

Development Control Committee

Title:	Agenda												
Date:	Wednesday 6 November 2019												
Time:	PART A Commences at 10.00am PART B Commences not before 1.00pm (see list of agenda items for further details)												
Venue:	Council Chamber College Heath Road Mildenhall IP28 7EY												
Full Members:	<p style="text-align: right;">Chair Andrew Smith</p> <p style="text-align: right;">Vice Chairs Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><u>Conservative Group</u>(9)</td> <td style="width: 33%;">Andy Drummond Susan Glossop Ian Houlder</td> <td style="width: 33%;">David Roach Peter Stevens Ann Williamson</td> </tr> <tr> <td><u>Spectrum Group</u> (3)</td> <td>John Burns Jason Crooks</td> <td>David Palmer</td> </tr> <tr> <td><u>The Independent Group</u>(3)</td> <td>Roger Dicker David Gathercole</td> <td>Don Waldron</td> </tr> <tr> <td><u>Labour Group</u>(1)</td> <td>David Smith</td> <td></td> </tr> </table>	<u>Conservative Group</u> (9)	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson	<u>Spectrum Group</u> (3)	John Burns Jason Crooks	David Palmer	<u>The Independent Group</u> (3)	Roger Dicker David Gathercole	Don Waldron	<u>Labour Group</u> (1)	David Smith	
<u>Conservative Group</u> (9)	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson											
<u>Spectrum Group</u> (3)	John Burns Jason Crooks	David Palmer											
<u>The Independent Group</u> (3)	Roger Dicker David Gathercole	Don Waldron											
<u>Labour Group</u> (1)	David Smith												
Substitutes:	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><u>Conservative Group</u>(4)</td> <td style="width: 33%;">Carol Bull Terry Clements</td> <td style="width: 33%;">Rachel Hood Sara Mildmay-White</td> </tr> <tr> <td><u>Spectrum Group</u> (2)</td> <td>Trevor Beckwith</td> <td>David Nettleton</td> </tr> <tr> <td><u>The Independent Group</u>(1)</td> <td>Andy Neal</td> <td></td> </tr> <tr> <td><u>Labour Group</u>(1)</td> <td>Diane Hind</td> <td></td> </tr> </table>	<u>Conservative Group</u> (4)	Carol Bull Terry Clements	Rachel Hood Sara Mildmay-White	<u>Spectrum Group</u> (2)	Trevor Beckwith	David Nettleton	<u>The Independent Group</u> (1)	Andy Neal		<u>Labour Group</u> (1)	Diane Hind	
<u>Conservative Group</u> (4)	Carol Bull Terry Clements	Rachel Hood Sara Mildmay-White											
<u>Spectrum Group</u> (2)	Trevor Beckwith	David Nettleton											
<u>The Independent Group</u> (1)	Andy Neal												
<u>Labour Group</u> (1)	Diane Hind												
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:	Six Members												
Site visit details overleaf...													

SITE VISITS WILL BE HELD ON MONDAY 4 NOVEMBER 2019 AT THE FOLLOWING TIMES
(please note that given the number of site visits, the distance to be travelled, and the routes needed, the timings provide a rough guide only):

The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following sites:

- 1. Planning Application DC/19/1463/TPO - 85 Raynham Road, Bury St Edmunds, IP32 6ED**
TPO218(1972) - Tree Preservation Order - Beech T1 - Fell
Site visit to be held at 9.35am
- 2. Planning Application DC/17/2474/OUT - Land South of Bury Road, Kentford, CB8 7PZ**
Outline Planning Application (Means of Access, Appearance and Scale to be considered) - Up to 19no. dwellings as amended by plans and documents received 9th May 2019
Site visit to be held at 10.05am
- 3. Planning Application DC/19/0079/FUL & Application for Listed Building Consent DC/19/0080/LB - The Rutland Arms Hotel, 33 High Street, Newmarket, CB8 8NB**
Planning Application - (i) Demolition and rebuilding of Palace Street annexe building including creation of additional guest bedrooms (ii) Refurbishment to High Street building (iii) Detached garage adjacent Nell Gwynne House; and
Application for Listed Building Consent - (i) Demolition and rebuilding of Palace Street annexe building including creation of additional guest bedrooms (ii) Refurbishment to High Street building
Site visit to be held at 10.35am

The coach will then travel to the Council's offices at College Heath Road, Mildenhall in order to allow for a short comfort break and refreshments (approximately 11.15–11.30pm) before re-embarking and travelling to the following sites:

- 4. Planning Application DC/19/0506/FUL - Garage Areas, Newnham Close, Mildenhall, IP28 7PD**
Planning Application - 6 no. dwellings and 30 no. parking spaces (demolition of 39no. lock-up garages) - (Previous Application DC/17/2587/FUL)
Site visit to be held at 11.35am
- 5. Planning Application DC/19/0508/FUL - Garage Areas, Downing Close, Mildenhall, IP28 7PB**
Planning Application - 5no. dwellings and 33no. parking spaces (following demolition of 43no. garages) - Previous Application DC/17/2585/FUL
Site visit to be held at 11.55am
- 6. Planning Application DC/19/0507/FUL - Garage Areas, Emmanuel Close, Mildenhall, IP28 7PF**
Planning Application - 11no. dwellings and 57no. parking spaces (following demolition of 70no. garages) - Previous Application DC/17/2586/FUL
Site visit to be held at 12.15pm
- 7. Planning Application DC/19/0505/FUL - Garage Areas, Pembroke Close, Mildenhall, IP28 7LY**
Planning Application - 6no. dwellings and 45no. parking spaces (following demolition of 60no. garages)
Site visit to be held at 12.35pm
- 8. Planning Application DC/19/1217/FUL - 5C Oak Tree Farm, Wildmere Lane, Holywell Row, IP28 8BL**
Planning Application - 1no. dwelling with detached garage
Site visit to be held at 12.55pm

On conclusion of the site visits, the coach will return to West Suffolk House by the approximate time of 1.30pm.

**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

Local Plans covering West Suffolk Council	
Joint Development Management Policies Document 2015	
Forest Heath Area Local Plan	St Edmundsbury Area Local Plan
Forest Heath Core Strategy 2010 as amended by the High Court Order (2011)	St Edmundsbury Core Strategy 2010
Core Strategy Single Issue Review of Policy CS7 (2019)	Vision 2031 adopted 2014 <ul style="list-style-type: none"> - Bury St Edmunds - Haverhill - Rural
Site Allocations Local Plan (2019)	
Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.	

- 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 Council's website.

**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/alterd, 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 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

Part A

(commences at 10am)

Page No

1. Apologies for Absence

2. Substitutes

Any Member who is substituting for another Member should so indicate, together with the name of the relevant absent Member.

3. Minutes

1 - 26

To confirm the minutes of the meeting held on 2 October 2019 (copy attached).

4. Planning Application DC/17/2474/OUT - Land South of Bury Road, Kentford

27 - 50

Report No: **DEV/WS/19/032**

Outline Planning Application (Means of Access, Appearance and Scale to be considered) - Up to 19no. dwellings as amended by plans and documents received 9th May 2019

5. Planning Application DC/19/0505/FUL - Garage Areas, Pembroke Close, Mildenhall

51 - 68

Report No: **DEV/WS/19/033**

Planning Application - 6no. dwellings and 45no. parking spaces (following demolition of 60no. garages)

6. Planning Application DC/19/0506/FUL - Garage Areas, Newnham Close, Mildenhall

69 - 86

Report No: **DEV/WS/19/034**

Planning Application - 6 no. dwellings and 30 no. parking spaces (demolition of 39no. lock-up garages) - (Previous Application DC/17/2587/FUL)

Continued overleaf...

- 7. Planning Application DC/19/0507/FUL - Garage Areas, Emmanuel Close, Mildenhall** **Page No 87 - 106**

Report No: **DEV/WS/19/035**

Planning Application - 11no. dwellings and 57no. parking spaces (following demolition of 70no. garages) - Previous Application DC/17/2586/FUL

- 8. Planning Application DC/19/0508/FUL - Garage Areas, Downing Close, Mildenhall** **107 - 124**

Report No: **DEV/WS/19/036**

Planning Application - 5no. dwellings and 33no. parking spaces (following demolition of 43no. garages) - Previous Application DC/17/2585/FUL

On conclusion of the above items the Chairman will permit a short break

Part B

(commences not before 1pm)

- 9. Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath** **125 - 260**

Report No: **DEV/WS/19/037**

Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).

- 10. Planning Application DC/19/0079/FUL & Application for Listed Building Consent DC/19/0080/LB - The Rutland Arms Hotel, 33 High Street, Newmarket** **261 - 282**

Report No: **DEV/WS/19/038**

Planning Application - (i) Demolition and rebuilding of Palace Street annexe building including creation of additional guest bedrooms (ii) Refurbishment to High Street building (iii) Detached garage adjacent Nell Gwynne House; and Application for Listed Building Consent - (i) Demolition and rebuilding of Palace Street annexe building including creation of additional guest bedrooms (ii) Refurbishment to High Street building

Continued overleaf...

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 11. Planning Application DC/19/1217/FUL - 5C Oak Tree Farm, Wildmere Lane, Holywell Row | Page No
283 - 302 |
| Report No: DEV/WS/19/039 | |
| Planning Application - 1no. dwelling with detached garage | |
| 12. Planning Application DC/19/1463/TPO - 85 Raynham Road, Bury St Edmunds | 303 - 314 |
| Report No: DEV/WS/19/040 | |
| TPO218(1972) - Tree Preservation Order - Beech T1 - Fell | |
| 13. Planning Application DC/19/1623/FUL - 17-18 Cornhill, Bury St Edmunds | 315 - 344 |
| Report No: DEV/WS/19/041 | |
| Planning Application - (i) Redevelopment of old Post Office site with retention of historic facade (ii) 12 no. flats (iii) 2 no. commercial units at ground floor and (iv) enlargement and repaving of public realm/footpath | |

(On conclusion of the agenda Members of the Development Control Committee will receive a short training seminar where Officers will deliver an update on enforcement.)