a hybrid planning application for the site at their meeting on 3 August 2016, however, progress on this development had since stalled.

As part of his presentation the Case Officer advised of the following updates:

- **The second sentence of Paragraph 9.53 of the report was to be disregarded and replaced** with;  
*"The site being an emerging local plan allocation is a material consideration carrying significant weight that supports the principle of development of the scale proposed on this site."*
- **Anglian Water had submitted further comments and had requested an additional condition** in respect of foul water drainage;
- **No further comments had been received from Suffolk County Council's Rights of Way Officer**, however, the footpath improvement works could be dealt with by way of the Section 106 Agreement; and
- **No further comments had been received in respect of ecology.**

Councillor David Bowman spoke in his capacity as one of the Ward Members (Eriswell & the Rows) for the application. He believed that the development now seeking determination was the best scheme proposed for the site.

Accordingly, he moved that the application be approved, as per the Officer recommendation and inclusive of the additional condition regarding foul water drainage. This was duly seconded by Councillor Simon Cole who welcomed the bungalows and affordable housing to be provided.

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 S106 legal agreement to provide for planning obligations set out in Paragraph 9.34 of Report No DEV/FH/18/027, and the following conditions:

1. 3 year time limit for permission
2. In accordance with approved plans
3. Materials
4. Detailed landscaping scheme to be submitted
5. Boundary treatments to be submitted and agreed
6. Site Levels
7. Energy efficiency (water consumption)
8. Off-site highway works
9. Highway details (access) to be agreed
10. Details of estate roads to be agreed
11. Parking and access to be provided before occupation
12. Highways drainage details to be agreed
13. Electric vehicle charging points
14. Ecological mitigation
15. Site drainage details to be agreed
16. Internal noise levels of dwellings in accordance with WHO guidelines
17. Construction hours
18. Construction Management Plan to be agreed
19. Land contamination survey/mitigation to be submitted and agreed
20. Air quality – provision of electric vehicle charging points
21. Archaeology – written scheme of investigation to be submitted, agreed and implemented
22. Energy statement to be submitted, agreed and implemented
23. Foul water drainage details to be agreed

### **337. Tree Preservation Order TPO/018 (2017) - Street Record, London Road, Brandon (Report No: DEV/FH/18/028)**

The Tree Officer presented this report which advised that a Tree Preservation Order (TPO) was made on 1 individual tree, 3 groups and 2 areas located adjacent to London Road, Brandon on 11 May 2018. The TPO was served primarily to replace an existing TPO (TPO/1957/019) made in 1957 which had been misplaced.

This Order, which consisted of mature Scots Pine trees, was still considered important as it would continue to protect the iconic Breckland trees which formed a distinctive street scene and had high amenity value as well as a cultural and historical value.

The Committee was advised that one letter of objection had been received, however Officers considered the TPO to be necessary to ensure the trees were protected into the future. Members were therefore recommended to confirm the TPO without modifications as detailed in Report No DEV/FH/18/028.

Councillor David Palmer spoke in his capacity as one of the Ward Members for Brandon. He supported the TPO and echoed the Officer's comments in respect of the importance of the trees in question.

Councillor Palmer moved that the TPO be confirmed, 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

The report be noted and Tree Preservation Order TPO/018 (2017) be **CONFIRMED**.

The meeting concluded at 7.45pm

**Signed by:**

**Chairman**

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