

UPDATE SHEET

MSDC Planning A

13 March 2019

Item 7a

DC/18/05021: Land adjoining Tuffs Road and Maple way, EYE

1.

Members are advised that any comments submitted by Jon Betts in respect of possible appropriate conditions are WITHOUT PREJUDICE to his or fellow residents' objections to the principle of residential use on this site. Her and the residents he represents maintain strong objection.

2.

Eye Town Council made representation [letter dated 12 March 2019 but received by email Sat. 9 March 2019] to the Council's Chief Executive, Arthur Charvonia, that consideration of this item should be delayed and should not be included on the agenda for 13 March 2019.

The full wording of their representation is as follows:

"Eye Town Council requests that the report on the above application be withdrawn and the consideration of the application be deferred for the following reasons:

1. The Eye Neighbourhood Plan is given no weight as a material consideration in the officer report. The Pre-Submission draft was published for comment in November and December 2018 and it should have been given some weight in the report. Nevertheless, Eye Town Council is due to consider for approval the Submission draft of the Plan at its meeting on Tuesday 12th March. The comments on the Pre-Submission draft have been carefully considered and suitable amendments made to the Plan. The application site is not identified in the Plan, indeed it is specifically rejected and, subject to its approval on Tuesday, the Submission draft of the Plan should now be given significant weight in the decision on this application.

2. The District Council's consultation on its five year supply has now been completed. If this consultation has confirmed that five year supply of residential land is available then the 'tilted balance' referred to in the officer report no longer applies. A decision on an application of this importance should not be made until that position is clear.
3. You have acknowledged that FoI requests for information about the process of informing residents of the consultation period on the revised application have not been responded to in accord with legal requirements. Because of this it is currently unclear whether the process of consultation met the necessary requirements. The application should not be determined until this position is clear and any errors in the consultation process corrected. The correspondence between Mr Betts, Mr Pearce and yourself should inform your consideration.
4. The Highway assessments were found wanting when the Committee considered the original application. Since then the Highways Department has only undertaken what appears to be a single site visit. At the very least the Town Council and the residents would have expected that a week-long traffic survey would have been carried out. This would have provided firm evidence over a reasonable period as to traffic flow etc on which to base the modelling. For this reason we contend that the Committee is no more able to make a properly informed judgement than it was when it decided to defer its decision.

If the application is determined by the Committee next Wednesday without these matters being addressed the Town Council will be obliged to consider what action it might take and is obtaining advice to this end.

Best Regards

Wendy Alcock

Town Clerk"

In an email dated 11 March 2019 the Council's Assistant Director – Law & Governance and Monitoring Officer responded stating:

"Thank you for contacting me about this matter. The Council has given full and thorough consideration to the request from Eye Town Council to defer this item from the meeting on Wednesday. However, having spent significant time consulting planning colleagues today I can find no justifiable grounds for the Council to delay its consideration of the application. I have addressed each of your concerns in turn:

I am informed that the Eye Neighbourhood Plan has not yet reached a stage where significant weight can be attributed to it. I recognise that you are close to submitting

your submission draft but this still has to go through examination before it will gain significant weight in the decision-making process.

I am informed that the committee report goes into significant detail regarding the position relating to the Councils 5 year housing land supply and the 'tilted balance'. I will not rehearse everything in the report here but I understand that the 'tilted balance' can be engaged due to more than one reason and as such the 5 year housing land supply position is not the final determining factor. It is a material factor though and members will have to understand this point when they are making their decision.

The Council is confident that it has met the requirements for consultation. You are of course at liberty to raise this point as part of your representation at Committee and Councillors will have the opportunity to understand the point so they feel confident to make their decision.

Your final point refers to the quality of highways advice. The County Council are statutory consultees and have provided amended advice. An option remains for Councillors to refuse the application on highways matters if they wish. They are also at liberty to seek further independent advice if they so choose. Again, this is a question for members of the Planning Committee who will exercise their planning judgement on these and all other matters.

I do appreciate that this application is a matter of concern for the Town Council, however the district Council must weigh up its statutory duty to determine applications and the risk of appeal against non-determination when considering a request for deferral. As mentioned above the Town Council will have an opportunity to present its case to the Planning Committee at the meeting on Wednesday and the Committee will take into account all considerations before making its decision. “

3.

RECOMMENDED ADDITIONAL CONDITION

In submitting reserved matter details of layout any new dwelling with accommodation above ground floor adjacent to either the site's western and/or southern boundary must achieve a back-to-back minimum distance of 20m in relation to any existing adjacent dwelling containing windows to habitable rooms.

Reason: In order to safeguard residential amenity and privacy.

4.

ADDITIONAL CLAUSE TO S106

The requirement for open space within the development shall include the provision of a Locally Equipped Play Area [LEAP] and a range of natural play facilities and a youth shelter for older young people.