

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 6 December 2023** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith

Vice Chairs Jon London and Phil Wittam

Peter Armitage

Ian Houlder

Carol Bull

Andy Neal

Mike Chester

Sara Mildmay-White

Roger Dicker

Lora-Jane Miller-Jones

Susan Glossop

David Smith

Rachel Hood

Don Waldron

In attendance

Indy Wijenayaka – Ward Member: Withersfield

395. **Apologies for absence**

Apologies for absence were received from Councillors Mick Bradshaw, Marilyn Sayer and Jim Thorndyke.

396. **Substitutes**

The following substitutions were declared:

Councillor Peter Armitage substituting for Councillor Marilyn Sayer; and Councillor Don Waldron substituting for Councillor Jim Thorndyke

397. **Minutes**

The minutes of the meeting held on 1 November 2023 were confirmed as a correct record and signed by the Chair.

398. **Declarations of interest**

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

399. **Planning Application DC/23/0493/FUL - Milton House, Thurlow Road, Withersfield (Report No: DEV/WS/23/037)**

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

This application was referred to the Development Control Committee as the previous applications on the site were refused by the Committee in September 2020 and June 2021.

The most recent application on the site was refused for the following reasons:

- harm to the Conservation Area;
- impact on biodiversity; and
- impact on neighbouring amenity.

The refusal was then appealed by the applicant in March 2022 and the appeal was dismissed by the Inspector in September 2022. In dismissing the appeal, the Inspector concluded that the development was acceptable in respect of the impact on the Conservation Area, flood risk, highways matters and biodiversity matters.

The reason for dismissing the appeal was solely due to the conflict found with the Development Plan in respect of the impact on the living conditions of the occupiers of the neighbouring dwellings to the site, The Old Bakery and Thistledown Cottage.

In response to the comments made by the Inspector the applicant had made amendments to both Plot 1 and Plot 5 in order to address the concerns.

Withersfield Parish Council objected to the proposal, which Officers were recommending for approval, subject to conditions as set out in Paragraph 64 of Report No DEV/WS/23/037.

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

Speakers: Denis Elavia (neighbouring objector, speaking on behalf of himself and other neighbouring objectors) spoke against the application
Councillor Frank Eve (Vice Chair of Withersfield Parish Council) spoke against the application
Councillor Indy Wijenayaka (Ward Member: Withersfield) spoke against the application
David Barker (agent) spoke in support of the application

Councillor David Smith made reference to Paragraphs 45 and 48 of the report which outlined the changes that had been made to Plots 1 and 5. He raised concerns that the amendments were marginal, with the siting of the Plot 1 dwelling not having been changed at all.

The concerns with Plot 1 in particular were also echoed by Councillors Carol Bull, Jon London and Lora-Jane Miller-Jones.

Remarks were also made by the Committee on the size of the gardens within the scheme and how these were not in keeping with the garden sizes of the adjacent properties.

In response to comments in relation to the potential award of costs associated with a future appeal, the Chair interjected and reminded that the

Committee that was not relevant to the determination of the application before them.

Councillor Ian Houlder drew attention to the detailed conditions set out in the report and moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Roger Dicker.

A question was asked as to whether the Inspector had visited the site and the Service Manager (Planning – Development) drew attention to the date of the Inspector’s visit which was shown in Working Paper 1.

This then prompted further discussion on the merits of a site visit. It was confirmed by the Chair that the Committee had not visited the site previously in either 2020 or 2021.

Mindful of the perceived will of the Committee, the proposer and seconder of the motion to approve the application confirmed with the Chair that they withdrew their proposal.

Accordingly, Councillor Roger Dicker proposed that consideration of the application be deferred in order to allow a Member site visit to take place. This was duly seconded by Councillor Phil Wittam.

Upon being put to the vote and with 12 voting for the motion and 3 against, it was resolved that

Decision

Consideration of the application be **DEFERRED** in order to allow a Member site visit to take place.

(On conclusion of this item the Chair permitted a short comfort break.)

400. **Planning Application DC/23/0783/VAR - Doctors Hall, Bury Lane, Stanton (Report No: DEV/WS/23/039)**

(The Chair agreed to bring this item forward on the agenda, in order to allow additional time in which for one of the registered speakers to arrive for the Newmarket application.)

Planning application - application to vary conditions 2 (approved plans), 4 (insulation details) and 6 (breeding bitch numbers) of DC/17/1652/FUL for the material change in the use of the land from paddock to the breeding and keeping of dogs comprising the following: (a) 2.1 metre high close boarded timber fence and concrete post; (b) car parking area; (c) 2no. dog kennels and (d) 1no. stable block as amended by plans received 15 November 2023

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

Stanton Parish Council objected to the application, which was contrary to the Officer recommendation for approval subject to conditions as set out in Paragraph 48 of Report No DEV/WS/23/039.

Members were advised that the application was originally validated as a 'FULL' planning application and made available for public viewing. Given the proposed changes were to an existing permission, the application was subsequently changed to a variation of condition 'VAR' application. Whilst this was occurring in discussion with the planning agent, the application remained accessible on the West Suffolk Public Access website, with an Officer update document to allow members of the public the opportunity to comment. Once the application type and relevant plans were uploaded and changed, a full 21-day consultation was undertaken.

The Principal Planning Officer explained that planning permission was granted on 29 November 2017 for the change of use of the land from paddock to the breeding and keeping of dogs comprising a 2.1-metre-high close boarded timber fence and concrete post, car parking area, two dog kennels and a stable block. The application before the Committee sought variations to Conditions 2, 4 and 6 of the 2017 permission. The application is partially retrospective.

A supplementary 'late paper' was issued following publication of the agenda, which set out an additional neighbour representation. A Member site visit was held prior to the meeting.

In conclusion, the Principal Planning Officer asked Members to be mindful that licensing requirements and moral/ethical concerns were not Material Planning Considerations.

Speakers: Councillor Jim Thorndyke (Ward Member: Stanton) spoke against the application
Charlie Taylor (applicant) spoke in support of the application
(Councillor Thorndyke was not present at the meeting in order to address the Committee, instead the Democratic Services Officer read out a pre-prepared statement on his behalf)

Councillor Jon London addressed the meeting and advised those Members with licensing concerns in relation to the application to pass these on to the relevant Council department.

Considerable discussion took place in relation to the retrospective elements of the application and the enforcement history associated with the site, particularly in respect of the soft landscaping and acoustic fence that were required as part of the 2017 permission and was yet to have been delivered.

In response to which the Principal Planning Officer explained that enforcement can take many forms, not only formal action, with the planning application before Members seeking to regularise the activity on site.

Members were also assured that Public Health & Housing had been closely consulted by Planning Officers in relation to the application.

A question was posed as to what was the formal definition of a 'quiet lane', and the Lawyer advising the meeting confirmed that the classification found online was a lane with "less than 1,000 vehicle movements per day" amongst other criteria.

A number of the Committee made reference to the adjacent site allocated for the development of 200 homes and what weight was given to this in view of the additional number of residential neighbours this would generate.

The Service Manager (Planning – Development) explained that very little weight could be given to the proposed allocation in the Local Plan review at this stage or the current pending application for residential development. However, Public Health & Housing had bourn this application and proposed application in mind during their consideration of noise impacts of this variation application.

Councillor David Smith proposed that the application be refused, contrary to the Officer recommendation, due to the impact on neighbouring amenity principally in terms of noise. This was duly seconded by Councillor Lora-Jane Miller-Jones.

The Service Manager (Planning – Development) explained that in light of Public Health & Housing being content with the noise impacts, subject to the provision of the acoustic fencing and other related conditions, the Decision Making Protocol would be invoked, requiring a Risk Assessment to be produced for consideration by the Committee, therefore, making the recommendation a 'minded to' decision.

Councillor Jon London highlighted the fact that the Council's Local Plan was seeking adoption at full Council on 19 December 2023. If the 'minded to' recommendation was passed by the Committee, it would return before Members after the Local Plan was adopted. He therefore asked if this would impact the weight that was given to the pending application for 200 homes.

Members were advised that if the Local Plan was adopted by Council on 19 December 2023 the allocation would only be attributed very limited weight as the Local Plan would then be subject to further formal processes before it gained full weight.

Upon being put to the vote and with 9 voting for the motion and with 6 against, it was resolved that

Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to the impact on neighbouring amenity principally in terms of noise. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

(Councillor Peter Armitage left the meeting at 12.10pm on conclusion of this item.)

401. **Planning Application DC/23/1456/FUL - Hatchfield Farm, Fordham Road, Newmarket (Report No: DEV/WS/23/038)**

(Councillor Rachel Hood declared, in the interests of openness and transparency, that she had attended Newmarket Town Council's meeting when the Town Council considered the application. However, she stressed that she would keep an open mind and listen to the debate prior to voting on the item.)

Planning application - change of use from agricultural land to public open space and associated works

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

Newmarket Town Council objected to the proposal which was in conflict with the Officer's recommendation for approval, subject to conditions as set out in Paragraph 53 of Report No DEV/WS/23/038 and inclusive of an amendment to Condition No 3 to reflect that amended planting plans had been received since publication of the agenda.

A Member site visit was held prior to the meeting.

Speakers: Cathy Whitaker (Clerk to Newmarket Town Council) spoke against the application
Richard Gee (agent) spoke in support of the application

Councillor Rachel Hood opened the debate and reiterated Newmarket Town Council's objections to the application. She raised concerns that the proposal would result in the adjacent development becoming denser and referenced the recent Queensbury Lodge appeal decision in respect of the Devil's Dyke.

In response, the Service Manager (Planning – Development) clarified matters in respect of the Queensbury Lodge appeal and the Devil's Dyke and also advised the Committee that the open space proposed in the application was in addition to that which was granted within the development site; and the density and number of dwellings proposed on the outline application site would be unchanged.

Councillor Jon London referenced the need for public open space that was accessible to all in Newmarket and he asked if would be possible to include a clause to enable the management company, who managed the open space, to wind up after a set period and transfer the management of the open space to the Town Council, as previously discussed at the November meeting of the Committee in respect of the Lakenheath application that was considered.

The Chair sought clarification as to what had been agreed in respect of the Lakenheath application in question. The Democratic Services Officer read out the minutes and confirmed that a clause was not added to that planning approval and, instead, it was agreed that Officers would investigate Councillor London's suggestion on receipt of the landscape management plan (required by condition), which would help inform the matter.

It was therefore suggested that the same approach be adopted in this case.

Accordingly, Councillor Jon London proposed that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Lora-Jane Miller-Jones.

Upon being put to the vote and with 12 voting for the motion and with 2 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, unless otherwise stated.
3. All planting comprised in the approved details of landscaping:
L-HED-1454-ZZ-EX-DR-L-310 Rev 03 General planting plan
L-HED-1454-ZZ-EX-DR-L-311 Rev 03 Planting strategy - K1
L-HED-1454-ZZ-EX-DR-L-312 Rev 03 Planting strategy - K2 and K3
L-HED-1454-ZZ-EX-DR-L-313 Rev 03 Planting schedule
shall be carried out within 12 months of the date of this decision.
Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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.
4. Prior to any planting as approved under condition 3 takes place a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.

The meeting concluded at 12.55pm

Signed by:

Chair
