

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 23 June 2021** at **10.00 am** in Exhibition Hall 3, Floor 1, Rowley Mile Conference Centre, Millennium Grandstand, Newmarket Racecourse (Rowley Mile), Newmarket, CB8 0TF

Present **Councillors**

Richard Alecock
Carol Bull
Mike Chester
Terry Clements
Roger Dicker
Andy Drummond
Susan Glossop
Ian Houlder

Andy Neal
David Palmer
David Roach
Andrew Smith
David Smith
Peter Stevens
Jim Thorndyke

132. **Election of Chair 2021/2022**

The Lawyer opened the meeting and asked for nominations for the Chair of the Committee for 2021/2022.

Councillor Carol Bull nominated Councillor Andrew Smith as Chair and this was seconded by Councillor Mike Chester.

There being no other nominations and no objections, it was unanimously

RESOLVED:

That Councillor Andrew Smith be elected Chair for 2021/2022.

Councillor Smith then took the Chair for the remainder of the meeting.

133. **Election of Vice Chairs 2021/2022**

The Chair sought nominations for the two positions of Vice Chair.

Councillor Peter Stevens nominated Councillor Jim Thorndyke and this was seconded by Councillor David Roach.

Councillor Susan Glossop nominated Councillor Mike Chester and this was seconded by Councillor Ian Houlder.

There being no other nominations and no objections, it was unanimously

RESOLVED:

That Councillors Mike Chester and Jim Thorndyke be elected as Vice Chairs for 2021/2022.

134. Welcome

The Chair then formally commenced the meeting and welcomed all present to the Development Control Committee, with special reference made to Councillor Terry Clements who was attending his first meeting as a newly appointed member of the Committee.

The Chair took the opportunity to thank Members and Officers for their valued input and support during the 15 virtual meetings of the Committee that had been held since March 2020 and outlined the reasons why the meeting was being held at Rowley Mile Racecourse, Newmarket.

A number of housekeeping matters and guidance were highlighted to all. Lastly, the Chair reminded the Committee that item 10 had been withdrawn from the agenda.

135. Apologies for absence

Apologies for absence were received from Councillors John Burns and Jason Crooks.

136. Substitutes

The following substitution was declared:

Councillor Andy Neal substituting for Councillor John Burns.

137. Minutes

The minutes of the meeting held on 28 April 2021 were confirmed as a correct record, with 14 voting for the motion and with 1 abstention, and were signed by the Chair.

138. Declarations of interest

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

139. Public Speaking Protocol

The Service Manager (Planning – Development) advised the Committee that in light of meetings no longer taking place remotely it had been necessary to update the Committee's Public Speaking Protocol to reflect the new arrangements.

Approval was now sought by the Committee to formally adopt the revised protocol for use.

It was proposed by Councillor Peter Stevens, duly seconded by Councillor Andy Drummond and with the vote being unanimous, it was resolved that

Decision

The attached document "Guide to Having Your Say on Planning Applications" be **APPROVED** for use for the Development Control Committee.

140. **Planning Application DC/21/0367/FUL - Milton House, Thurlow Road, Withersfield (Report No: DEV/WS/21/015)**

Planning Application - five dwellings (following demolition of existing house)

This application was referred to the Development Control Committee as the proposed scheme was on the same site as a previous application which was refused by the Committee in September 2020. In addition, the Parish Council had voiced objections to the application.

As part of his presentation the Principal Planning Officer outlined the previous application and the reasons for refusal, as set out in Appendix 1 of Report No DEV/WS/21/015. He also highlighted the changes made to the scheme in the current proposal.

The Committee was shown videos of the site by way of a virtual 'site visit'.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 64 of the report.

Speakers: Denis Elavia (neighbouring objector) spoke against the application

Councillor Terry Rich (Withersfield Parish Council) spoke against the application

Councillor Peter Stevens (Ward Member: Withersfield) spoke on the application

David Barker (agent) spoke in support of the application

During the debate some of the Committee continued to voice concern in respect of highway flooding. The Case Officer reminded Members of the sustainable drainage strategy submitted by the applicant; in response to which the Highways Authority and the Lead Local Flood Authority had not raised objection.

Comments were also made by Members on the attractiveness of the proposal but that it was not considered in keeping with the surrounding area. Councillors also made reference to overdevelopment and the potential urbanisation of the village.

Councillor Roger Dicker spoke in support of the application and highlighted that the site was within the development boundary and the Conservation Officer had not objected.

Councillor Peter Stevens proposed that the application be refused for reasons 2, 3 and 4 as listed as the previous refusal reasons in Appendix 1 (excluding

reason 1 which related to highway flooding). This was duly seconded by Councillor Ian Houlder.

The Service Manager (Planning – Development) explained that as the refusal reason relating to highway flooding had been disregarded it would not be necessary to invoke the Decision Making Protocol in this instance.

Accordingly, upon being put to the vote and with 11 voting for the motion and 4 against it was resolved that

Decision

Planning permission be **REFUSED** for the following reasons:

1. 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.
2. 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 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 outweigh this harmful impact representing a net loss in biodiversity. The development does not therefore accord with Joint Development Management Policy DM12.
3. 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 over-bearing 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.

(Shortly after commencing this item it became apparent that Members of the Committee were having difficulty in viewing one of the screens which displayed the Case Officer's presentation to the meeting. The Chair therefore permitted a short adjournment in order to allow Democratic Services Officers time in which to relocate some of the screens within the room to ensure that Committee Members were able to adequately view the display. Once completed, the Chair reconvened the meeting and apologised for the interruption.)

141. **Planning Application DC/20/2212/HH - Woodlands, The Pound, Hawstead (Report No: DEV/WS/21/016)**

Householder planning application - three bay cart lodge and machinery store with first floor guest accommodation above

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the fact that the Parish Council objected to the proposal which was in conflict with the Officers' recommendation of approval, subject to conditions as set out in Paragraph 42 of Report No DEV/WS/21/016.

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

Attention was drawn to the supplementary 'late papers' which were issued following publication of the agenda and which set out additional comments received from the Parish Council.

Speaker: Councillor Phil Baker (Hawstead Parish Council) spoke against the application

Councillor Terry Clements (Ward Member: Horringer) opened the debate advised the Committee that Hawstead had unique mature tree-lined entrances to the village and all properties were set back from the road. He raised concern at the number of trees that the proposal would require to be removed and stated that the cart lodge would be better placed closer to the existing property and further from the road.

The Case Officer informed the Committee that none of the trees concerned were protected by a TPO and, as the site was not within the Conservation Area either, the removal of them would not require consent. Furthermore, the

Council's Tree Officer had confirmed that the trees were not worthy of a TPO and had not objected to the application.

Councillor Clements then proposed that the application be refused, contrary to the Officer recommendation, due to the size/scale of the proposal and it being not in keeping with the character of the village. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 5 voting for the motion and 10 against the Chair declared the motion lost.

Councillor Roger Dicker then 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 9 voting for the motion and 6 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 approved plans and documents.
- 3 Prior to commencement of development a detailed Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall show the extent of root protection areas, details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. The AMS shall include details of all construction measures within the root protection areas of those trees on and adjacent to the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation for hard surfaces, boundary treatments and service routes. The TPP and AMS shall include a schedule of monitoring and a programme of arboricultural supervision. The development shall be carried out in accordance with the approved TPP and AMS unless agreed in writing by the Local Planning Authority.
- 4 Prior to completion of the development hereby approved, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include 3x standard (10-12cm girth) Acer campestre in the locations shown on drawing 'UTC-0585-P05-TPP'. Planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier

and defect period shall be provided. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

- 5 The cart lodge hereby permitted shall be occupied only in conjunction with and for purposes ancillary to the residential use of the existing dwelling known as Woodlands to which it is associated and together they shall form a single dwelling house.
- 6 Before the cart lodge hereby permitted is first occupied/brought into use, the three rooflight windows in the rear / south west elevation 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.

(On conclusion of this item the Chair permitted a short comfort break before reconvening and continuing with the meeting.)

142. **Planning Application DC/21/0640/HH - 60 The Street, Barton Mills**
****WITHDRAWN FROM AGENDA 21/06/2021****

The Chair advised earlier in the meeting that this item had been **WITHDRAWN** from the agenda.

143. **Application DC/21/0536/P14JPA - Vicon House, Western Way, Bury St Edmunds (Report No: DEV/WS/21/018)**

Prior Approval Application under Part 14 of the Town and Country Planning (General Permitted Development) Order 2015 - Installation of 319 roof mounted solar photovoltaic panels to northern and western sections of building

This application was referred to the Development Control Committee because West Suffolk Council was the applicant.

Members were advised that the Local Planning Authority was satisfied that the proposal met the criteria set out within the relevant regulations and that prior approval was not required, as set out in the Officers' recommendation at Paragraph 10 of Report No DEV/WS/20/018.

Councillor Peter Stevens proposed that the Officers' recommendation be accepted and this was duly seconded by Councillor Susan Glossop.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

PRIOR APPROVAL IS NOT REQUIRED as to the design or external appearance of the development.

144. **Application DC/21/0537/P14JPA - Mildenhall Hub, Sheldrick Way, Mildenhall (Report No: DEV/WS/21/019)**

Prior Approval Application under Part 14 of the Town and Country Planning (General Permitted Development) Order 2015 - Installation of 410 roof mounted solar photovoltaic panels to north western wing of building

This application was referred to the Development Control Committee because West Suffolk Council was the applicant.

Members were advised that the Local Planning Authority was satisfied that the proposal met the criteria set out within the relevant regulations and that prior approval was not required, as set out in the Officers' recommendation at Paragraph 10 of Report No DEV/WS/20/019.

Councillor Andy Neal raised a question with regard to the battery storage facility, in response the Service Manager (Planning – Development) explained that whilst it was not a material planning consideration in respect of the application before the Committee she would seek an answer on the matter outside of the meeting and would report back to Councillor Neal directly.

Councillor Andy Neal proposed that the Officers' recommendation be accepted and this was duly seconded by Councillor Richard Alecock.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

PRIOR APPROVAL IS NOT REQUIRED as to the design or external appearance of the development.

145. **Planning Application DC/21/0750/FUL - Brandon Sports Centre, Church Road, Brandon (Report No: DEV/WS/21/020)**

Planning application - two external condensation units on west elevation

This application was referred to the Development Control Committee because West Suffolk Council was the applicant.

Officers were recommending that planning permission be granted subject to conditions, as set out in Paragraph 21 of Report No DEV/WS/21/020.

Councillor David Palmer proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with the vote being unanimous, 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 approved plans and documents.

146. **Planning Application DC/21/0676/FUL - 36 High Street, Haverhill (Report No: DEV/WS/21/021)**

(Councillor David Smith declared a non-pecuniary interest in this item in light of the fact that he had taken part in Haverhill Town Council's consideration of the application. However, Councillor Smith stressed that he would keep an open mind and listen to the debate prior to voting on the item.)

Planning application - a. change of use from financial services (class E(c)) to a hot food takeaway (Sui Generis) b. external extraction and ventilation system to the rear c. redecoration of shop frontage

This application was referred to the Development Control Committee because West Suffolk Council was the landlord of the property.

Attention was drawn to an error within Report No DEV/WS/21/021 and it was clarified that Route 66 Diner was at 42a High Street.

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

Reference was also made to the detailed comments circulated to Committee Members by Councillor John Burns in connection with the application which the Officer responded to.

Speaker: Owen Pike (agent) spoke in support of the application
(Mr Pike did not attend the meeting to personally address the Committee and instead the Democratic Services Officer read out a pre-prepared submitted statement on his behalf.)

Councillor David Roach proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 14 voting for the motion and 1 against, it was resolved that

Decision

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

1. The development hereby permitted shall be commenced no 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. Before the premises hereby approved is open to the public all plant and equipment, including the kitchen ventilation and extracting system, shall be installed in accordance with the 'Supporting Information on the Proposed Extraction System and Plant' submitted on 26 March 2021, and the Proposed Floor Plans and Proposed Elevations, Drawing Nos: 20119-10 and 20119-11 respectively, submitted on 29 March 2021. The installation shall include suitable noise and odour mitigation measures as detailed in the schematic Drawing No. PJES/04 –Mechanical Extract Scheme D (Carbon Filter system) in Appendix A. Thereafter the system shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.
4. The opening hours of the premises shall be restricted to between 11:00 and 23.45 hours Sunday to Thursday, Bank and Public Holidays and between 11:00 and 00:00 hours on Friday and Saturday. All customers shall have vacated the premises by the stated closing times.
5. Deliveries to the premises shall only take place between 08:00 and 18:00 hours on Mondays to Saturdays. There shall be no deliveries on Sundays, Bank or Public Holidays.

The meeting concluded at 12.52 pm

Signed by:

Chair
