

# Development Control Committee

**Minutes** of a meeting of the **Development Control Committee** held remotely via MS TeamsLive on **Wednesday 13 May 2020** at **10.00am**

Present: **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Mike Chester and Jim Thorndyke

Richard Alecock

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Roger Dicker

Peter Stevens

Andy Drummond

Don Waldron

Susan Glossop

Ann Williamson

Ian Houlder

**In attendance:**

Sara Mildmay-White (Registered Speaker as Ward Member: Rougham)

## 1. **Welcome**

The Chair formally commenced the meeting and jointly welcomed all present and those externally viewing the first remotely held West Suffolk Development Control Committee.

A number of housekeeping matters and remote meeting guidance were highlighted to all by the Chair and he also advised that Agenda Item 9 had been withdrawn from the agenda following receipt of a late representation that the Planning Authority required time in which to consider.

## 2. **Apologies for Absence**

No apologies for absence were received.

## 3. **Substitutes**

No substitutions were declared.

Following which, the Democratic Services Officer verbally outlined all Members of the Committee who were present, together with any attending Councillors and the names of the Officers supporting the meeting.

## 4. **Minutes**

The minutes of the meeting held on 4 March 2020 were unanimously confirmed as a correct record.

## 5. **Public Speaking Protocol**

The Service Manager (Planning – Development) advised the Committee that in light of the meetings currently taking place remotely it had been necessary to update the Committee's Public Speaking Protocol to reflect the new arrangements.

Approval was now sought by the Committee to formally adopt the revised protocol for use.

It was proposed, duly seconded and with the vote being unanimous, it was resolved that

### Decision

The attached document "Guide to Having Your Say on Planning Applications" be **APPROVED** for use whilst Development Control Committee meetings were being held remotely.

## 6. **Planning Application DC/19/1519/OUT - Land Adjacent to Fishwick Corner, Thurston Road, Rougham (Report No. DEV/WS/20/017)**

**Outline Planning Application (means of access to be considered) - (i) proposed improvement to Fishwick Corner in West Suffolk Council and (ii) 210no. dwellings means of access, open space and associated infrastructure, including junction improvements with all proposed development located within Mid Suffolk District Council**

This application was originally referred to the Development Control Committee on 4 December 2019 as the development related to a cross boundary application with Mid Suffolk Council.

The Principal Planning Officer advised that the development within West Suffolk concerned the realignment of the junction known as Fishwick Corner. The remainder of the development was within Mid Suffolk and related to the delivery of up to 210 dwellings, means of access, open space and associated infrastructure on land at Beyton Road, Thurston.

A Member site visit was held prior to the December meeting at which Members resolved to defer the application in order to allow the scheme to be firstly determined by Mid Suffolk Council and to also ensure that a Highways Officer was able to attend West Suffolk's Development Control Committee during their determination.

Mid Suffolk District Council's Planning Committee considered the application at its meeting on 29 January 2020 and resolved to approve the application subject to conditions and the completion of a S106 Agreement.

Accordingly, the Principal Planning Officer was continuing to recommend that the application before the Committee be approved, subject to the completion of a S106 Agreement between the applicants and Mid Suffolk District Council in respect of the planning obligations considered necessary by Mid Suffolk

Council and subject to the conditions referenced in Paragraph 97 of Report No DEV/WS/20/017.

Members were advised that since publication of the agenda a 'late paper' had been produced which set out the representation received from Thurston Parish Council and a Suffolk County Council Highways Officer was present in the meeting in order to respond to any highways related queries.

Speakers: Councillor Keith Towers (Thurston Parish Council) spoke against the application  
Councillor Sara Mildmay-White (Ward Member for Rougham) spoke against the application  
Robert Eburne (Bloor Homes - applicant) spoke in support of the application

Considerable debate took place on the application with a number of Members expressing concerns in connection with; the lack of a designated cycle path, the proposed visibility splay, speed restrictions, drainage/flooding in the area, the impact of other pending large scale applications in Thurston and the legal challenge which had been lodged against the Mid Suffolk element of the scheme.

The Council's Lawyer responded in connection with the Mid Suffolk legal challenge. She advised the Committee that Mid Suffolk had been served with a 'pre action' protocol letter which West Suffolk Council had been given sight of and there was nothing within said letter that prevented the Development Control Committee from determining the application before them.

The Principal Planning Officer explained that all aspects of drainage/flooding had been considered in respect of the application and how the cross-boundary element of the schemes impacted each other. Members were assured that a surface water scheme would be conditioned.

The Chair invited the Suffolk County Council Highways Officer to respond in respect of the highways related concerns raised by the Committee.

The Highways Officer explained that the scheme proposed in the application before the Committee was considered to be proportionate to the scale of the related housing development and was an improved safety scheme for the area.

Members were advised that neither roundabouts or a mirrored staggered junction were options due to the restrictions caused by the amount of land available and the number of protected trees, however, the scheme proposed was considered acceptable and had passed an independent safety audit.

The Committee was assured that the 40mph speed limit for the area had been approved and was imminent, pending the appointment of contractors.

In response to a question regarding cycle usage of the junction, the Highways Officer responded that she did not have this information to hand.

Further discussion then took place by the Committee; with some Members highlighting the increase in cycling/walking in recent months and the proximity of the application to Thurston Community College, therefore, enhancing the need for a cycle path as part of the scheme.

Councillor Andy Drummond proposed that the application be refused, contrary to the Officer recommendation, due to highway safety concerns, the lack of cycling provision and conflicts with policies DM2, DM5 and DM13. This was duly seconded by Councillor Mike Chester.

The Service Manager (Planning – Development) explained that if Members were minded to refuse the application, contrary to the Officer recommendation, then the decision making policy would be invoked and a risk assessment would be produced for further consideration by the Committee.

Upon being put to the vote and with 15 voting for the motion and with 1 against, it was resolved that

#### Decision

Members were **MINDED TO REFUSE PERMISSION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to highway safety concerns, the lack of cycling provision and conflicts with policies DM2, DM5 and DM13.

#### 7. **Planning Application DC/19/1952/FUL - Land at The Grove, Beck Row (Report No. DEV/WS/20/018)**

##### **Planning Application - 2no. dwellings with associated access and parking area (following demolition of existing bungalow)**

This application was referred to the Development Control Committee because, despite there being no conflict between the Officer recommendation and the Parish Council's view, the proposal being recommended for approval (subject to a Section 106 Agreement and the conditions in Paragraph 77 of Report No DEV/WS/20/018) technically represented a departure from the Development Plan. However, in this instance, the material considerations weighing in favour of the proposal significantly outweighed the technical departure from the Development Plan.

During his presentation to the meeting the Senior Planning Officer drew attention to the responses received to the application, both from statutory consultees and third parties, and highlighted the planning balance considered when reaching his recommendation.

On commencing the debate, Councillor Don Waldron (one of the Ward Members for The Rows) reiterated the support of the Parish Council and endorsed the scheme.

Other Members also spoke in favour of the application and congratulated the Case Officer on a detailed presentation.

Councillor Roger Dicker proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Peter Stevens.

Upon being put to the vote and with the vote being unanimous, it was resolved that

#### Decision

Planning permission be **GRANTED** subject to the following conditions and the completion of a S106 agreement to secure the required 30% contribution towards affordable housing:

- 1 The development hereby permitted shall be begun not later than 3 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 approved plans and documents.
- 3 No development above slab level shall take place until samples of all external facing materials (bricks and tiles) to be used on plot 1 and plot 2 as approved by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 The site preparation and construction works, including road works, shall only be carried out between the hours of:  
08:00 to 18:00 Mondays to Fridays  
08:00 - 13.30 Saturdays  
And at no times during Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
- 5 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) Loading and unloading of plant and materials
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
- 6 The development hereby approved shall be carried out in complete accordance with the construction and mitigation measures set out within the submitted Noise Impact Assessment (Document Ref: dB/The Grove/10042/SR/001)
- 7 Prior to occupation, details of the sound reduction performance of the passive ventilation to be used in both dwellings (plot 1 and plot 2) shall be submitted to and approved in writing by the Local Planning Authority.
- 8 Prior to the properties hereby permitted being first occupied, the vehicular access onto The Grove shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of

- the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 9 The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 2207/L0(-)01E shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 10 The dwellings hereby approved shall not be occupied until the area within the site shown on Drawing No. 2207/L0(-)01E for the purposes of manoeuvring and parking of vehicles and for the purposes of secure cycle storage have been provided and thereafter that those areas shall be retained and used for no other purposes.
- 11 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
- 12 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
- 13 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement 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. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 14 Notwithstanding the provisions of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwellings hereby approved shall not be extended or altered in any way without the prior written agreement of the Local Planning Authority.
- 15 Prior to the dwellings hereby approved being occupied, details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

8. **Planning Application DC/20/0168/HH - 81D London Road, Brandon (Report No. DEV/WS/20/019)**

**Householder Planning Application - (i) single storey front extension and (ii) two storey side front and rear extension**

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in light of the Officer recommendation for refusal (for the reasons set out in Paragraph 29 of Report No DEV/WS/20/019) being contrary with the 'support' offered by Brandon Town Council.

As part of his presentation the Planning Officer included three videos of the site which he took the Committee through by way of a virtual 'site visit'.

Members were also advised that since publication of the agenda an email had been received from Brandon Central Ward Member Councillor Victor Lukaniuk who stated that he supported the view of Brandon Town Council; in that the plot was sizeable and he did not think the proposal would be overbearing. He also highlighted that there had been no representations made by neighbours.

The Planning Officer further advised that an email had also been received from fellow Brandon Central Ward Member Councillor Phil Wittam who concurred with all comments made by Councillor Lukaniuk.

Speaker: James Betts (applicant) had submitted a statement in support of the application which was read out by the Democratic Services Officer

Councillor David Palmer commenced the debate by speaking in favour of the application and stressing that no neighbouring residents had objected to the application. He, therefore, proposed that the application be approved contrary to the Officer recommendation and this was duly seconded by Councillor Richard Alecock.

The Service Manager (Planning – Development) explained that if Members were minded to approve the application, contrary to the Officer recommendation, then the decision making policy would be invoked and a risk assessment would be produced for further consideration by the Committee in order to carefully consider the impact on amenity which the Planning Authority were duty bound to do, irrespective of whether neighbouring residents had made representations.

Upon being put to the vote and with 6 voting for the motion (minded to approve, contrary to the Officer recommendation) and with 10 against, the Chair declared the motion lost.

Further debate then took place with a number of the Committee voicing concern at the proposed scheme.

Questions were posed as to whether the applicant would consider amending the proposal; in response to which the Planning Officer explained that the Planning Authority sought to negotiate with the applicant in order to explore

mitigation in the design, however, the applicant had stated that they did not wish to amend their application.

Councillor Ian Houlder then moved that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 10 voting in favour and 6 against it was resolved that

### Decision

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

1. Policies DM2 and DM24 of the Joint Development Management Policies Document (2015) permit development in locations such as this providing that the proposal respects the scale and design of the existing dwelling and also that it respects the character and appearance of the wider areas.

The extension is generously scaled and prominent. It has a maximum depth of over 16 metres and an overall height materially greater than the host dwelling of 1.2 metres. It also includes a forward facing two storey gable plus an eaves line higher than the host.

The scale, height and visual prominence of the extension, including its higher ridge and eaves line, make this an intrusive addition that very clearly does not respect the character of the host dwelling, leading to a bulky and poorly articulated addition. In this regard it is concluded that the proposal does not respect the character, scale or design of the host property leading to material conflict with Policy DM24.

Furthermore, whilst the wider area is characterised by a great variety of property types, and as a consequence has a very mixed character, it nevertheless is considered the case that an extension of this excessive scale, in this location, will appear as a bulky, awkward and dominant addition to the property in a readily visible location. Material harm to the character and appearance of the area would result, proving contrary therefore to the provisions of the Joint Development Management Policies Document, Policies DM2 and DM24 and Core Strategy policy CS5, as well as the design provisions within the NPPF (Section 12).

2. Policy DM24 seeks to ensure that development does not adversely affect the amenities of nearby properties. This supports the general provisions in the NPPF in relation to amenity. Whilst the dwelling is located centrally within a generous plot there are a number of dwellings in close proximity. In particular, to the south east, are the single storey dwellings at 8, 9, and 10 The Orchard. These properties back onto the site, across a rear access footpath and whilst at a slightly higher level benefit only from very modest rear gardens.

In this regard the proposal will be prejudicial to the reasonable amenities, in particular of those nearby properties on The Orchards. It is accepted that no windows other than the en-suite and landing windows are proposed on the elevation facing these properties, which could be conditioned to be obscure glazed and limited to those applied

for the overall scale of this side extension added to its proximity to and the very modest depth of the neighbouring gardens, means that it will present as an overbearing addition that will be materially harmful to the reasonable amenities of the neighbouring dwellings through visual intrusion and adverse effects upon outlook.

On this basis it is considered that the proposal fails to meet the provisions of DM24 of the Joint Development Management Policies Document 2015 in relation to protecting amenity, and also, therefore, that it further fails the requirements of the NPPF that seek to protect the amenities of all existing residents.

*(On conclusion of this item the Chair permitted a short comfort break and asked that an adjournment slide be displayed in the live stream, before reconvening the virtual meeting and taking a roll-call of those present.)*

9. **Planning Application DC/20/0231/FUL - Haverhill Leisure Centre, Lordscroft Lane, Haverhill (Report No. DEV/WS/20/020)**

*(Councillor John Burns declared a non-pecuniary interest in this item in view of being the owner of a gym within Haverhill. He would remain in the meeting during consideration of the application and would take part in the discussion and voting thereon.)*

**Planning Application - (i) replacement cladding (ii) replacement glazed screens and doors (iii) replacement steel louvered doors**

This application was referred to the Development Control Committee as it had been submitted by the West Suffolk Council on West Suffolk Council owned land.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 23 of Report No DEV/WS/20/020.

Some Members posed questions with regard to the cladding proposed and the safety measures surrounding this, the Service Manager (Planning – Development) explained that this did not form part of the planning process and would be addressed via Building Regulations. She also advised that the applicant would be informed about the comments made relating to appropriate noise insulation.

Councillor John Burns proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor David Roach.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **APPROVED** subject to the following conditions:

1. Time Limit - The development hereby permitted shall be begun not later than 3 years from the date of this permission.

2. Approved Plans - The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

10. **Planning Application DC/20/0420/FUL - 35 St Andrews Street North, Bury St Edmunds (Report No. DEV/WS/20/021) \*\*WITHDRAWN FROM AGENDA\*\***

The Chair advised earlier in the meeting that this item had been **WITHDRAWN** from the agenda.

11. **Conclusion**

On conclusion of the meeting the Chair thanked all present and welcomed feedback on the conduct of the first remotely held Committee.

The meeting concluded at 12.39pm

**Signed by:**

**Chair**

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