

Development Control Committee

Title	Agenda																				
Date	Wednesday 1 March 2023																				
Time	10.00am																				
Venue	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU																				
Full Members	<div>Chair Andrew Smith</div> <div>Vice Chairs Mike Chester and Jim Thorndyke</div> <table><tr><td rowspan="4">Conservative Group (11)</td><td>Carol Bull</td><td>Ian Houlder</td></tr><tr><td>Andy Drummond</td><td>David Palmer</td></tr><tr><td>Susan Glossop</td><td>David Roach</td></tr><tr><td>Brian Harvey</td><td>Peter Stevens</td></tr><tr><td>The Independent Group (4)</td><td>John Burns</td><td>Roger Dicker</td></tr><tr><td></td><td>Jason Crooks</td><td>Andy Neal</td></tr><tr><td>Labour Group (1)</td><td>David Smith</td><td></td></tr></table>			Conservative Group (11)	Carol Bull	Ian Houlder	Andy Drummond	David Palmer	Susan Glossop	David Roach	Brian Harvey	Peter Stevens	The Independent Group (4)	John Burns	Roger Dicker		Jason Crooks	Andy Neal	Labour Group (1)	David Smith	
Conservative Group (11)	Carol Bull	Ian Houlder																			
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Substitutes	<table><tr><td rowspan="3">Conservative Group (5)</td><td>Nick Clarke</td><td>Sara Mildmay-White</td></tr><tr><td>John Griffiths</td><td>David Nettleton</td></tr><tr><td>James Lay</td><td></td></tr><tr><td>The Independent Group (2)</td><td>Richard Alecock</td><td>Trevor Beckwith</td></tr><tr><td>Labour Group (1)</td><td>Diane Hind</td><td></td></tr></table>			Conservative Group (5)	Nick Clarke	Sara Mildmay-White	John Griffiths	David Nettleton	James Lay		The Independent Group (2)	Richard Alecock	Trevor Beckwith	Labour Group (1)	Diane Hind						
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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 <i>Details of Site Visits overleaf...</i>																				

Details of Site Visits overleaf....

SITE VISITS WILL BE HELD ON MONDAY 27 FEBRUARY 2023 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/22/0476/FUL - Zone 2, Suffolk Business Park, General Castle Way, Rougham Industrial Estate, IP30 9XH**
Planning application - a. drive-thru restaurant; b. drive-thru coffee shop; c. car and cycle parking, provision, associated internal access road, footpath and cycleway, landscaping, substations and associated infrastructure
Site visit to be held at 9.45am
- 2. Planning Application DC/22/0336/FUL - Land West of Haverhill Road, Kedington, CB9 7UL**
Planning application - one retail unit (class E) and associated vehicular and pedestrian accesses as amended by plans received 16th August and 9th November 2022 and 16th January 2023
Site visit to be held at 10.45am

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 11.45am.

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/alterd, 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/alterd, 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.

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 - 4

To confirm the minutes of the meeting held on 1 February 2023 (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/22/0336/FUL - Land West of Haverhill Road, Kedington

5 - 26

Report No: **DEV/WS/23/006**

Planning application - one retail unit (class E) and associated vehicular and pedestrian accesses as amended by plans received 16th August and 9th November 2022 and 16th January 2023

6. Planning Application DC/22/0476/FUL - Zone 2, Suffolk Business Park, General Castle Way, Rougham Industrial Estate

27 - 54

Report No: **DEV/WS/23/007**

Planning application - a. drive-thru restaurant; b. drive-thru coffee shop; c. car and cycle parking, provision, associated internal access road, footpath and cycleway, landscaping, substations and associated infrastructure