

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 6 July 2016** 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

Ruth Allen

David Bowman

Ruth Bowman

Simon Cole

Roger Dicker

Brian Harvey

Carol Lynch

Victor Lukaniuk

Peter Ridgwell

143. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby, Louis Busuttil, Stephen Edwards, Louise Marston and David Palmer.

144. **Substitutes**

Councillor Ruth Allen attended the meeting as substitute for Councillor Andrew Appleby and Councillor Victor Lukaniuk attended as substitute for Councillor David Palmer.

145. **Minutes**

The minutes of the meeting held on 1 June 2016 were accepted as an accurate record and were signed by the Chairman, with 10 voting for the motion and with 1 abstention.

146. **Planning Application DC/15/0070/OUT - Rolfe's Coal Yard, Wilde Street, Beck Row (Report No: DEV/FH/16/012)**

Outline Planning Application DC/15/0070/OUT (means of access to be considered) – up to 8 No. dwellings and associated access.

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

In addition, Officers were recommending that the application be refused for the reasons set out in Paragraph 79, of Report No DEV/FH/16/012 which was

contrary to the views expressed by the Parish Council who raised no objections.

A Member site visit was held prior to the meeting.

The Principal Planning Officer presented an amended indicative site layout which included alterations in respect of Plot 8 in order to place it in a more sympathetic proximity to the neighbouring builders yard.

The Officer also drew attention to Paragraph 60 of the report and advised the Committee that the measurement of 135m should actually read 44.5m.

Councillor David Bowman, as Ward Member for Beck Row, spoke in support of the scheme and moved that the Committee be minded to approve the application, contrary to the Officer recommendation, due to the benefits the scheme provided in relation to:

- Affordable housing;
- Construction of a new pedestrian pathway;
- Good use of a brownfield site; and
- Provision of sought after bungalow housing.

This was duly seconded by Councillor Simon Cole.

The Service Manager (Planning – Development) explained that if Members were minded to approve the application, contrary to the Officer recommendation, a risk assessment would have to be carried out for consideration at the next meeting of the Committee on 3 August 2016.

With 10 voting for the motion and with 1 abstention, it was resolved that

Members were **MINDED TO APPROVE THE APPLICATION CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** due to the benefits the scheme provided in relation to:

- Affordable housing;
- Construction of a new pedestrian pathway;
- Good use of a brownfield site; and
- Provision of sought after bungalow housing.

Speaker: Mr Paul Scarlett (agent) spoke in support of the application.

Councillor Roger Dicker joined the meeting at 6.11pm during the preliminary discussion of this item and prior to the voting thereon.

147. Planning Application DC/16/0317/VAR - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row (Report No: DEV/FH/16/013)

Variation of Condition 3 to enable 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 application was deferred from consideration at the Development Control Committee meeting on 1 June 2016 as Members resolved that they were 'minded to refuse' planning permission, contrary to the Officer recommendation of approval, due to concerns that the proposal would have an adverse impact on highway safety.

Report No DEV/FH/16/013 included a risk assessment of the potential reason for refusal together with an update regarding the Road Safety Audit and timeframe for completion of the outstanding highways works.

A second Member site visit was held prior to the meeting. Officers were continuing to recommend that the application be approved, as set out in Paragraph 52 of Working Paper 1.

The Committee was advised that all outstanding highways works should be completed by mid August 2016. Accordingly, there was no technical evidence to support Members' concerns with regard to highway safety.

It was moved by Councillor Ruth Bowman, seconded by Councillor Simon Cole and with the vote being unanimous, it was resolved that:

Planning permission be **GRANTED** subject to:

1. The variation of the Section 106 agreement relating to DC/14/1206/FUL;
2. The following amended/new conditions:

PROPOSED AMENDED PLANNING CONDITION:

PRIOR TO FIRST OCCUPATION OF PHASE 1 – UNITS 152

Prior to the first occupation of Unit 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 highways work shall be carried out fully in accordance with the approved details.

Reason: In the interests of highway safety.

PROPOSED NEW PLANNING CONDITION:

TEMPORARY CAR PARKING – UNIT 151

Temporary car parking to serve Unit 151 shall be as shown on submitted drawing Drawing No. BR3-SK01 – Temporary Parking Plot 151, until such time as the Section 278 Highway works has been carried out fully in accordance with the approved details.

Reason: In the interests of highway safety.

3. And the following existing conditions under DC/14/1206/FUL (except where these conditions have already been discharged by the Local Planning Authority):

- Compliance with approved plans.
- Highways – Storage of refuse and recycling bins.
- Highways – Details of carriageways and footways.
- Highways – Deliveries Management Plan.
- Highways – Parking.
- Contamination – further investigative work if found.
- Foul water disposal details.
- Surface water drainage details: SuDs management plan.
- Construction method statement.
- Working hours.
- Ground levels details.
- Details of boundary treatment.
- Samples of materials.
- Detailed scheme of hard and soft landscaping.
- Tree protection.
- Details of tree works for retained trees.
- Detailed Arboricultural Method Statement and Tree Protection Plan.
- Open space management plan.
- Details of play equipment.
- Details of lighting.
- Recommendations of Ecological Appraisal to be implemented.
- Provision of fire hydrants.
- Waste minimisation and recycling strategy.

148. **Planning Application DC/15/0802/FUL - Gymnasium Building, Herringswell Manor, Herringswell Road, Herringswell (Report No: DEV/FH/16/014)**

Planning Application DC/15/0802/FUL - Change of use of existing redundant gymnasium building to 15 dwellings (3 x one-bedroom apartments, 6 x two-bedroom apartments, 6 x three-bedroom apartments), residential office unit, new residential gym facility and ancillary works.

This application was referred to the Development Control Committee due to its complex nature which raised District wide planning policy issues.

Officers were recommending that the application be refused for the reasons set out in Paragraph 177 of Report No DEV/FH/16/014. A Member site visit was held prior to the meeting.

The Principal Planning Officer – Major Projects advised the Committee that one further letter of representation had been received since publication of the agenda, from a resident of Herringswell who objected to the scheme on grounds of highway safety and unsuitability of the location.

Members were also advised of an error in Recommendation 1 (Paragraph 177), in that the policy referred to as DM23 should read DM33.

Lastly, for the benefit of all Members, the Officer summarised the lengthy and complex planning history associated with the site.

It was moved by Councillor David Bowman that the application be refused as per the Officer recommendation and this was duly seconded by Councillor Carol Lynch.

With 8 voting for the motion, 2 against and with 1 abstention it was resolved that:

The application be **REFUSED** for the following reasons:

1. The site falls within the Countryside as defined by Policy CS1 of the Forest Heath Core Strategy (May 2010), and is some distance from the small settlement of Herringswell which is classified as a small settlement which is not capable of sustaining further growth. Policies DM28 and DM33 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) allow the residential conversion of redundant buildings in the Countryside. These policies require buildings to be structurally sound and capable of conversion without the need for extension, significant alteration or reconstruction. They also require development proposals to be of a high design quality which leads to an enhancement of the immediate setting of the building.

The existing structural framework of the barn does not appear substantial enough to be capable of residential conversion without a significant degree of physical works. In addition, the proposed works are not considered to enhance the immediate setting of the building, and would have an adverse impact on the character of the site and its surrounding area by reason of the creation of a residential curtilage.

The Local Planning Authority considers the dis-benefits of this development would significantly and demonstrably outweigh the benefits, such that the development is not sustainable development (as defined by the policies of the NPPF taken as a whole).

2. Policy CS13 of the Core Strategy (2010) and saved Policy 14.1 of the Forest Heath Local Plan (1995) require proposals for new development to demonstrate it will not be harmful to, *inter alia*, educational attainment, services and health and confirms that arrangements for the provision or improvement of infrastructure to the required standards will be secured by planning obligation. The following policy compliant package of infrastructure improvements are required to mitigate the impacts of this development:
 - Developer contributions towards extending the catchment primary school.
 - Developer contributions towards early years education.
 - Developer contribution towards the provision of library facilities.
 - Developer contribution towards bus stop improvements.

No mechanism is in place to secure the required package of mitigation measures arising from this development and, in the absence of appropriate mitigation the development would have significantly adverse impacts upon the delivery of infrastructure

necessary to mitigate the impacts of the proposed development, further reducing its sustainability credentials. The proposals are therefore also contrary to the Framework and the aforementioned Development Plan policies in this respect.

Speakers: Mr Geoff Yeates (resident) spoke against the application.
Mr Samuel Brampton (applicant) spoke in support of the application.

On conclusion of this item the Chairman advised all present that this was to be the last Development Control Committee for the Principal Planning Officer – Major Projects as she was leaving the West Suffolk Authorities for pastures new.

On behalf of the Committee the Chairman wished the Officer well in her new role and thanked her for all her help and input.

149. **Planning Application DC/14/2073/FUL - Land Adjacent 34 Broom Road, Lakenheath (Report No DEV/FH/16/015)**

Planning Application DC/14/2073/FUL - 120 dwellings together with associated access, landscaping and open space, as amended.

The Principal Planning Officer – Major projects advised the Committee that the applicant had lodged an appeal against the 'non-determination' of this planning application within the prescribed decision making periods.

Therefore, the Council was no longer able to determine the planning application which would now be considered by an appointed Inspector unless the Secretary of State 'called in' the application for his own determination. A request made to the Secretary of State in that respect made by the Lakenheath Parish Council remained unresolved. The appeal would be determined following a public inquiry.

However, the Council was able to make representations to the public inquiry and was, therefore, able to carry on to resolve and represent how it would have determined the planning application. Henceforth, in accordance with established procedures, the matter was before the Development Control Committee to enable Members to confirm the decision they would have taken, had they been in a position to take it.

A Member site visit was held prior to the meeting.

Councillor Louise Marston, as Ward Member for the application, had submitted a statement to the Officer as she had been unable to attend the meeting. Councillor Marston raised concerns that the Council would be unable to determine the application without predetermination in light of an appeal having been lodged by the applicant. The Officer explained that he would respond to Councillor Marston directly to clarify the position with regard to this matter (as had been previously outlined to the meeting).

The Officer drew attention to the section in his report with regard to highways; specifically Paragraph 283 which outlined the two junctions where issues would arise as a consequence of cumulative growth in Lakenheath. He

showed Members the location of these two junctions on a map and explained that a Highways Assessment had been submitted and was currently out for public consultation.

The Committee was advised that the Officer recommended that Members resolve that they would have refused planning permission, had the non-determination appeal not been made, for the reasons set out in Paragraph 335 of the report and the dis-benefits of development identified in Tables B and, potentially, Table C.

Councillor David Bowman moved that the Committee resolve that they would have refused planning permission, in line with the Officer recommendation, subject to an update being provided to the December 2016 meeting of the Committee. This was duly seconded by Councillor Simon Cole.

With the vote being unanimous, it was resolved that:

The Development Control Committee **WOULD HAVE REFUSED PLANNING PERMISSION** had the non-determination appeal not been made, for the reasons briefly set out at Paragraph 335 of the report and that the dis-benefits of development identified in Table B (and potentially, Table C) significantly and demonstrably outweigh the benefits identified in Table A.

The Head of Planning and Growth be authorised to:

- I. Defend the decision of the Development Control Committee at the forthcoming public inquiry;
- II. Remove or add to the reasons for refusal (including adding or removing issues as set out in Tables A and B above) in response to new evidence, information or amendment in the run up to and during the forthcoming public inquiry;
- III. Appoint an advocate and expert witnesses to present the Council's case to and defend its reasons for refusal at the forthcoming public inquiry;
- IV. Agree a 'Statement of Common Ground' with the appellant and any other 'Rule 6' Party confirmed by the Planning Inspectorate as participating in the appeal;
- V. Suggest conditions to be imposed upon any grant of planning permission should the Planning Inspector (or Secretary of State, as may be the case) resolve to allow the appeal; and
- VI. Provide an update report to the Development Control Committee in December 2016.

Councillor Ruth Allen left the meeting at 7.05pm during the preliminary discussion of this item and prior to the voting thereon.

150. **Planning Application DC/15/2120/FUL - Kininvie, Fordham Road, Newmarket (Report No: DEV/FH/16/016)**

Planning Application DC/15/2120/FUL - 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 deferred from consideration at the Development Control Committee meeting on 1 June 2016 as Members resolved that they were 'minded to refuse' planning permission, contrary to the Officer recommendation of approval, due to concerns that the proposal would result in unsatisfactory parking provision for the development and that the excessive scale of the building would be harmful to the character/street scene of the surrounding area.

Report No DEV/FH/16/016 included a risk assessment of the potential reasons for refusal together with technical notes and further documents submitted by the applicant (attached as Working Papers to the report).

A second Member site visit was held prior to the meeting. Officers were continuing to recommend that the application be approved as set out in Paragraph H1 of the report, subject to an amendment (as read out to the meeting) to ensure provision of 3 car parking spaces for blue badge holders.

The Principal Planning Officer – Major Projects advised the Committee of the following updates since the agenda was published:

- Three further letters of representation had been received from neighbours opposing the development citing issues which included; highway safety, drainage and loss of privacy; and
- Two further letters of support had been received from individuals expressing a wish to purchase a property from the development and highlighting the current lack of retirement properties within Newmarket.

Councillor Ruth Bowman made reference to the condition within the report's recommendation which concerned occupancy restriction. She queried why the report stipulated over 55s only whereas some of the supporting documentation, which referred to other retirement developments, cited over 60s as being the restriction. The Officer explained that this condition could be amended to over 60s should Members wish.

Councillor Peter Ridgwell spoke at length on this item, he advised the Committee that he worked at a retirement complex in Brandon which he stated had vastly inadequate car parking provision for residents, meaning visiting carers were left with no option but to park on the roadside.

Whilst not wishing to make any direct comparisons, as Members were to consider each application before them on its own merits, the Officer explained that the ratio of parking spaces per residential unit in the proposed scheme was far higher than that of the development Councillor Ridgwell made reference to. The Officer also explained that there was designated storage for cycles and mobility scooters as part of the development.

Councillor David Bowman proposed that the application be approved as per the Officer recommendation, inclusive of the amendments in respect of the 3 disabled parking spaces and the alteration of the age restriction to 60 (from 55). This was duly seconded by Councillor Simon Cole.

Councillor Carol Lynch requested that a recorded vote be taken for this item and this was unanimously supported by the Committee.

Accordingly, with the motion being put to the vote Members voted as follows:

Name of Member	For	Against	Abstained
Chris Barker	X		
David Bowman	X		
Ruth Bowman	X		
Rona Burt	X		
Simon Cole	X		
Brian Harvey	X		
Carol Lynch		X	
Victor Lukaniuk	X		
Peter Ridgwell		X	
TOTAL	7	2	0

Whereupon the Chairman declared the motion carried and it was resolved that:

Following receipt of satisfactory amended plans illustrating at least 25 car parking spaces, with 3 of those being of appropriate specification for use by blue badge holders (all provided to the specifications set out in the Suffolk Advisory Parking Standards) planning permission be **GRANTED** subject to:

1. The prior satisfactory completion of a S106 agreement to secure:
 - Off-site affordable housing, precise amount to be agreed following conclusions of viability assessment (minimum contribution of £265,620)
 and
2. Conditions, including:
 - Time limit
 - Samples of materials
 - Details of finishes (colours to be applied to detailing)
 - As recommended by SCC Floods Team
 - As recommended by the Local Highway Authority
 - Implementation of recommendations of the ecology and bat reports
 - Landscaping
 - Protection of retained trees and shrubs during construction
 - Construction Management Plan
 - Timing of the provision of obscure glazing (prior to first occupation and retention thereafter) as illustrated on the plans.
 - Lighting strategy and scheme.
 - Water use efficiency.
 - Waste minimisation and re-cycling strategy (including demolition of Kininvie).
 - Further details of the proposed electricity sub-station.
 - Occupancy restriction (over 60's only + any dependents)

In the event of failure to agree a precise level of affordable housing contribution for inclusion within a S106 Agreement (on viability, or other grounds) the planning application be returned to the Development Control Committee for further consideration.

Speakers: Mrs Jill Rogers (resident) spoke against the application.
Mr Chris Styles (architect) spoke in support of the application.

Councillor Roger Dicker left the meeting at 7.42pm during the preliminary discussion of this item and prior to the voting thereon.

The meeting concluded at 8.28 pm

Signed by:

Chairman
