

Development Control Committee



Forest Heath
District Council

Title:	Agenda									
Date:	Wednesday 2 August 2017									
Time:	6.00 pm									
Venue:	Council Chamber District Offices College Heath Road Mildenhall									
Full Members: *Membership subject to approval by Council on 26 July 2017*	<p style="text-align: center;">Chairman Rona Burt</p> <p style="text-align: center;">Vice Chairman Chris Barker</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><u>Conservative Members (10)</u></td> <td style="width: 33%;">David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole</td> <td style="width: 33%;">Stephen Edwards Brian Harvey Carol Lynch Louise Marston</td> </tr> <tr> <td><u>West Suffolk Independent Members (2)</u></td> <td>Andrew Appleby</td> <td>David Palmer</td> </tr> <tr> <td><u>UKIP Members (2)</u></td> <td>Roger Dicker</td> <td>Peter Ridgwell</td> </tr> </table>	<u>Conservative Members (10)</u>	David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole	Stephen Edwards Brian Harvey Carol Lynch Louise Marston	<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer	<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell
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SITE VISITS WILL BE HELD ON MONDAY 31 JULY 2017 AT THE FOLLOWING TIMES:

No coach is to be provided for these site visits, Members are requested to make their own way there and to car share wherever possible.

1. **Planning Application DC/17/0766/HH - 14 Collings Place, Newmarket**
Householder Planning Application - Two storey rear extension
Site visit to be held at 10.00am (CB8 0EX)
2. **Planning Application DC/17/0938/TPO - 50 The Street, Gazeley**
TPO002(2014) Tree Preservation Order - i) Fell - 2no Sycamore (G002 on plan, within group G2 of Order), 1no. Sycamore (T042 on plan, within group G4 of Order), 1no Horsechestnut (T008 on plan, within Group G1 of Order), 1no Tree of Heaven (T009 on plan, within Group G1 of Order) and 1no Ash (T041 on plan, within Group G2 of Order) and (ii) 1no Sycamore (T032 on plan, within Group G3 of Order) Remove the two lowest limbs on left side to balance crown (amended 18.07.2017 - T040 on plan, within group G2 of Order - removed from proposal)
Site visit to be held at 10.30am (CB8 8RB) **Cont. overleaf...**

3. Planning Application DC/17/1025/HH - 16 High Street, Tuddenham
Householder Planning Application - Detached garage/garden store
Site visit to be held at 11.00am (IP28 6SA)

Substitutes:	Named substitutes are not appointed
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Five Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
 - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
 - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
 - The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or Officers attending Committee on their behalf);
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.

- An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
- In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Agenda

Procedural Matters

Part 1 - Public

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 10**

To confirm the minutes of the meeting held on 5 July 2017 (copy attached).
- 4. Planning Application DC/17/0938/TPO - 50 The Street, Gazeley** **11 - 22**

Report No: **DEV/FH/17/028**

TPO002(2014) Tree Preservation Order - i) Fell - 2no Sycamore (G002 on plan, within group G2 of Order), 1no. Sycamore (T042 on plan, within group G4 of Order), 1no Horsechestnut (T008 on plan, within Group G1 of Order), 1no Tree of Heaven (T009 on plan, within Group G1 of Order) and 1no Ash (T041 on plan, within Group G2 of Order) and (ii) 1no Sycamore (T032 on plan, within Group G3 of Order) Remove the two lowest limbs on left side to balance crown (amended 18.07.2017 - T040 on plan, within group G2 of Order - removed from proposal)
- 5. Planning Application DC/17/0766/HH - 14 Collings Place, Newmarket** **23 - 32**

Report No: **DEV/FH/17/029**

Householder Planning Application - Two storey rear extension
- 6. Planning Application DC/17/1025/HH - 16 High Street, Tuddenham** **33 - 42**

Report No: **DEV/FH/17/030**

Householder Planning Application - Detached garage/garden store
- 7. Planning Application DC/16/0866/VAR - Motocross Circuit, Hayland Drove, West Row** **43 - 66**

Report No: **DEV/FH/17/031**

Variation of Conditions 5 and 6 of F/2001/768 to extend the opening hours (as per Planning Statement submitted with this application) to allow for continued use of land as motocross track on a permanent basis and variations to conditions