

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 4 January 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
David Bowman
Ruth Bowman
Louis Busuttill
Simon Cole
Roger Dicker

Stephen Edwards
Brian Harvey
Carol Lynch
David Palmer
Peter Ridgwell

In attendance:

Ruth Allen (Severals Ward Member) (in relation to Minute No. 198)

194. **Chairman's Announcement**

Prior to the consideration of the items on the agenda, the Chairman informed all members of the public in attendance that they were present in order to listen to the discussion and did not have the right to address the meeting. They were not to cause a disturbance or interrupt and, if necessary, anyone making a disturbance could be asked to leave.

195. **Apologies for Absence**

There were no apologies for absence.

Councillor Louise Marston was unable to attend the meeting.

196. **Substitutes**

There were no substitutes present at the meeting.

197. **Minutes**

The minutes of the meeting held on 7 December 2016 were unanimously accepted as a correct record and were signed by the Chairman.

198. Planning Application DC/16/0465/FUL - Plots 9-11 St Leger Drive, Newmarket (Report No: DEV/FH/17/001)

Application for single storey B2/B8 industrial units and associated external works (Resubmission of Planning Application DC/14/2218/FUL).

Prior to the commencement of the consideration of this application, the Case Officer explained that the incorrect version of the block plan had been submitted with the agenda papers. However, Members of the Committee had now been provided with the correct version and the agenda papers on the website had also been updated.

The application was referred to the Development Control Committee as the Office recommendation of approval, was contrary to the views of Newmarket Town Council. This was also a major application which had generated significant local interest.

Newmarket Town Council, the District Council Ward Member and local residents (which included 60 letters of objection) had raised various objections to the application, as set out on pages 12 and 13 of the agenda papers.

The Case Officer also explained that Planning Application DC/14/2218/FUL had been the subject of an appeal for the refusal of planning permission for a B2/B8 warehouse and distribution centre on the site. This appeal had been dismissed and the Inspector's decision was a significant material consideration in the determination of this revised application.

The Case Officer also provided the following updates which had been received, following the publication of the agenda papers:

1. An additional letter of objection had been received which raised the following issues:-
 - A loading bay would cause a noise nuisance, particularly to Nos. 30 to 36 and 77 to 81 Studlands Park Avenue.
 - Accoustic barriers could be more effective if built across the loading area itself.
2. A letter, accompanied by a photograph, had been addressed to all Members. Members were also in receipt of the Officer response, which corrected several unsubstantiated accusations and defamatory comments and clarified the planning process, in respect of the building of Plot 8.

Officers were recommending that the application be approved, as set out in paragraph 44. of Report No: DEV/FH/17/001.

Councillor Ruth Allen (Member for the Severals Ward) was in attendance to speak on this application. Councillor Allen explained the local opposition to this proposal and the concerns that the amended plans still remained a gross overdevelopment of the site and was out of keeping with the character of the other units in the area. These amended proposals would still not resolve the

loss of natural light, restricted views, increased noise for local residents and domination of the whole of the landscape.

It was moved and duly seconded that the application be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION**, for the following reasons:

1. Contrary to Policy DM2.
2. Be out of keeping with the character of the area.
3. Proposed buildings were disproportionate in height.

With the motion for refusal being put to the vote and with 6 voting for the motion and with 7 voting against, the Chairman declared the motion lost.

It was then moved and duly seconded that the application be **GRANTED**, as set out in paragraph 44. of the report. With the motion for approval being put to the vote and with 7 voting for the motion and with 6 voting against, it was resolved that

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

1. 003 year time limit.
2. In accordance with approved plans.
3. Implementation of a programme of archaeological works.
4. Hours of construction (08:00 to 18:00 Monday to Friday; 08:00 to 13:30 Saturday).
5. No external generators used outside normal working hours.
6. Notification of the Local Planning Authority for any extended concrete pouring outside agreed hours of construction.
7. Scheme of dust mitigation to be submitted and agreed.
8. No security lights erected on site without prior approval of the Council.
9. Noise levels restricted to 34dB (A) LA90 (1 hour daytime 07:00 – 23:00) at the boundary of the nearest residential property (that being - 10dB(A) below the daytime background noise levels measured as 44 dB(A) LA90 (1 hour daytime 07:00 – 23:00 hours) in noise assessment SA-3418/rv.01) and;
10. Shall not exceed 25.7dB (A) LA90 (15 minute night time 23:00-07:00) at the facade of the nearest residential property (that being -10dB (A) below the night time background noise levels measured as 35.7dB (A) LA90 (15 minutes night time 23:00 – 07:00 hours) in noise assessment SA-3418/rv.01.).
11. An acoustic screen as specified in noise assessment SA-3418/rv.01 shall be installed, prior to the development being brought into use.
12. Prior to the development being brought into use, details of the operational hours of deliveries and working on site shall be agreed in writing with the Local Planning Authority.
13. No deliveries shall be dispatched until a delivery method statement is provided detailing times of operation in the service yard including the use of roll cages has been submitted to and approved in writing by the Local Planning Authority.

14. The use and movement of roll cages within the service yard shall take place between the hours of 08:00 to 19:00 Mondays to Fridays and at no other times unless agreed in writing with the Local Planning Authority.
15. The light intrusion of the external lighting of the premises shall not exceed 10 lux between the hours of 07:00 to 23:00 and 2 lux between the hours of 23:00 to 07:00 at the façade of any neighbouring residential property. The main beam angle of all lights of the premises shall not be more than 70 degrees. Details of the proposed lighting to achieve this condition shall be provided to the Local Planning Authority for approval in writing. (The applicant may wish to refer to the ILP's 'Guidance notes for the reduction of obtrusive light GN01:2011).
16. Details of refuse/bin storage to be agreed.
17. Parking and manoeuvring areas to be provided before first use.
18. Foul water drainage scheme to be agreed.
19. Permitted Development rights removed for additional floor area (including mezzanine level).
20. Use restricted to B2 and B8 use only.
21. Development shall be implemented and operated in accordance with the Travel Plan.

Speakers: Gail Spoore (Resident) spoke against the application.
Councillor Andy Drummond (Newmarket Town Council) spoke against the application.

199. Planning Application DC/15/2120/FUL- Kininvie, Fordham Road, Newmarket (Report No: DEV/FH/17/002)

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

This planning application was first referred to the Development Control Committee on 1 June 2016. Members had expressed concerns regarding the impact of the development on its surroundings and resolved that they intended to refuse planning permission. Members did not determine the planning application, but deferred their final decision to the following meeting on 6 July 2016 to enable a risk assessment to be considered, in advance of the determination.

At the Development Control Committee on 6 July 2016, Members resolved to grant planning permission, subject to prior completion of a S106 Agreement to secure off-site affordable housing contributions. The Committee resolved for delegated authority to be given to Officers to negotiate and agree an appropriate level of affordable housing contribution, in the light of a viability claim that had been presented by the Applicants.

The Case Officer reported that it had not been possible to agree an appropriate affordable housing contribution with the Applicant and, consequently, had not been able to complete a S106 Agreement. The

Applicants had indicated that they were no longer willing to discuss viability matters as they could not foresee agreement being reached and had effectively required that the Council determined the planning application, based on their current affordable housing offer (which included a minor upwards adjustment, which represented approximately 5.5% affordable housing provision, set against the Council's policy target of 30%).

Officers were of the view that the proposals were contrary to the Development Plan with respect to the affordable housing provision, given that it had not been satisfactorily demonstrated that the scheme could not be viably delivered. Officers considered that there were no material considerations in favour of the proposals that would outweigh the need to deliver a policy compliant level of affordable housing from a development of this site. This included any perceived need for specialist 'retirement' housing in the District, which in any case, would be significantly and demonstrably outweighed by the need to provide for the well documented and evidenced need for affordable homes.

Therefore, whilst the proposed scheme remained acceptable in all other material respects, Officers were recommending that planning permission be refused, given the absence of a policy compliant contribution towards affordable housing provision being secured from the scheme (the proposed reasons for refusal were set out in paragraph 22. of Report No: DEV/FH/17/002).

With the vote being unanimous, it was resolved that

Planning permission be **REFUSED**, for the following reasons:

1. The proposals for the erection of 29 retirement dwellings is contrary to national planning policies in the NPPF. The proposals are also contrary to the provisions of Policy CS9 of the Forest Heath Core Strategy (2010) and its supporting 'Joint Affordable Housing Supplementary Planning Document'. The aforementioned Development Plan policies require new housing developments of this scale to provide 30% of the total number of proposed dwellings as affordable housing on site, or if agreed, an equivalent cash contribution to enable affordable housing requirements to be provided off-site. In this case, the applicants' have offered an off-site affordable housing contribution equivalent to circa 5.5% and have claimed any enhanced provision would render the development unviable and undeliverable. The Council does not agree with the viability appraisal submitted in support of the planning application and, having sought independent professional advice, considers the scheme can deliver a policy compliant level of affordable housing, both when considering market conditions at the date of the viability appraisal (March 2016) and in current housing market conditions.

200. **Planning Application DC/16/2444/HH - 2 Wells Court, Mildenhall (Report No: DEV/FH/16/003)**

Application for:

- (ii) Two storey front extension; and
- (ii) Side extension to existing detached garage to form workshop/home office.

The application was referred to the Development Control Committee because the applicant was an employee of the Council.

Mildenhall Parish Council had supported the application. A neighbouring property had also made comments in support of the application.

Officers were recommending that the application be approved, as set out in paragraph 19. of Report No: DEV/FH/17/003.

With the vote being unanimous, it was resolved that

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

1. Standard Time Limit.
2. Approved Plans.

The Meeting concluded at 6.55 pm

Signed by:

Chairman
