

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 1 June 2016 at **6.00 pm** at the **Council Chamber, District
Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Ruth Allen	Roger Dicker
Chris Barker	Stephen Edwards
David Bowman	Brian Harvey
Ruth Bowman	Carol Lynch
Rona Burt	Christine Mason
Louis Busuttil	David Palmer

135. **Election of Chairman for 2016/2017**

This being the first meeting of the Development Control Committee since the Council's AGM on 11 May 2016 the Lawyer opened the meeting and asked for nominations for Chairman of the Committee for 2016/2017.

Accordingly, Councillor Brian Harvey nominated Councillor Rona Burt as Chairman and this was seconded by Councillor David Bowman.

With there being no other nominations and with the vote being unanimous, it was

RESOLVED:

That Councillor Rona Burt be elected Chairman for 2016/2017.

Councillor Burt then took the Chair for the remainder of the meeting and requested nominations for the election of Vice Chairman for 2016/2017.

136. **Election of Vice Chairman for 2016/2017**

Councillor Rona Burt nominated Councillor Chris Barker as Vice Chairman and this was seconded by Councillor David Bowman.

With there being no other nominations and with the vote being unanimous, it was

RESOLVED:

That Councillor Chris Barker be elected Vice Chairman for 2016/2017.

137. Apologies for Absence

Apologies for absence were received from Councillors Andrew Appleby and Simon Cole.

Councillor Louise Marston was also unable to attend the meeting.

138. Substitutes

Councillor Ruth Allen attended the meeting as substitute for Councillor Simon Cole.

139. Minutes

The minutes of the meetings held on 20 April 2016 and 4 May 2016 were accepted as an accurate record and were signed by the Chairman, with 10 voting for the motion and with 2 abstentions.

140. Planning Application DC/16/0317/VAR - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row (Report No: DEV/FH/16/010)

Variation of Condition 3 to enable the occupation of Plot 151 before the completion of the Section 278 works, in association with planning application DC/14/1206/FUL: Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 9 July 2015 which proposes 49 affordable housing units.

This variation application was referred to the Development Control Committee as it related to a major application which was approved by the Committee at their meeting on 7 October 2015. A Member site visit had been held prior to the meeting in October.

Members had raised concerns at the October meeting at the proximity of the private accesses serving Units 151 and 152 with the Holmsey Green/A1101 The Street junction. Hence, they resolved as part of the application's approval to include an additional condition to restrict occupancy of these units until the relevant highways works were carried out.

The application before the Committee for determination was submitted following a breach of condition notice having been served by the Council as Unit 151 was now privately owned and occupied and the highways works were yet to have been fully completed.

The Principal Planning Officer – Major Projects explained that as a short-term solution the applicant had allocated the occupants of Unit 151 with temporary car parking adjacent to (vacant) Unit 149 and a raised kerb had been installed at Unit 151 to prevent off road parking. The applicant had assured the Planning Officer that Unit 149 would not be occupied until the highways works were completed in their entirety.

The Officer advised Members that they were not to re-open the debate on the determination of the application which was approved in October; they were purely to consider the variation application before them.

The Committee was also informed by the Officer that most of the highways works had been completed and that the Highways Engineer consulted with the variation application was in support of the temporary parking arrangement. Accordingly, Officers were recommending that the application be approved as set out in Paragraph 52 of Report No DEV/FH/16/010.

Councillor Ruth Bowman spoke against the application and voiced her displeasure that the applicant had breached their original condition not to occupy Unit 151. She moved that the Committee be minded to refuse the application, contrary to the Officer recommendation, due to the impact on highway safety if the condition was varied. This was duly seconded by Councillor David Bowman.

The Service Manager (Planning - Development) explained that in order to refuse the application the Council would have to demonstrate that the impact on highway safety was severe; and there was no evidence to suggest that. Accordingly, if Members were minded to refuse the application a risk assessment would have to be carried out for consideration at the next meeting of the Committee on 6 July 2016. The Officer added that an update on the timescale and details of the outstanding highways works could also be provided at the July meeting.

With 11 voting for the motion and with 1 abstention, it was resolved that

Members were **MINDED TO REFUSE THE APPLICATION CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL** due to the impact on highway safety if the condition was varied.

141. **Planning Application DC/15/2120/FUL -Kininvie, Fordham Road, Newmarket (Report No: DEV/FH/16/011)**

Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.

This application was referred to the Development Control Committee at the request of Councillor Andrew Appleby, one of the Ward Members for the Severals Ward.

In addition, Officers were recommending that the application be approved as set out in Paragraph 125 of Report No DEV/FH/16/011, which was contrary to the views expressed by Newmarket Town Council.

A Member site visit was held prior to the meeting.

The Principal Planning Officer – Major Projects, as part of his presentation, drew attention to Paragraph 93 of the report which outlined the number of

measures the applicant had taken to address the concerns raised by neighbours and to reduce the impact of the development upon them.

For the benefit of the Committee the Officer also made reference to Paragraphs 11 – 15 of the report and clarified the position of the Highway Authority. In that, they had initially objected to the application but following an amended (reduced) scheme and further information from the applicant they had withdrawn these objections, subject to the inclusion of conditions which were listed in the recommendation within the report.

The Officer advised Members of the following updates since publication of the agenda:

1. An additional objection had been received from the residents of neighbouring Albion Lodge which included reference to previously raised issues such as noise, drainage and road safety;
2. The outstanding response from Suffolk County Council's Flood and Water Management team had been received (as made reference to in Paragraphs 16 and 17); who confirmed that they considered the application to be acceptable and did not object subject to the inclusion of a condition, which was listed in the recommendation within the report; and
3. There was a typographical error in Paragraph 118. The sentence midway through the paragraph should read "*...based on an assumption it will not be **decreased**...*" as opposed to increased.

Subsequently, Members were also informed of the following amendments to the recommendation in Paragraph 125:

1. Removal of the reference to the outstanding confirmation from the Flood and Water Management team at the beginning of the recommendation together with Roman numeral (iii.);
2. Removal of Roman numeral (ii.) with regard to public open space, as this was not relevant; and
3. The inclusion of an additional condition to restrict the occupancy of the development to individuals aged 55 and over (due to the reduced parking provision).

Councillor Ruth Allen spoke against the application and moved that the Committee be minded to refuse the application, contrary to the Officer recommendation, due to:

- i. Insufficient parking and the impact on highway safety;
- ii. Overdevelopment of the site;
- iii. The development was out of keeping of the character in the area due to its size and three storey height; and
- iv. The loss of mature trees.

This was duly seconded by Councillor Carol Lynch.

Councillor David Bowman spoke in support of the application and made reference to the lack of retirement properties currently within Newmarket. He moved that the application be approved as per the Officer recommendation.

The Service Manager (Planning - Development) explained that the Highways Authority had not objected to the scheme. Accordingly, if Members were minded to refuse the application for the reasons put forward by Councillor

Allen then a risk assessment would have to be carried out for consideration at the next meeting of the Committee on 6 July 2016.

The Chairman then put Councillor Allen's motion to the vote and with 6 voting for, 5 against and with 1 abstention it was resolved that:

Members were **MINDED TO REFUSE THE APPLICATION CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL** due to:

- i. Insufficient parking and the impact on highway safety;
- ii. Overdevelopment of the site;
- iii. The development was out of keeping of the character in the area due to its size and three storey height; and
- iv. The loss of mature trees.

Speakers: Mrs Rogers (resident) spoke against the application.
Mr Neil Martyn (Agent) spoke in support of the application.

142. **Development Management Update (verbal)**

The Service Manager (Planning - Development) delivered a presentation to the Committee which set out relevant changes in legislation and updated Members on service improvement; including the Planning Improvement Plan (PIP).

The Officer explained that the intention was to regularly provide the Development Control Committees of West Suffolk with these updates at their meetings. The first of which would be similarly delivered to St Edmundsbury Borough Council at their meeting on 2 June 2016.

Members were advised that the presentation would be emailed to them following the meeting as it contained a number of useful website links for their reference.

The meeting concluded at 7.24 pm

Signed by:

Chairman
