

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 3 January 2024** 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

Mick Bradshaw

Sara Mildmay-White

Carol Bull

Lora-Jane Miller-Jones

Mike Chester

Andy Neal

Roger Dicker

Marilyn Sayer

Susan Glossop

David Smith

Ian Houlder

Jim Thorndyke

Charlie Lynch

In attendance

Indy Wijenayaka – Ward Member: Withersfield

402. **Apologies for absence**

Apologies for absence were received from Councillor Rachel Hood.

403. **Substitutes**

The following substitution was declared:

Councillor Charlie Lynch substituting for Councillor Rachel Hood

404. **Minutes**

The minutes of the meeting held on 6 December 2023 were confirmed as a correct record and signed by the Chair.

405. **Declarations of interest**

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

406. **Planning Application DC/23/0493/FUL - Milton House, Thurlow Road, Withersfield (Report No: DEV/WS/24/001)**

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

This application was originally referred to the Development Control Committee on 6 December 2023 as the previous applications on the site were refused by the Committee in September 2020 and June 2021.

At the December meeting of the Committee, Members resolved to defer consideration of the application in order to allow the Committee the opportunity to visit the site. A Member site visit was therefore held on Tuesday 2 January 2024.

Withersfield Parish Council objected to the proposal, which Officers were continuing to recommend for approval, subject to conditions as set out in Paragraph 64 of Report No DEV/WS/24/001.

As part of his presentation to the meeting the Principal Planning Officer also provided videos of the site by way of a further 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 Plots 1 and 5 and stated that the Member site visit had reaffirmed his concerns in relation to the proximity of these plots, in particular, to the existing neighbouring premises. He considered the proposal to be overdevelopment and also referenced highway safety concerns. Councillor Smith therefore moved that the application be refused, contrary to the Officer recommendation, and this was duly seconded by Councillor Lora-Jane Miller-Jones.

During further discussion other Members made similar comments, with Councillor Sara Mildmay-White highlighting that the separation distance between Plot 1 and the neighbouring premises had simply not been addressed.

Councillor Carol Bull further highlighted the impact the proposed scheme would have on the amenity of the future residents of Plot 1 due to the proximity of that dwelling to the road/access into the development.

The Service Manager (Planning – Development) addressed the meeting on the motion for refusal. She highlighted that there was no evidence from the Highways Authority, who had been consulted on the proposal, to support a refusal on a highways safety basis and she would therefore recommend that was removed from the reasons for refusal.

In relation to overdevelopment and the overbearing impact on the residential amenity of The Old Bakery and Thistledown Cottage brought about by Plots 1 and 5, in particular, this would relate to policies DM2 and DM22 and would not require the Decision Making Protocol to be invoked.

Furthermore, the proposer and seconder of the motion were asked if they also wished to include the impact on the amenity of the future residents of Plot 1 (due to the proximity of that dwelling to the road/access) as a further reason for refusal, as referenced by Councillor Bull. Councillors Smith and Miller-Jones confirmed that they supported this additional inclusion and the removal of the reference to highway safety.

Accordingly, upon being put to the vote and with 12 voting for the motion and with 4 against it was resolved that

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION** for the following reason:

1. 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. Furthermore, the Old Bakery to the north west of the site currently enjoys a relatively verdant view to Milton House.

The proposed development of five dwellings, gardens, parking and hardstanding is considered to be an overdevelopment of the site resulting in plot 1 being sited 3.7 metres from the boundary to Thistledown Cottage, and 4.7 metres from the boundary of The Old Bakery. This siting would have an overbearing impact on the residential amenity enjoyed by both Thistledown Cottage and The Old Bakery. Furthermore, the north elevation of plot 1 containing bedroom and sitting room windows is sited 1 metre from the access road to the site. This close proximity to an access road serving an additional 4 dwellings, would result in a reduced level of amenity for the occupiers of this dwelling.

The harmful impact on the amenity of the neighbouring dwellings, and the poor standard of living conditions for the future occupiers of plot 1 is contrary to Joint Development Management Policies DM2 and DM22, which amongst other things, requires new development to avoid harm to existing residential amenity, and be fit for purpose and function well, providing adequate space, and privacy.

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

407. **Planning Application DC/23/0133/FUL - Land off Fordham Road, Freckenham (Report No: DEV/WS/24/002)**

Planning application - change of use of agricultural land to enclosed field for dog training and exercising and associated access and parking

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

Officers were recommending that the application be refused, for the reason set out in Paragraph 60 of Report No DEV/WS/24/002, which was contrary to the support given by the Parish Council and District Ward Member.

A Member site visit was held prior to the meeting. As part of her presentation to the meeting the Senior Planning Officer also provided videos of the site by way of a further virtual 'site visit'.

The Committee was advised that during the course of the application two consultations had taken place with statutory consultees and neighbouring properties due to a number of amendments being received, including alterations to the site layout and the addition of landscaping to the site.

Speakers: Andrew Fleet (agent) and Tracy Cannam (applicant) jointly spoke in support of the application

During the debate comments were made on the reason for refusal in respect of the impact the proposed scheme would have on the countryside landscape.

A number of Members highlighted that prior to the 1950s/1960s and the introduction of modern farming methods, the landscape would have been very different with frequent visual interruptions such as hedgerows or woodland, and some Members also commented that the landscape impact of the proposal would not be objectionable.

The reintroduction of the native hedging and trees proposed in the application was therefore seen as a real biodiversity benefit by some of the Committee.

Councillor Lora-Jane Miller-Jones made specific reference to the benefits the reintroduction of native hedging could bring about to the owl population. Accordingly, she proposed that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Jon London.

During further discussion questions were posed by the Committee in respect of the hours/days of operation and how usage of the facility was to be managed.

The Senior Planning Officer explained that the hours of operation applied for were daylight hours Monday to Sunday, therefore, a condition would be added to the permission, if granted, limiting the use of the site from 8.00am to 8.00pm. Users would pre-book 45-minute slots which allowed for a 15-minute changeover period. Each 45-minute slot was restricted to two owners with a maximum of 6 dogs in total.

This response then promoted further questions in relation to the use of the site during the winter months of the year when there was limited sunlight. The Senior Planning Officer confirmed that lighting had not been applied for and would not be able to be installed without approval.

Questions were posed in relation to what height the proposed hedging would be when planted and whether the fencing could be a colour which would blend

in with the surroundings until the hedging had become established, in order to soften the addition of the fencing.

Discussion also took place as to whether equipment was to be used as part of dog training/exercise and the visual impact this specifically could have on the landscape.

The Service Manager (Planning – Development) addressed the meeting on the motion for approval. She explained that the Decision Making Protocol would be invoked in order to allow appropriate conditions to be drafted. Particularly, being mindful that the Eastern boundary of the site did not have landscaping included in the proposal before the Committee.

Furthermore, this would allow additional time in which for Officers to seek clarity from the applicant in respect of the winter operation of the facility (in view of the reduced hours of sunlight) and whether or not any form of equipment would be used on the site for dog training/exercise.

Upon being put to the vote and with 13 voting for the motion and with 3 against, it was resolved that

Members were **MINDED TO APPROVE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION** due to the biodiversity benefits the native hedging and trees would bring about, and their view that the landscape impact of the proposals would not be adverse. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

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

408. **Planning Application DC/23/1639/FUL - Land adjacent to Home Farm Barns, Edmunds Hill, Stradishall (Report No: DEV/WS/24/003)**

(Councillor Roger Dicker declared, in the interests of openness and transparency, that he was well acquainted with the applicant as he was a regular customer of the Post Office Councillor Dicker operated. He would therefore refrain from taking part in consideration of the application and the voting thereon.)

Planning application - one dwelling

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

The Parish Council had raised no objection to the scheme. Officers were recommending that it be refused, for the reasons set out in Paragraph 55 of Report No DEV/WS/24/003.

Speaker: Harry Dibden (architect) spoke in support of the application

Further to discussion by the Committee, the Service Manager (Planning – Development) explained that no ecological assessment or details of biodiversity enhancement had been submitted with this application, likewise

no flood risk assessment or drainage strategy had been provided, receipt of this further information may have enabled refusal reasons Nos 4 and 5 to be overcome.

Councillor Sara Mildmay-White supported the Officer's recommendation and therefore moved that the application be refused. This was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 10 voting for the motion, 4 against and with 2 abstentions it was resolved that

Decision

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

- 1 The National Planning Policy Framework (NPPF) requires the planning system to recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Policy DM5 of the Joint Development Management Policies Document (Development within the Countryside) provides that areas designated as countryside will be protected from unsustainable development and policy DM27 sets out the strict circumstances where dwellings will be permitted outside of the identified settlement boundaries. The site does not form part of a cluster of 10 or more dwelling. The site is also not a small undeveloped plot or part of an otherwise continuous frontage. The proposal does not meet the provisions of policies DM5 or DM27 and there are no material considerations which outweigh this very significant conflict with the Development Plan. The Local Planning Authority is able to demonstrate an up to date 5-year housing supply and as such, given that the principle of development in this location is not supported, are under no pressure to approve applications for development which are in conflict with the development plan. In addition, the site's location would require future occupiers of the proposed dwelling to travel to access shopping, education, employment, recreation, and social facilities. The majority of these journeys would inevitably, given the rural location, be by private motor vehicle. The proposal for an additional residential dwelling in this countryside location, beyond any defined settlement boundaries therefore represents an unsustainable form of development. Accordingly, the proposal fails to satisfy policies RV1 and RV3 of the Rural Vision, policies CS1 and CS4 of the St Edmundsbury Core Strategy 2010 and policies DM5 and DM27 of the Joint Development Management Policies Document 2015.
- 2 Policy DM2 requires that development recognises and addresses the key features and characteristics of an area. This is reiterated in policy DM22 which seeks to secure appropriate residential design that accords with the local area, through its built form. The proposal will have a detrimental impact on the undeveloped and rural character of the locality. Given the rural setting of the site, the introduction of a permanent structure and its associated domestic paraphernalia within a large garden will erode the spacious views of Home Farm Barns which

themselves contribute to the character of the local area on the edge of Stradishall. The proposal results in development which encroaches into the open countryside beyond the historic arrangement of nearby buildings. The proposal would therefore fail to preserve or enhance the character, appearance and setting of the conservation area. The proposal would therefore be contrary to the provisions of policies DM2, DM17 and DM22 of the Joint Development Management Policies Document 2015 and policy CS3 of the Core Strategy 2010.

- 3 Policy DM15 states that proposals to alter, extend or change the use of a listed building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting. Home Farm Barns exhibits evidence of the former courtyard arrangement where maps indicate historically the yard was enclosed on all sides by buildings with the farmhouse located outside of the yard further to the north east. This arrangement is a common arrangement for farmsteads within the eastern region. The setting of the farmstead appears to have changed little according to map regression and remains undeveloped today. The development to include a dwelling and associated domestic garden would fail to relate to the enclosed courtyard arrangement of the historic farmstead and its undeveloped setting where agricultural buildings were centered around the yard. Such an arrangement was often dictated by the type of farming and use of buildings. Proposals which fail to respect the historic arrangement compromising the undeveloped setting would fail to accord with the requirement to preserve the building or its setting causing harm to significance. The NPPF requires great weight to be given to the asset's conservation with any harm or loss (to include harm arising from development within its setting) requiring clear and convincing justification. The proposed development is considered to cause less than substantial harm (towards the upper end of less than substantial harm) to the significance of a number of heritage assets. Paragraph 202 of the NPPF is therefore engaged. As a market dwelling is proposed there are no public benefits to this proposal and therefore no benefit that would outweigh the harm identified. The proposal is therefore contrary to policy DM15 of the Joint Development Management Policies Document 2015 and paragraph 202 of the NPPF (2023).
- 4 As required by the National Planning Policy Framework (2023) at paragraphs 8, 174 and 180, the Local Planning Authority have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12. Noting this is a greenfield site on the edge of the open countryside and within a 200m buffer for protected and notable species (Barn Owl), however, no ecological assessment or details of biodiversity enhancement has been submitted with this application. Therefore, the LPA cannot confirm whether or not the proposal would have adverse impacts in relation to biodiversity. As such, the application contains insufficient information to demonstrate compliance with policies CS2 of the Core Strategy 2010 and policies

DM10, DM11 and DM12 of the Joint Development Management Policies Document 2015.

- 5 Part of the site is identified as being within the 1 in 1000 year flood risk area for surface water flooding. No flood risk assessment or drainage strategy has been provided so it is not possible to determine that the development of the site will not cause or exacerbate flooding elsewhere. The proposal is therefore contrary to policy DM6 and para 159 of the NPPF which seeks to ensure new development is directed to areas of lowest flood risk.

The meeting concluded at 12.19pm

Signed by:

Chair
