

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 5 December 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

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

338. **Apologies for Absence**

Apologies for absence were received from Councillors Louis Busuttil and Louise Marston.

339. **Substitutes**

There were no substitutes present at the meeting.

340. **Minutes**

The minutes of the meeting held on 7 November 2018 were unanimously received by the Committee as an accurate record and were signed by the Chairman.

341. **Planning Application DC/18/1912/FUL - Kininvie, Fordham Road, Newmarket (Report No: DEV/FH/18/029)**

Planning Application - (i) 60no.bed Care Home for the Elderly including car park, bicycle, refuse and garden stores (ii) Alterations to vehicular and pedestrian access from Fordham Road (Demolition of existing house including associated swimming pool, outbuildings and hard-standing) (previous application DC/17/2676/FUL)

This application was referred to the Development Control Committee as Newmarket Town Council objected to the scheme which was contrary to the Officer recommendation of approval, subject to the completion of a Section 106 Agreement and conditions, as set out in Paragraph 123 of Report No DEV/FH/18/029.

Members were advised that the proposals in the application before them were for a revised scheme following the Committee's decision to refuse planning permission for a similar scheme in June 2018. The applicant had made some amendments to the development, as proposed, in order to address the reasons for refusal that were given by the Committee.

The Principal Planning Officer – Major Projects reminded Members that they had also determined a third application for the construction of retirement flats on the Kininvie site. That application had proposed a building of a similar size and scale but in that case the Committee accepted the size of the building but subsequently refused planning permission for other reasons (absence of an agreed Section 106 Agreement).

As part of his presentation the Officer outlined the differences in sizes between the three schemes for the site, which had been set out in a table within the report. However, a typographical error was pointed out to the Committee, in that the "current scheme's" application number had been incorrectly written as DC/18/2676/FUL when it was DC/18/1912/FUL.

The Officer also drew attention to Paragraph 97 of the report which listed the distances between the proposed building and the boundary, and the proposed building and the existing neighbouring properties.

Lastly, reference was made to the nearby developments which had recently been approved at Nowell and Southernwood.

Speakers: Mr Christopher Welsh (neighbouring resident) spoke against the application
Mr Steve Bucknell (agent) spoke in support of the application

Considerable discussion ensued, with a number of comments being made with regard to the perceived impact on the highway and the parking provision.

In response to which, the Service Manager (Planning – Development) explained that the Highways Authority had not objected to the development hence, the Planning Authority did not have the evidence to substantiate a refusal for these reasons.

Councillor Ruth Bowman also remarked on the fact that as the application was for a care home, as opposed to 'retirement living' as per the application considered in 2017, the residents were unlikely to own cars which reduced the demand on parking.

Councillor Bowman also spoke on the importance of care homes being located within residential settlements rather than on the fringes of towns/villages.

Lastly, Councillor Bowman also posed a question with regard to light pollution which had been raised by some of the neighbouring objectors. In response the Principal Planning Officer – Major Projects explained that the condition which was included in respect of a lighting strategy and scheme was not only to afford protection to neighbouring residents but also, equally importantly, to bats.

Councillor Carol Lynch made specific reference to the 'pyramid roof' feature which was proposed for the rear of the building. She considered this to be overbearing and out of keeping with the surrounding area and, as such, felt unable to support the application.

Councillor Peter Ridgwell raised a query with regard to the NHS England S106 Contribution which was listed as £9,453 in Paragraph 15 of the report but as £9,936 in the recommendation.

The Principal Planning Officer – Major Projects explained that this was an error, and the recommendation should have listed the figure of £9,453 as per Paragraph 15.

Councillor David Bowman spoke in support of the scheme, which he considered to be an improvement on the previous application. He moved that the application be approved, as per the Officer recommendation and inclusive of the amendment to the contribution to NHS England.

This was duly seconded by Councillor Simon Cole who echoed the comments made by Councillor Bowman and spoke on the need for care homes within Newmarket.

Upon being put to the vote and with 6 voting for the motion and with 6 against, the Chairman exercised her casting vote for the motion and it was resolved that

Decision

Planning permission be **GRANTED** subject to:

The prior satisfactory completion of a S106 agreement to secure:

- Developer contribution towards health infrastructure (£9,453).

And

Subject to conditions, including:

- Time limit (3 years)
- Compliance with the approved plans
- Precautionary archaeological investigations
- Samples of bricks and tiles to be used
- Details of finishes (colours to be applied to render, fenestration doors and other detailing)
- Scheme of windows to be fitted with obscure glass and fixed closed to be agreed subsequently.
- No use of the terrace at second floor (south facing) by staff, residents including their visitors.
- Surface Water Drainage scheme.
- Provision of a fire hydrant (or fire hydrants).
- As recommended by the Local Highway Authority
- Implementation of recommendations of the ecology and subsequent bat survey reports (including ecological enhancements)

- Landscaping to be provided in accordance with the approved plan (and maintained for a period of at least 5 years) and details of a replacement street tree.
- Management of the landscaping scheme (including the container planting provided on the second floor external roof terrace)
- Protection of retained trees and shrubs during construction
- Construction Management Plan (including safeguarding of nearby training yards)
- Lighting strategy and scheme (including sensitivity to bat corridors).
- Water use efficiency.
- Sustainable construction – how Building Control requirements will be met.
- Crime reduction strategy.
- Waste minimisation and re-cycling strategy (including demolition of Kininvie).
- Provision of the electric vehicle charging points
- Submission of a refuse management strategy.
- Further archaeological investigations

In the event there was a failure to conclude a S106 Agreement securing the health contribution within a reasonable time period, the planning application would be returned to the Development Control Committee for further consideration.

(On conclusion of this item the Chairman permitted a short interlude to allow relevant parties to leave the Council Chamber, during which Councillors David Palmer and Peter Ridgwell also left the meeting at 6.58pm.)

342. Planning Application DC/18/0821/OUT - Former Police Station, Lisburn Road, Newmarket (Report No: DEV/FH/18/030)

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 on 7 November 2018 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.

At that meeting Members resolved to approve the application, however, the reference to the required Section 106 Agreement had been omitted from the report's recommendation. Accordingly, the application was returned to the Committee to ensure that Members were aware of this obligation in respect of the application.

A Member site visit was held prior to the November meeting. Officers were continuing to recommend that the application be approved, subject to the completion of a Section 106 Agreement and conditions as set out in Paragraphs 10.1 and 11.0 of Report No DEV/FH/18/030.

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

The Senior Planning Officer drew attention to Paragraphs 8.42 and 11.0 and explained that the S106 obligation in respect of public open space, in both paragraphs, incorrectly referred to "on-site public open space" when it should have read "off-site".

Councillor Simon Cole inquired as to whether Suffolk County Council had provided any further response in respect of the building's usage since the last meeting of the Committee.

The Service Manager (Planning – Development) advised that no further correspondence had been received and it was not in the Planning Authority's power to delay determination of the application.

Councillor Stephen Edwards moved that the application be approved, as per the Officer recommendation and inclusive of the amendment to the S106 obligation in respect of public open space. This was duly seconded by Councillor David Bowman.

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.

And, completion of a S106 Agreement to secure:

- £12,181 towards the costs of primary school places
- £192 towards the cost of library provision
- £20,000 towards the maintenance of off-site public open space
- Affordable Housing to be 30% in line with the SPD

The meeting concluded at 7.09pm

Signed by:

Chairman
