

Development Control Committee

Title	Agenda									
Date	Wednesday 7 December 2022									
Time	PART A Commences at 10.00am PART B Commences not before 1.00pm (see list of agenda items for further details)									
Venue	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU									
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%;">Conservative Group (11)</td> <td style="width: 33%;">Carol Bull Andy Drummond Susan Glossop Brian Harvey</td> <td style="width: 33%;">Ian Houlder David Palmer David Roach Peter Stevens</td> </tr> <tr> <td>The Independent Group (4)</td> <td>John Burns Jason Crooks</td> <td>Roger Dicker Andy Neal</td> </tr> <tr> <td>Labour Group (1)</td> <td>David Smith</td> <td></td> </tr> </table>	Conservative Group (11)	Carol Bull Andy Drummond Susan Glossop Brian Harvey	Ian Houlder David Palmer David Roach Peter Stevens	The Independent Group (4)	John Burns Jason Crooks	Roger Dicker Andy Neal	Labour Group (1)	David Smith	
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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									
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk									

SITE VISITS WILL BE HELD ON MONDAY 5 DECEMBER 2022 AT THE FOLLOWING TIMES

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/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare**
Outline planning application (means of access to be considered) - 20 dwellings
Site visit to be held at 10.10am

- 2. Planning Application DC/22/0359/FUL - Green Farm, The Green, Hargrave**
Planning application - a. change of use of land to domestic garden b. all weather tennis court with associated fencing
Site visit to be held at 10.50am

- 3. Planning Application DC/22/0994/FUL - The Old Blacksmiths, The Street, Gazeley**
Planning application - Reconstruct existing building, extension and conversion of forge to create two dwellings
Site visit to be held at 11.20am

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 11.50/12noon.

Where otherwise required for this agenda, 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.

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.

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:
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- 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

Part A (commences at 10am)

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 - 14**
To confirm the minutes of the meeting held on 2 November 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. **Planning Application DC/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare** **15 - 54**
Report No: **DEV/WS/22/047**

Outline planning application (means of access to be considered) - 20 dwellings
6. **Planning Application DC/22/1447/RM - Land NW of Haverhill, Anne Sucklings Lane, Haverhill** **55 - 90**
Report No: **DEV/WS/22/048**

Reserved matters application - submission of details under outline planning permission SE/09/1283 - all matters reserved for the construction of 113 dwellings, with associated private amenity space, means of enclosure, parking, vehicle and access arrangements, and proposed areas of landscaping and areas of open space for phase 3b. The application includes the submission of details to enable the discharge of conditions B4, B8, B9, B16, B17, B20, B21, B24

Continued overleaf...

- 7. Planning Application DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, Bury St Edmunds 91 - 302**

Report No: **DEV/WS/22/049**

Planning application - change of use from gym (class E) to retail (class E commercial, business and service)

- 8. Planning Application DC/22/0994/FUL - The Old Blacksmiths, The Street, Gazeley 303 - 322**

Report No: **DEV/WS/22/050**

Planning application - Reconstruct existing building, extension and conversion of forge to create two dwellings

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

Part B

(commences not before 1pm)

- 9. Planning Application DC/22/0359/FUL - Green Farm, The Green, Hargrave 323 - 334**

Report No: **DEV/WS/22/051**

Planning application - a. change of use of land to domestic garden b. all weather tennis court with associated fencing

- 10. Planning Application DC/22/0511/FUL - 104 High Street, Newmarket 335 - 348**

Report No: **DEV/WS/22/052**

Planning application - change of use from Bank (Class E) to Adult Gaming Centre (Sui Generis)

- 11. Planning Application DC/22/1439/TPO - 66 Woodlands Way, Mildenhall 349 - 358**

Report No: **DEV/WS/22/053**

Tree preservation order TPO 097 (1969) - one Sweet Chestnut (indicated on plan, within area A1 on order) fell

- 12. Planning Application DC/22/1631/FUL - Abbots House, 2 Newmarket Road, Bury St Edmunds 359 - 370**

Report No: **DEV/WS/22/054**

Planning application - a. single storey rear extension (demolition of existing conservatory) b. external wall insulation c. re roofing d. PV solar panels to south and east elevation e. free-standing pergola in rear garden