

# Development Control Committee

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| <b>Title</b>  | <b>Agenda</b>  |  |  |
| <b>Date</b>   | <b>Wednesday 5 October 2022</b>  |  |  |
| <b>Time</b>   | <b>10.00am</b>   |  |  |
| <b>Venue</b>  | <b>Conference Chamber<br/>West Suffolk House</b><br>Western Way<br>Bury St Edmunds, IP33 3YU   |  |  |
| <b>Full Members</b>   | <p style="text-align: right;"><b>Chair</b> Andrew Smith</p> <p style="text-align: right;"><b>Vice Chairs</b> Mike Chester and Jim Thorndyke</p> <p><b>Conservative Group (11)</b> Carol Bull Ian Houlder<br/>Andy Drummond David Palmer<br/>Susan Glossop David Roach<br/>Brian Harvey Peter Stevens</p> <p><b>The Independent Group (4)</b> John Burns Roger Dicker<br/>Jason Crooks Andy Neal</p> <p><b>Labour Group (1)</b> David Smith</p> |  |  |
| <b>Substitutes</b>  | <p><b>Conservative Group (5)</b> Nick Clarke Sara Mildmay-White<br/>John Griffiths David Nettleton<br/>James Lay</p> <p><b>The Independent Group (2)</b> Richard Alecock Trevor Beckwith</p> <p><b>Labour Group (1)</b> Diane Hind</p>   |  |  |
| <b>Interests – declaration and restriction on participation</b>   | 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.  |  |  |
| <b>Quorum</b>   | Six Members  |  |  |
| <b>There are no physical site visits scheduled for this agenda. Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting.</b> |  |  |  |
| <b>Committee administrator</b>  | <b>Helen Hardinge</b> - Democratic Services Officer<br><b>Telephone</b> 01638 719363<br><b>Email</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>  |  |  |

## 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)
  - 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.
  - The following planning local plan documents covering West Suffolk Council:
    - Joint development management policies document 2015
    - In relation to the Forest Heath area local plan:
      - i. The Forest Heath Core Strategy 2010 as amended by the High Court Order 2011
      - ii. Core strategy single issue review of policy CS7 2019
      - iii. Site allocations local plan 2019
    - In relation to the St Edmundsbury area local plan:
      - i. St Edmundsbury core strategy 2010
      - ii. Vision 2031 as adopted 2014 in relation to:
        - Bury St Edmunds
        - Haverhill
        - Rural

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.

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 or 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 section 3 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.

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## **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/altered, 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/altered, 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 or altered, together with the material planning basis for that change.
  - Members can choose to:
    - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
    - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
  - In order to ensure robust decision-making all members of Development Control Committee are required to attend 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 and officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

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# Agenda

## Procedural matters

### Part 1 – public

**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 - 16**

To confirm the minutes of the meeting held on 7 September 2022 (copy attached).

**4. Declarations of interest**

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

**5. West Suffolk Development Control Committee: Review of Operation**

Members will recall that at the first meeting of the West Suffolk Development Control Committee in June 2019 it was formally agreed for a review of the working practices of the Committee to be undertaken during 2020 in consultation with the Chair and Vice Chairs. However, due to the impact of the Covid-19 pandemic it was not possible to undertake this during 2020 or 2021.

The Development Control Committee has consistently operated well since June 2019; the training sessions which have been delivered since then (be those virtually or in-person) are always well attended and Members are robust in seeking to appoint substitutes when they cannot attend a meeting.

The (pandemic triggered) move to virtual meetings enabled the Delegation Panel to achieve and maintain high levels of Ward Member attendance and engagement, hence, the decision to retain these meetings on a virtual platform.

Furthermore, the changes brought about to meeting operation due to the pandemic in 2020 and 2021 have enabled the Committee to amend its working practices organically based on need and good practice, e.g. the retention of some additional speaking arrangements and site visit videos, since reverting back to in-person meetings.

Going forward, West Suffolk Council is currently undertaking a corporate procurement process which seeks to upgrade the audio/visual equipment within the Conference Chamber at West Suffolk House to enable hybrid meetings. The Committee will need to re-consider its speaking protocol to reflect this arrangement once new technology has been installed.

### **Recommendation**

**It is proposed that in view of the Committee (and Delegation Panel) having amended various working practices since June 2019, and there being no demonstrable need for review, that a wholesale review is not required at this stage. But noting the need to reconsider speaking arrangements etc once hybrid meetings are able to be operated.**

The Chair and Vice Chairs have been consulted and endorse this proposal.

- 6. Planning Application DC/22/0026/FUL & Listed Building Application DC/22/0027/LB - Replacement Dwelling 1, 83 - 84 Guildhall Street, Bury St Edmunds 17 - 42**

Report No: **DEV/WS/22/040**

DC/22/0026/FUL: Planning Application - conversion of existing offices and cart lodge to create three dwellings and associated works

DC/22/0027/LB: Application for Listed Building Consent - conversion of existing offices and cart lodge to create three dwellings and associated works

- 7. Planning Application DC/22/1230/FUL - Abbey Gardens, Angel Hill, Bury St Edmunds 43 - 56**

Report No: **DEV/WS/22/041**

Planning application - re roofing of existing mess room building

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