

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 6 January 2021** at **10.00am** via Microsoft Teams.

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Roger Dicker

Peter Stevens

Andy Drummond

Don Waldron

Susan Glossop

Ann Williamson

Ian Houlder

In attendance

Simon Brown (Ward Member: Pakenham & Troston)

James Lay (Ward Member: Newmarket West)

90. **Welcome**

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.

91. **Apologies for absence**

No apologies for absence were received.

92. **Substitutes**

No substitutions were declared.

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.

93. **Minutes**

The minutes of the meetings held on 18 November 2020 and 2 December 2020 were both unanimously confirmed as a correct record.

94. **Declarations of interest**

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

95. **Planning Application DC/20/1445/FUL - Land adjacent to Moonstone, Chilton Street, Clare (Report No: DEV/WS/21/059)**

Planning Application - (i) 1no. Dwelling (ii) Garage with habitable space above and associated landscaping (resubmission of DC/19/0270/FUL)

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the support offered by Clare Town Council which was in conflict with the Officer's recommendation of refusal, for the reasons set out in Paragraph 94 of Report No DEV/WS/21/059.

Members were advised that the planning application was a revised scheme from the previously refused application (DC/19/0270/FUL - 1no. Dwelling (ii) Garage with habitable space above and associated landscaping).

The Senior Planning Officer explained that the main differences were that the dwelling now proposed had a reduced footprint of 28 metres by 8 metres (previously 34m x 8.2m), a ridge height of 10.2 metres (previously 11.2m) but would still be externally finished with a Corten steel tree canopy frame which 'enveloped' the dwelling.

The reduction in footprint allowed for the proposed dwelling to be moved slightly further away from the site boundaries and in turn the garage was set further back within the plot. The ridge height of the garage had also been reduced by 0.7 metres.

As with the previous application the applicants claimed that the proposal should be considered as an NPPF 'Paragraph 79' proposal and as such the comments from the Suffolk Design Review Panel (SDRP) on the previous application were considered to remain relevant.

The Committee was informed that since publication of the agenda the applicants had submitted an arboricultural impact assessment. Whilst Officers had not had time to fully assess the content of the documentation Member were advised that the assessment could negate the need for refusal reason number four.

Accordingly, Officers were continuing to recommend that the application be refused for the reasons set out in the report with delegated authority being sought to liaise with the Chair with regard to the inclusion/removal of reason four, as deemed necessary once the report had been considered by the Council's Tree Officer.

As part of his presentation the Officer provided videos of the site by way of a virtual 'site visit'.

Speakers: Anna Juhl & Robert Marshall (neighbouring objectors) spoke against the application (*neither individual connected to the meeting to personally address the Committee and instead opted to have the Democratic Services Officer read out a pre-prepared submitted joint statement on their behalf*)
Craig Beech (agent) spoke in support of the application

During the debate some Members posed questions with regard to the recently received arboricultural impact assessment which the Senior Planning Officer and Service Manager (Planning – Development) responded to.

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

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

Decision

Planning permission be **REFUSED** for the following reasons, with Delegated Authority given to Officers to liaise with the Chair with regard to the inclusion/removal of reason four, as deemed necessary:

- 1 The National Planning Policy Framework (NPPF) requires the planning system to recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. Between them, policies CS1 and CS4 establish the spatial strategy and the settlement hierarchy for development within the former St. Edmundsbury area. Policy DM13 bolsters this position and provides that development which is proposed outside of the settlement boundaries, as identified through CS4 and as is the case in this instance, will be strictly controlled. Policy RV3 of the Rural Vision Document further clarifies that the proposals for residential development will be favoured within the defined settlement boundaries. Collectively, these policies seek to resist residential development outside of settlement boundaries and instead direct it towards localities and settlements which are able to accommodate further growth in a sustainable way. Furthermore, Policy DM5 of the Joint Development Management Policies Document (Development within the Countryside) provides that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the strict circumstances where dwellings will be permitted outside of the identified settlement boundaries. The proposal does not meet the provisions of policies DM5 or DM27 or paragraph 79 of the NPPF, which outweigh this very significant conflict with the Development Plan. The Local Planning Authority is able to demonstrate an up to date 5 year housing supply and the most determinative policies for decision making are considered up to date, as such the principle of development in this location is not supported,

2 In conjunction with policy CS3 of the Core Strategy, policy DM2 of the Joint Development Management Policies Document provides that proposals for development should recognise and address the key features, characteristics of the locality within which they're proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness. The proposed development is a large building with a Corten steel skin installed to the external elevations. Physically, the proposed dwelling has 5 bedrooms and it has a footprint of 28m x 8m with a ridge height of 10.2m.

The submitted site sections illustrate that the dwelling, as proposed, would be larger than the locality's existing buildings and in particular the existing dwellings which are modest, rural units. The building's substantial footprint and generous ridge height give rise a proposal which is incongruent with the prevailing rural character of the application site and wider context. The dwelling presents as a very large, dominating urban block in an area which is otherwise loosely developed with a typical rural vernacular. The massing and bulk do not respect the rural setting of the locality and as a result, the development is visually harmful in the way it dominates the plot and creates a jarring visual contrast between the dwelling and its rural, verdant setting. This results in a proposal which materially and significantly conflicts with policies CS3, DM2 and DM22 of the development plan in a way which is deemed to be harmful to the existing character and rural setting of the application site.

As a direct result of the inappropriate scale and massing of the proposed dwelling, the development is deemed to have an adverse impact upon the prevailing landscape and thus conflicts with policy DM13 of the joint Development Management Policies Document. The proposed new dwelling is higher than the next largest building, the existing agricultural barn on the site. The building is not typical of the cluster and represents a departure from the local vernacular in its appearance and size. The submitted photomontage view of the building from the footpath to the north west of the site shows that the building will be dominant with the hard edges of the building set against the sky; the trees to the rear will no longer be visible on the skyline. The introduction of a hard edged, visually discordant addition to the landscape is visually intrusive and represents a visually jarring feature within an otherwise undeveloped rural setting.

The area is rural in character and there are few sources of artificial or intrusive light; this contributes to the undeveloped and natural character of the locality. However, by introducing a large physical mass to the landscape, with internally illuminated panels - which ultimately project light outwards into the unlit landscape - the prevailing sense of place would be unduly compromised. Such a design fails to respect the locality's countryside character and would represent a conflict with policies CS3, DM2 and DM13 by virtue of the harmful visual impact to the immediate and wider setting of the building.

Therefore, as a result of the material conflict with development plan policies CS3, DM2, DM13 and DM22, the scheme is not considered by

the Local Planning Authority to represent development which satisfactorily complies with paragraph 79 of the National Planning Policy Framework. Due to the introduction of a large, inappropriately scaled building, the scheme as proposed does not significantly enhance the immediate setting within which it is proposed and nor is it sensitive to the prevailing defining characteristics of the area.

- 3 As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the Local Planning Authority have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

The proposed dwelling will be located adjacent to an existing belt of mature trees and the submitted ecology survey confirms that these trees to the south of the site represent a moderate value to foraging bats due to the connectivity with the Chilton Stream. However, although the submitted ecology report acknowledges that additional lighting has the potential to have an adverse impact upon foraging bats, the scheme includes opaque roof and wall panels to give a night time lighting effect.

The introduction of additional light sources in close proximity to an area likely to be used by foraging bats is not consistent with the principles of retaining a dark site as alleged within the submitted ecology survey.

Accordingly, due to the potential adverse impacts upon the local bat population, the scheme represents a conflict the advice contained within the NPPF at paragraphs 8c, 170 and 175 and policies DM11 and DM12 of the Joint Development Management Policies Document and policy CS2 of the Core Strategy.

- 4 Whilst the submitted landscaping proposals plan provides some detail as to the position of the boundary trees, the application is not supported by a BS5837 compliant arboricultural report. In this instance, the Local Planning Authority would maintain that such detail is required given the proximity of the development to the off-site, visually prominent tree specimens. It is accepted that the proposed development may be able to co-exist with the trees which are already in situ but the Local Planning Authority are unable to reach such a conclusion without the necessary arboricultural report being submitted. It must therefore be concluded that in the absence of information which indicates otherwise, the proposal is unable to demonstrate that it sufficiently satisfies policy DM13 which specifically aims to ensure landscape features (trees in this instance) are not unduly sacrificed or threatened.

96. **Planning Application DC/20/1497/FUL - Land East of Redcastle Farm Cottage, Brand Road, Great Barton (Report No: DEV/WS/21/060)**

Planning application - 1no. Holiday cottage

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the support offered from Great Barton Parish Council which was in conflict with the Officer

recommendation of refusal, for the reason set out in Paragraph 45 of Report No DEV/WS/21/060.

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

Speaker: Councillor Simon Brown (Ward Member: Pakenham & Troston) spoke in support of the application

Councillor Peter Stevens spoke in support of the application which he considered to be sustainable, well related to the existing facilities and considered that more weight should be attached to provide to the economic benefits of the development in relation to Policy DM34.

Accordingly, he proposed that the application be approved contrary to the Officer recommendation and this was duly seconded by Councillor David Roach.

In response, the Service Manager (Planning – Development) addressed the meeting and advised that the proposal would not be 'minded to' and the Decision Making Protocol would not be invoked in this instance.

Following which, the Planning Officer verbally outlined the conditions that could be appended to a planning permission, if granted.

Upon being put the vote and with 12 voting for the motion and 4 against, it was resolved that

Decision

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

1. 01A - The development hereby permitted shall be commenced no later than 3 years from the date of this permission.
2. 14FP - The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. 03D - The holiday let unit hereby permitted shall be occupied only as holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning Use Classes Order 1987 as amended or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order). The development shall not be occupied as a person's sole or main place of residence. Each letting as holiday accommodation shall not exceed a period of 3 weeks nor shall the unit be let or occupied to any one individual or party for a period exceeding 4 weeks in total within any 12 month period. On commencement of the holiday let use hereby permitted, the owners/operators of the holiday let unit shall keep at all times an up-to-date Register of all lettings which shall include the name and address of the person or party occupying the accommodation during each individual letting. The Register shall be made available for inspection on demand by the Local Planning Authority.

4. The hours of site clearance, preparation and construction operations including deliveries to the site and the removal of excavated materials and waste from the site shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site clearance, preparation or construction activities shall take place at the development site on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.
5. The use shall not commence until the areas within the site shown on Block Plan 542.1 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that those areas shall be retained and used for no other purposes.
6. Before the development is occupied details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
7. 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.
8. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
a. The programme and methodology of site investigation and recording
b. The programme for post investigation assessment
c. Provision to be made for analysis of the site investigation and recording
d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
e. Provision to be made for archive deposition of the analysis and records of the site investigation
f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
9. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition.
10. 10A - No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and

species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

11. 10J - No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

12. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

97. **Planning Application DC/20/1708/HH - 11 St Marys Square, Newmarket (Report No: DEV/WS/21/061)**

(Councillor Andy Drummond declared a non-pecuniary interest in this item in light of the fact that he had attended the Delegation Panel meeting during consideration of the application and had requested that it be referred to Committee for determination. Councillor Drummond stressed that he would keep an open mind and listen to the debate prior to voting on the item.)

Householder planning application - (i) single storey rear extension (ii) conversion of garage into habitable space

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the objection from Newmarket Town Council which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 30 of Report No DEV/WS/21/061.

As part of the Planning Officer's presentation the Committee were advised that there was currently an existing extension on site without the benefit of planning permission. The application before Members sought permission for the retention of this structure with changes made to the external materials.

The Officer also outlined the Permitted Development 'fallback' position to consider when determining the application.

Speakers: Debbie Baines (Clerk, Newmarket Town Council) spoke against the application
Councillor James Lay (Neighbouring Ward Member, Newmarket West) spoke against the application

During the debate a number of comments/questions were posed on various elements of the proposal which the Planning Officer and/or Service Manager (Planning – Development) responded to as follows:

- Building Control compliance – Members were reminded that this was not a material planning consideration and would be dealt with separately;
- Conservation Area – whilst the application was not within the designated Conservation Area, it was adjacent to it and Local Planning Authorities had a duty to consider the impact of applications on the character and appearance of the Conservation Area still; and
- Parking/Highways – the Committee was advised that Suffolk County Council Highways was not consulted on the application because planning permission was not required for the conversion of the garage to living accommodation. Whilst the garage conversion technically removed an off-street parking space there were designated parking spaces nearby and the property was in a town centre location.

Councillor Roger Dicker proposed that the application be granted as per the Officer recommendation. This was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 9 voting for the motion and 7 against, it was resolved that

Decision

Planning permission be **GRANTED** 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 following approved plans and documents:
3. Within three months from the date of this decision, the extension hereby permitted shall be clad in facing bricks to match the original dwelling, in accordance with the detail shown on drawing 111 (02)-02 Revision B.

The meeting concluded at 12.13 pm

Signed by:

Chair
