

# Development Control Committee

**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 2 September 2020** at **10.00 am** via Microsoft Teams

Present **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Mike Chester and Jim Thorndyke

Richard Alecock

Andy Neal

John Burns

David Palmer

Jason Crooks

David Roach

Roger Dicker

David Smith

Susan Glossop

Peter Stevens

Rachel Hood

Ann Williamson

Ian Houlder

**In attendance**

Carol Bull (Ward Member: Barningham)

## 48. **Welcome and Remembrance**

The Chair formally commenced the meeting and jointly welcomed all present and those externally viewing the Development Control Committee.

A number of housekeeping matters and remote meeting guidance were highlighted to all.

Following which, the Chair paid tribute to former West Suffolk Councillor David Gathercole who had recently passed away.

The Chair spoke fondly of Councillor Gathercole, who had served on the Development Control Committee, and asked all those present to observe a one minute silence in his memory.

## 49. **Apologies for Absence**

Apologies for absence were received from Councillors Andy Drummond and Don Waldron.

## 50. **Substitutes**

The following substitutions were declared:

Councillor Rachel Hood substituting for Councillor Andy Drummond; and Councillor Andy Neal substituting for Councillor Don Waldron

Following which, the Democratic Services Officer verbally outlined all Members of the Committee who were present, together with any attending Councillors and the names of the Officers supporting the meeting.

51. **Minutes**

The minutes of the meeting held on 22 July 2020 were confirmed as a correct record and signed by the Chair.

52. **Declarations of Interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

53. **Planning Application DC/18/1425/FUL - The Woodyard, Stores Hill, Dalham (Report No: DEV/WS/20/041)**

**Planning Application - Entry Level exception site for 2no affordable dwellings and ancillary access arrangements (partly retrospective)**

This application was originally referred to the Development Control Committee on 22 July 2020 following consideration by the Delegation Panel at the request of the Ward Member (Chedburgh & Chevington) Councillor Mike Chester.

The Delegation Panel subsequently recommended that the application be heard before the Development Control Committee due to the site's (enforcement) history and the degree of public interest generated by the proposal.

Furthermore, Dalham Parish Council had raised objections to the scheme which was in conflict with the Officer's recommendation of approval.

However, the item was withdrawn from the 22 July 2020 Development Control Committee agenda following a third party representation which suggested that the application as submitted ought not be determined by the Local Planning Authority on the basis that planning application DC/16/1735/FUL had already been refused on the 17 February 2017.

The representation asserted that based on the advice contained within the National Planning Practice Guidance, a further application could not be submitted pursuant to S.70c of the 1990 Town and Country Planning Act.

In response to this claim, legal advice was been sought which confirmed that there were no material or legal reasons for the Local Planning Authority to refuse to determine this planning application, accordingly, it was returned to the Committee for deliberation.

Officers were continuing to recommend that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in Paragraph 115 of Report No DEV/WS/20/041.

As part of his presentation to the Committee the Senior Planning Officer drew attention to the supplementary 'late papers' which had been issued since publication of the agenda and played videos of the site which he took the Committee through by way of a virtual 'site visit'

The Officer further advised of two amendments which had been made to the scheme in respect of boundary treatments to the South of the site and a revised visibility splay drawing.

Members were also informed that additional late comments had been received from third parties on 29 August, 31 August and 1 September – all of which were summarised to the meeting.

Speakers: Rachel Mack-Smith (resident objector & on behalf of fellow neighbouring objectors) spoke against the application  
Councillor John Riddell (Dalham Parish Council) spoke against the application  
Councillor Mike Chester (Ward Member: Chedburgh & Chevington) spoke on the application

Considerable debate took place on the application, with a number of the Committee making comment with regard to the 2015 Written Ministerial Statement (which related to intentional unauthorised development) and whether the dwellings proposed were affordable.

Some Members also questioned as to whether the proposal was a rural exception site.

Councillor David Roach proposed that the application be refused, contrary to the Officer recommendation for the reasons outlined above and this was duly seconded by Councillor Roger Dicker.

In response to which, the Service Manager (Planning – Development) drew attention to the comments within the report from the Council's Strategic Housing Team. She also recommended that the query concerning a rural exception site was not used as a reason for refusal.

Accordingly, the Committee was advised that the Decision Making Protocol would be invoked and a Risk Assessment would be produced for Members to consider at a future meeting.

Upon being put to the vote and with 14 voting for the motion and with 2 against, it was resolved that

#### Decision

**MEMBERS BE MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION** due to advice contained within the 2015 Written Ministerial Statement (which relates to intentional unauthorised development) and over concerns that the dwellings proposed were not affordable. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

54. **Application for Advertisement Consent DC/20/0817/ADV - Land adjacent to Willie Snaith Road, Newmarket (Report No: DEV/WS/20/042)**

*(Councillor Rachel Hood declared a non pecuniary interest in this item in light of the fact that she had taken part in Newmarket Town Council's consideration of the application when they resolved to oppose the scheme. However, Councillor Hood stressed that she would keep an open mind and listen to the debate prior to voting on the item.)*

**Application for Advertisement Consent - 1 no. internally illuminated freestanding totem sign**

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

The proposal related to the site upon which planning permission had recently been granted by the Development Control Committee on 3 June 2020 for 2no. drive-through cafe/restaurant units (DC/18/2210/FUL).

Newmarket Town Council objected to the proposal which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 61 of Report No DEV/WS/20/042.

As part of his presentation the Senior Planning Officer made reference to the supplementary 'late papers' which had been circulated following publication of the agenda and which set out a correction in respect of the distance of the proposed advertisement from an existing dwelling.

Speaker: Douglas Hall (resident objector) spoke against the application

During the debate Councillor Rachel Hood addressed the meeting and made reference to the conflict with the Newmarket Neighbourhood Plan and the proximity of the nearby skatepark development.

A number of comments were made with regard to the design of the proposal and the Service Manager (Planning – Development) highlighted the changes that had been made to the application since pre-application enquiry discussions.

Councillor Jason Crooks proposed that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 8 voting for the motion and 8 against the Chair exercised his casting vote against the proposal and the motion was therefore lost.

Councillor Peter Stevens then moved that the application be refused, contrary to the Officer recommendation, due to the impact the proposal would have on visual amenity. This was duly seconded by Councillor Richard Alecock.

In response to the proposal the Service Manager (Planning – Development) explained, due to the subjective nature of the concerns raised by Members about the proposed sign relating to amenity, that the Decision Making Protocol would not be invoked in this instance, meaning the motion would not be a 'minded to' refuse.

Further discussion then took place, with a number of Members voicing support for a deferral in order to allow additional time in which for the applicant to work with Newmarket Town Council on an alternative design, which was welcomed by Councillor Hood on behalf of the Town Council.

Henceforth, Councillor Jason Crooks proposed an amendment to the motion on the table in order to defer consideration of the application.

The Lawyer advising the meeting explained that the alternative proposal that had been made (but not seconded) was not an amendment to the refusal motion as it was a substantively different proposition.

*(At this point in the meeting there was a technical fault and a number of attendees lost connection. A meeting adjournment slide was displayed in the live stream whilst time was allowed for all parties to reconnect. Once present, the Democratic Services Officer undertook a roll call of attendance.)*

On resuming the meeting, Councillors Stevens and Alecock (as proposer and seconder) withdrew their motion for refusal.

Subsequently, Councillor Roger Dicker moved that consideration of the application be deferred in order to allow the applicant additional time in which to liaise with Newmarket Town Council on an alternative design proposal. This was duly seconded by Councillor Jason Crooks.

Upon being put to the vote and with 13 voting for the motion and 3 against it was resolved that

#### Decision

Consideration of the planning application be **DEFERRED** in order to allow the applicant additional time in which to liaise with Newmarket Town Council on an alternative design proposal.

*(On conclusion of this item the Chair permitted a short comfort break and asked that an adjournment slide be displayed in the live stream, before reconvening the virtual meeting and taking a roll-call of those present.)*

#### 55. **Planning Application DC/20/0623/FUL - Milton House, Thurlow Road, Withersfield (Report No: DEV/WS/20/043)**

##### **Planning Application - 5no. dwellings (following demolition of existing dwelling)**

This application was originally referred to the Development Control Committee on 8 July 2020 following consideration by the Delegation Panel

and in light of Withersfield Parish Council having submitted objections to the scheme which was in conflict with the Officer's recommendation of approval.

The Committee resolved on 8 July that they were minded to refuse the application, contrary to the Officer recommendation as the application was contrary to Policy CS4, drainage and flood risk, harm to the conservation area, impact on the setting of a listed building, impact on biodiversity and impact on neighbouring amenity.

Accordingly a Risk Assessment was produced for further consideration by the Committee which the Principal Planning Officer took Members through as part of his presentation, together with videos of the site by way of a virtual 'site visit'.

A typographical error was highlighted in the description of the application within the report which referred to 6 dwellings and should have read 5; as the scheme had been amended since original submission.

Speakers: Denis Elavia (neighbouring objector) spoke against the application  
Councillor Terry Rich (Chairman, Withersfield Parish Council) spoke against the application  
Lee Frere (architect) spoke in support of the application

Councillor Peter Stevens commenced the debate as Ward Member for the application (Withersfield) and continued to raise concerns with the application, primarily in relation to flooding.

These concerns were echoed by a number of the Committee, irrespective of the condition proposed to mitigate this.

Councillor Ian Houlder proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Mike Chester.

However, further discussion took place with Members highlighting the need to give weight to the concerns raised by local residents and the Parish Council.

The Principal Planning Officer stressed the need to ensure reasonableness in relation to the scale of the development. He added that Officers considered that the scheme would actually provide a betterment by way of the proposed drainage condition.

Councillor Mike Chester then addressed the meeting and formally withdrew as seconder of the approval motion. Councillor Ann Williamson then seconded the motion.

Following which, the Chair put the motion to the vote and with 6 voting for and 10 against the Chair declared the motion lost.

Councillor Peter Stevens then proposed that the application be refused for the reasons set out in Paragraph 40 of the report. This was duly seconded by Councillor Jason Crooks.

Upon being put to the vote and with 11 voting for the motion and 5 against it was resolved that

### Decision

Planning permission be **REFUSED, CONTARY TO THE OFFICER RECOMMENDATION** for the following reasons:

1. Without full details regarding the condition of the culvert and chamber to satisfy the highway authority that there will be no risk of highway flooding from surface water from the development, it has not been demonstrated that a satisfactory drainage scheme is achievable on the site. The application is therefore contrary to the requirements of the St Edmundsbury Core Strategy Policy CS2, Joint Development Management Policy DM6 and paragraph 163 of the NPPF in this respect.
2. Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Furthermore, Joint Development Management Policies DM17, DM1, DM2 and DM22, all of which, seek to protect heritage assets and ensure good design appropriate for the character and context of the site. The site is wholly within the Withersfield conservation area and in this case the courtyard style layout of a group of 5 dwellings, would depart from the mainly linear form of this part of the village harming its appearance. The loss of a significant tree on the frontage of the site is also considered to be harmful to the character of the conservation area as it forms part of a group of trees contributing to its amenity. The application does not therefore preserve or enhance the conservation area and does not accord with Joint Development Management Policies DM17, DM1 and DM2. Having regard to paragraph 196 of the NPPF, the less than substantial harm to the significance of a designated heritage asset (Withersfield conservation area) is not outweighed by any public benefit.
3. Joint Development Management Policy DM12 states that for all development, measures should be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development. In this case scale of development proposed, 5 dwellings including hard-surfaced areas and parking, results in very little space for new planting and biodiversity enhancements to replace the three trees and grassed areas being lost. The loss of trees also represents a loss of habitat for bats and birds. The proposed mitigation set out in the Design and Access Statement is not considered sufficient to outweigh this harmful impact representing a

net loss in biodiversity. The development does not therefore accord with Joint Development Management Policy DM12.

4. Thistledown Cottage adjoining the site to the south currently has a relatively open aspect to its northern boundary, with ground floor windows to the gable end of the dwelling. The proposed development introduces a new dwelling of significant scale and form within 5 metres of the gable end. This is considered to be overbearing and harmful to the existing amenity of this dwelling. Furthermore, the Old Bakery to the north west of the site currently enjoys a relatively verdant boundary to Milton House. Proposed plot 6 would be sited close to this existing boundary resulting in the loss of existing vegetation and trees. A two-storey dwelling would be positioned within 5 metres of the existing boundary. This would result in harm to the amenity of the Old Bakery by virtue of overbearing and additional noise disturbance. This would be contrary to Joint Development Management Policy DM2, which amongst other things, requires new development to avoid harm to existing residential amenity.

*(On conclusion of this item Councillor Andy Neal left the meeting at 2.24pm.)*

56. **Planning Application DC/20/0526/FUL - Former Council Offices, 7 Angel Hill, Bury St Edmunds (Report No: DEV/WS/20/044)**

**Planning Application - (i) Extension to second floor office space to create new office units within the roof space including 11 no. dormers (ii) secondary access and escape stair to the rear on each floor level and (ii) removal of an existing window and creation of a new doorway on north elevation**

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

Bury St Edmunds Town Council objected to the proposal which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 75 of Report No DEV/WS/20/044.

As part of his presentation the Planning Officer outlined the detailed planning history of the site and took Members through videos of the site by way of a virtual 'site visit'.

He also outlined the various changes that had been made to the application since original submission.

Lastly, the Officer proposed an additional two conditions to be included to ensure that all glazing within the roof space shall be fixed shut and non-openable and that the fire doors shall be fitted with an alarm.

Speakers: Susie Cooper (resident objector & on behalf of fellow neighbouring objectors) spoke against the application *(via a pre-recorded audio file submission)*  
Lionel Thurlow (architect) spoke in support of the application

Councillor David Smith asked if it would be possible to condition the use of the courtyard. In response, the Principal Planning Officer explained that this would not be considered reasonable due to the communal use of the area by residents. Members were also reminded of the two additional conditions in respect of the glazing and alarmed fire doors.

Some general discussion took place with regard to site visits. The Committee was advised that unless Government Covid-19 guidance changed these would continue to be provided by way of video to the Committee.

Councillor Roger Dicker proposed that the application be approved as per the Officer recommendation and inclusive of the two additional conditions as outlined. This was duly seconded by Councillor Ian Houlder.

*(During the discussion of this item Councillors David Roach (2.30pm), Ann Williamson (2.46pm) and David Palmer (2.55pm) left the meeting at the times specified and were therefore not present for the vote.)*

Upon being put to the vote and with 9 voting for the motion, 1 against and with 2 abstentions it was resolved that

#### Decision

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

1. Time Limit - The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) Measures to control the emission of dust and dirt during construction
  - ii) Noise method statements and noise levels for each construction activity including piling and excavation operations
4. The site demolition, preparation and construction works shall only be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
5. Before the development hereby permitted is first occupied/brought into use, all the proposed doors and glazing within the roof space shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall consist only of non-operable fixed lights and shall be retained in such form in perpetuity.
6. Prior to the first use of the development the noise protection measures provided by screening in association with the air condition unit detailed in plan 7360-700G shall be completed in their entirety in approved details.

7. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 7360-100D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
8. The use shall not commence until the areas within the site shown on Drawing No. 7360-100D for the purposes of secure cycle storage and thereafter that areas shall be retained and used for no other purposes.
9. Before the development hereby permitted is first brought into use, all the proposed doors and glazing within the roof space shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and which shall consist only of non-openable fixed lights and shall be retained in such form in perpetuity. Further, all glazing within the roof space shall be fixed shut and shall not be openable.
10. Before the development hereby permitted is first brought into use, all external doors hereby permitted shall be fitted with an alarm that sounds when the external door is opened, or each door shall otherwise be linked to the existing fire alarm system within the building such that the opening of any external door hereby permitted shall automatically trigger the sounding of the existing fire alarm. Any such method as may be employed pursuant to this condition shall thereafter be retained. There shall be no use of the premises for the purposes hereby permitted unless and until the doors have been linked to the existing fire alarm as so prescribed or otherwise fitted with an alarm.

*(On conclusion of this item Councillor Susan Glossop left the meeting at 3.10pm.)*

**57. Planning Application DC/20/0489/FUL - Land Rear of Springfield, The Street, Hepworth (Report No: DEV/WS/20/045)**

**Planning Application - 1no. Dwelling and detached garage**

This application was referred to the Development Control Committee following consideration by the Delegation Panel at the request of the Ward Member (Barningham) Councillor Carol Bull.

The Delegation Panel subsequently recommended that the application be heard before the Development Control Committee in light of the support from Hepworth Parish Council which was in conflict with the Officer's recommendation of refusal, for the reasons set out at Paragraph 48 of Report No DEV/WS/20/045.

As part of his presentation the Planning Officer took Members through videos of the site by way of a virtual 'site visit'.

Speakers: Councillor Carol Bull (Ward Member: Barningham) spoke in support of the application  
Trevor Stimson (applicant) spoke in support of the application

A number of the Committee voiced support for the application and remarked on the lack of objection received to the scheme.

Councillor John Burns proposed that the application be approved, contrary to the Officer recommendation, as he considered it not to be in conflict with policies DM2 and DM22. This was duly seconded by Councillor Jim Thorndyke.

Accordingly, the Committee was advised that the Decision Making Protocol would not be invoked in this instance as the judgement made was subjective.

The Planning Officer then verbally outlined the conditions that could be applied to a permission.

The Chair, therefore, put the motion to the vote and with 10 voting for and 1 against it was resolved that

### Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, subject to the following conditions:

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. The development hereby permitted shall be constructed entirely of the materials detailed on the submitted application form.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above on the north western or south western elevations of the dwelling.
5. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 1946/01 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
6. The use shall not commence until the area(s) within the site shown on Drawing No. 1946/01 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
7. Prior to commencement of development details of the following drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority:
  - i) Existing and proposed ground levels and finished slab and floor levels,
8. Prior to the occupation of any unit/dwelling:
  - i) All of the noise protection and mitigation works associated with that unit/dwelling as detailed in the noise report No. DYN220520A Rev. 1 authored by Mr T. Stimson shall be completed in their entirety in accordance with the approved details.

- ii) The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in writing of the completion and verification of the works.

Thereafter the approved works shall be retained.

- 9. The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
- 10. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

The meeting concluded at 3.50 pm

**Signed by:**

**Chair**

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