

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 3 May 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	Stephen Edwards
David Bowman	Brian Harvey
Ruth Bowman J.P.	Carol Lynch
Louis Busuttil	David Palmer
Simon Cole	Peter Ridgwell
Roger Dicker	

213. **Chairman's Announcement**

On commencement of the meeting the Chairman asked Members to note that it may be necessary to convene an extraordinary meeting of the Development Control Committee on 17 May 2017, and she asked that the Committee make a note of this provisional date.

Members were also reminded that they were requested to attend the District Offices at 5.15pm on 10 May 2017 (immediately prior to the Council's Annual Meeting) to enable a whole Council photograph to be taken.

214. **Apologies for Absence**

There were no apologies for absence.

Councillor Louise Marston was unable to attend the meeting.

215. **Substitutes**

There were no substitutes present at the meeting.

216. **Minutes**

The minutes of the meeting held on 1 March 2017 were unanimously received as an accurate record and were signed by the Chairman.

217. Acting Assistant Director of Planning Announcement

Prior to the consideration of the three RAF Lakenheath Planning Applications that were on the agenda (Items 4, 5 and 6), the Acting Assistant Director of Planning provided the Committee with some background with regard to the ongoing discussions the Planning Authority had been having with the MOD and the work that was taking place with regard to the recently released new noise contour map.

218. Planning Application DC/16/1088/FUL - Zone 4 Plot 5 Chestnut Way, Lord's Walk (RAF Lakenheath), Eriswell (Report No: DEV/FH/17/011)

Planning Application – one dwelling

This application was referred to the Development Control Committee because the MOD objected to the proposal contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 45 of Report No: DEV/FH/17/011.

The Case Officer explained that the application was one of six submitted as part of an ongoing programme of improvement works at the Lord's Walk estate, which included refurbishment of existing dwellings and small-scale residential development.

The application before Members formed part of a wider masterplan for the estate which was currently being considered at Officer level.

The Principal Planning Officer made reference to the announcement made by the Acting Assistant Director of Planning in relation to this application and explained that whilst the MOD objected on grounds of noise and vibration concerns Officers were satisfied that this could be dealt with via appropriate mitigation as detailed in the report.

Furthermore, the Lord's Walk estate was already a considerable housing development and the Planning Authority had not been made aware of or received any evidence to demonstrate harm caused by noise or vibration.

The Committee were also advised that since publication of the agenda Public Health and Housing had requested that two additional conditions be added to the Officer's recommendation in respect of further mitigation measures:

1. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
2. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

Speaker: John Barbuk (agent) spoke in support of the application

Some Members raised questions with regard to the size of the property, Officers explained that the existing Lord's Walk estate demonstrated a mixture of property size and the proposed development was deemed appropriate in context.

Councillor Peter Ridgwell explained that he recalled being advised by the MOD that the F-35 Joint Strike Fighter aircraft, which were to be stationed at RAF Lakenheath from 2021, would be operating 24 hours a day/7 days a week. The Acting Assistant Director of Planning responded and advised the Committee that in recent discussions with the MOD and USAF they had clarified that normal, existing operating hours were not intended to be changed.

It was moved by Councillor David Bowman that the application be approved as per the Officer recommendation (and inclusive of the two additional conditions) and this was duly seconded by Councillor Simon Cole. Upon being put to the vote, with 12 voting for the motion and with 1 abstention, it was resolved that

Decision

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

1. 3 year time limit
2. In accordance with approved plans
3. Materials
4. Development in accordance with proposed noise mitigation (including acoustic absorption to glazing)
5. In accordance with tree protection plan
6. PD removed for openings in the East elevation
7. P1 – parking
8. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
9. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

219. **Planning Application DC/16/1089/FUL - Zone 4 Plot 10 Redwood Lane, Lord's Walk (RAF Lakenheath), Eriswell (Report No: DEV/FH/17/012)**

Planning Application – one dwelling

This application was referred to the Development Control Committee because the MOD objected to the proposal contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 45 of Report No: DEV/FH/17/012.

The Case Officer explained that the application was another one of six submitted as part of an ongoing programme of improvement works at the Lord's Walk estate, which included refurbishment of existing dwellings and small-scale residential development.

The application before Members formed part of a wider masterplan for the estate which was currently being considered at Officer level.

The Principal Planning Officer again made reference to the announcement made by the Acting Assistant Director of Planning in relation to this application and explained that whilst the MOD objected on grounds of noise and vibration concerns Officers were satisfied that this could be dealt with via appropriate mitigation as detailed in the report.

The Committee were also advised that since publication of the agenda Public Health and Housing had requested that two additional conditions be added to the Officer's recommendation in respect of further mitigation measures, and these also applied to this application:

1. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
2. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

Speaker: John Barbuk (agent) spoke in support of the application

It was moved by Councillor David Bowman that the application be approved as per the Officer recommendation (and inclusive of the two additional conditions) and this was duly seconded by Councillor Simon Cole. Upon being put to the vote, with the vote being unanimous, it was resolved that

Decision

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

1. 3 year time limit
2. In accordance with approved plans
3. Materials
4. Development in accordance with proposed noise mitigation (including acoustic absorption to glazing)
5. In accordance with tree protection plan
6. PD removed for openings in the East elevation
7. P1 – parking
8. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and

9. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

220. Planning Application DC/16/1090/FUL - Zone 2 Plots 3,4,5 and 6, Apple Close, Lord's Walk (RAF Lakenheath), Eriswell (Report No: DEV/FH/17/013)

Planning Application – one dwelling

This application was referred to the Development Control Committee because the MOD objected to the proposal contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 45 of Report No: DEV/FH/17/013.

The Case Officer explained that the application was yet another one of six submitted as part of an ongoing programme of improvement works at the Lord's Walk estate, which included refurbishment of existing dwellings and small-scale residential development.

The application before Members formed part of a wider masterplan for the estate which was currently being considered at Officer level.

The Principal Planning Officer once again made reference to the announcement made by the Acting Assistant Director of Planning in relation to this application and explained that whilst the MOD objected on grounds of noise and vibration concerns Officers were satisfied that this could be dealt with via appropriate mitigation as detailed in the report.

The Committee were also advised that since publication of the agenda Public Health and Housing and requested that two additional conditions be added to the Officer's recommendation in respect of further mitigation measures and these also applied to this application:

1. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
2. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

Lastly, Members were informed that the application had been amended since first submitted. The original application had included a further 3 properties on an adjacent plot but Officers considered this element harmful to the Lord's Walk estate's large area of open space, as a result of which the application was amended to remove this part, leaving just one dwelling seeking approval.

Speaker: John Barbuk (agent) spoke in support of the application

It was moved by Councillor David Bowman that the application be approved as per the Officer recommendation (and inclusive of the two additional conditions) and this was duly seconded by Councillor Simon Cole. Upon being put to the vote, with the vote being unanimous, it was resolved that

Decision

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

1. 3 year time limit
2. In accordance with approved plans
3. Materials
4. Development in accordance with proposed noise mitigation (including acoustic absorption to glazing)
5. In accordance with tree protection plan
6. PD removed for openings in the North elevation
7. Details of drawings of access arrangement TBA
8. P1 – parking
9. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
10. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

221. Planning Application DC/16/2184/FUL - Nowell Lodge, Fordham Road, Newmarket (Report No: DEV/FH/17/014)

10 No. apartments (demolition of existing dwelling)

This application was referred to the Development Control Committee because it was for a major development and Newmarket Town Council raised objections, contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 40 of Report No DEV/FH/17/014.

A Member site visit was held prior to the meeting.

The Case Officer advised, as part of his presentation, that the application had been amended since first submitted. He showed drawings of the original scheme and explained that it had been significantly reduced in size to a more modest development which reflected the character of other properties in the road.

Speaker: Malcolm Daines-Smith (agent) spoke in support of the application

Councillor Ruth Bowman drew attention to Paragraph 28 of the report where it stated that the "Conservation Officer considers that the building can be classified as an undesignated heritage asset". She raised concern at the loss

of a prestigious building such as this and this sentiment was echoed by Councillor Carol Lynch.

The Acting Assistant Director of Planning clarified that the last survey of Newmarket's properties was undertaken in the 1990s and the property in question was not listed at the time; possibly due to the fact that it demonstrated a relatively common design of its period.

The Principal Planning Officer clarified that as the property was not listed nor within a Conservation Area demolition could be carried out under permitted development and did not require the Committee's approval.

A number of the Committee raised concerns in respect of the scheme in relation to:

- Overdevelopment of the site;
- The proposal being out of character in the street scene;
- Access issues, insufficient car parking and the impact on the highway infrastructure;
- The loss of mature trees on site;
- There being no affordable housing provided as part of the scheme;
- The impact on residential amenity; and
- The cumulative impact of this development alongside those nearby at Southernwood and Kininvie.

In response to which the Officer clarified that the planning application for Kininvie did not receive approval and Suffolk Highways did not object to the proposal and the parking provision fully complied with the County's parking guidelines.

Councillors Simon Cole and Andrew Appleby spoke in support of the application. Praising the design and the good use of the plot, whilst retaining the majority of the tree cover along the frontage.

Councillor Cole proposed that the application be approved, as per the Officer recommendation and this was duly seconded by Councillor Appleby. Upon being put to the vote with 2 voting for the motion and 11 against, the Chairman declared the motion lost.

Councillor Carol Lynch then moved that Members be minded to refuse the application, contrary to the Officer recommendation, for the following reasons:

- Overdevelopment of the site;
- The proposal being out of character in the street scene;
- Insufficient car parking and the impact on the highway infrastructure;
- The loss of mature trees on site; and
- The impact on residential amenity.

This was duly seconded by Councillor David Bowman.

The Acting Assistant Director of Planning confirmed that if Members resolved that they were 'minded to refuse' the application it would be subject to a risk assessment and would be brought back to a future meeting of the Committee for future consideration and determination.

The Chairman then put the motion for 'minded to refuse' to the vote, with 11 voting for the motion, 1 against and with 1 abstention, it was resolved that

Decision

Members were **MINDED TO REFUSE PERMISSION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to concerns with:

- Overdevelopment of the site;
- The proposal being out of character in the street scene;
- Insufficient car parking and the impact on the highway infrastructure;
- The loss of mature trees on site; and
- The impact on residential amenity.

The meeting concluded at 7.15 pm

Signed by:

Chairman
