

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 3 April 2024** at **10.00am** 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

Mike Chester

Sara Mildmay-White

Roger Dicker

Lora-Jane Miller-Jones

Susan Glossop

Andy Neal

Donna Higgins

David Smith

Rachel Hood

Jim Thorndyke

Ian Houlder

Don Waldron

In attendance

Sarah Broughton (Ward Member: The Fornhams & Great Barton)

Becky Hopfensperger (Ward Member: The Fornhams & Great Barton)

Richard Rout (Ward Member: Westgate)

428. **Chair's Announcements**

The Chair welcomed all present and highlighted that the meeting would be operated in two parts. The Committee was also advised of the extended speaking arrangements which had been agreed for the application in Part A of the meeting.

All attendees were informed that the meeting was to be livestreamed, however, neither the public gallery or the registered speakers would be seen visually.

The public in attendance were advised that only those registered to speak could verbally address the Committee and that they may only do so under the public speaking part of the meeting. In line with the Council's Customer Service Standards, all attendees were requested to respect the Committee process and likewise treat staff and Councillors politely and with respect.

Lastly, the Chair reminded Members of the operation of the 'queue to speak' function using the microphones.

429. **Apologies for absence**

Apologies for absence were received from Councillors Carol Bull and Marilyn Sayer.

The Chair advised the meeting that Councillor Bull had asked that the Committee was informed that she had been unable to attend as a result of personal circumstances and offered her apologies for not being present to the residents of her Ward.

430. **Substitutes**

The following substitution was declared:

Councillor Donna Higgins substituting for Councillor Marilyn Sayer

(Councillor Higgins did not join the meeting until Part B had commenced and was not present for Part A.)

431. **Minutes**

The minutes of the meeting held on 6 March 2024 were confirmed as a correct record and signed by the Chair.

432. **Declarations of interest**

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

433. **Planning Application DC/22/2190/HYB - Land at Shepherds Grove, Bury Road, Stanton (Report No: DEV/WS/24/014)**

(Councillor Andrew Smith declared, in the interests of openness and transparency, that he had attended Bardwell Parish Council's meeting when the Parish Council considered the application. However, he stressed that he did not take part in the discussion or voting on the item at the Parish Council and therefore had an open mind.

Similarly, Councillor Jim Thorndyke also declared, in the interests of openness and transparency, that he had attended Stanton Parish Council's meetings when the Parish Council considered the application. However, he stressed that he would keep an open mind and listen to the debate prior to voting on the item.)

Hybrid planning application - (A) (i) Full application on 27.56 ha of the site for the storage, distribution and processing of accident damaged and non-damaged motor vehicles, together with the construction of ancillary buildings (B8 Use Class), perimeter fencing and landscaping works (ii) Full application for a new roundabout/road and additional landscaping on circa 5.37 ha of the application site - (B) (i) Outline application for the construction of buildings for commercial/roadside uses (Use Classes B2, B8, C1, E (excluding E(a)), and a hot food takeaway and pub/restaurant) on circa 2.7 ha of the application site (Plots A, B and C) with all matters reserved except for access (ii) Outline application for the construction of building(s) for general employment uses (Use Classes B2, B8 and E(g)) on circa 1.37ha of the application site (Plot D) with all matters reserved except for access

The application was originally referred to the Development Control Committee on 6 March 2024 as the proposed development was of a substantial scale and formed part of a strategic employment allocation.

Whilst Stanton Parish Council supported the application Hepworth, Barningham, Ixworth & Ixworth Thorpe, Coney Weston, Bardwell, and Fornham St Martin cum St Genevieve Parish Councils all objected.

A significant number of residents and Parish Councils outside of the West Suffolk District had also raised objections to the application.

At the March meeting Members were 'minded to refuse' the application, contrary to the Officer recommendation of approval, for the following reason:

'The additional vehicular traffic generated by the proposed development routing through surrounding villages to avoid peak time congestion on the A143 would have a significant harmful impact on the amenity of residents. This harm outweighs the benefits of the proposal.'

Accordingly, the Decision Making Protocol was invoked which required a risk assessment to be produced for further consideration by the Committee and which formed the content of Report No DEV/WS/24/014.

A Member site visit was held prior to the March meeting.

The Principal Planning Officer informed Members that he had received some late representations from residents since publication of the agenda, one of which was received earlier that morning. He summarised the content to the Committee, all of which raised concerns previously covered in other representations, principally in respect of the impact on the highway network.

Officers were continuing to recommend that the application be approved, subject to the completion of a S106 legal agreement to secure a Farmland Bird Mitigation Strategy for a period of 10 years and the conditions set out in the report.

Speakers: Nigel Burrows (resident of Hepworth) spoke against the application on behalf of himself and David Tomlin (fellow Hepworth resident)
Councillor Richard Winch (Mid Suffolk Ward Member for Walsham le Willows) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in Councillor Winch's absence
Kate Rees (resident of Ixworth) spoke against the application
Roger Spiller (on behalf of 'Green Ixworth') spoke against the application
Councillor Joanna Spicer (Suffolk County Councillor for Blackbourn) spoke in support of the application, by way of a submitted statement read out by the Democratic Services Officer in Councillor Spicer's absence
Councillor Garry Bloomfield (Hepworth Parish Council) spoke against the application
Councillor Ben Lord (Ixworth & Ixworth Thorpe Parish Council) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in Councillor Lord's absence

Councillor Carol Bull (Ward Member: Barningham) spoke on the application by way of a submitted statement read out by the Democratic Services Officer in Councillor Bull's absence
Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the application
Councillor Beccy Hopfensperger (Ward Member: The Fornhams & Great Barton) spoke against the application
Paul Sutton (Jaynic – Applicant) spoke in support of the application on behalf of himself, Andrew Anderson (Jaynic), Nic Rumsey (Jaynic) and Mark Geddes (Richard Jackson Engineering Consultants)

(On conclusion of the registered speakers the Chair permitted a short comfort break before reconvening and commencing the debate on the application.)

On reconvening the Committee the Chair welcomed the two Suffolk County Council Highways Officers in attendance to the meeting.

Significant discussion then took place on the potential highways impacts of the scheme. A number of Members continued to recognise the benefits the application would bring about to the village of Stanton but raised concerns that other neighbouring villages would be adversely impacted by increased traffic movements.

Councillor Phil Wittam questioned the robustness of a travel plan and the inability to control third parties travelling to the application site, he also considered a Traffic Regulation Order (TRO) to be necessary for Stanton in order to restrict the vehicles travelling through the village, irrespective of the new road proposed.

Councillors Jon London and Jim Thorndyke made reference to the condition in respect of a Liaison Group and asked if this could be amended in order to enable the group to be expanded to accommodate existing businesses and future developments at Shepherds Grove and to prevent the group operating in isolation. The Service Manager (Planning – Development) confirmed that this would be a sensible approach and a form of words could be looked at to ensure wider membership of the group.

The Chair invited the Highways Officers present to respond to the relevant questions/comments raised as follows:

Great Barton Air Quality Management Area – the Highways Officer explained that the application was not considered to adversely impact Great Barton in this respect, however, highways improvements for the Bunbury Arms junction in Great Barton were in the County Council's future programme of works;

TRO Stanton – it was clarified that irrespective of the planning application a Traffic Regulation Order for Stanton could always be pursued separately;

Ixworth – the Committee was assured that Suffolk County Council Highways were monitoring traffic movements/highways impacts in and round Ixworth separately to this planning application;

Public Transport – whilst the provision of public transport was a commercial decision taken by operators, it was envisaged that the public transport provision for Shepherds Grove would grow organically alongside the development of the area; and

'Severe' classification – Members were advised that Central Government defined the parameters of a 'severe' impact on the highway network by way of the National Planning Policy Framework. This was not able to be set locally and did not differentiate between urban and rural areas. In order to aid understanding, those road networks predicted to exceed capacity by 2040 elsewhere within the West Suffolk District were referenced by the Highways Officer. Accordingly, Suffolk County Council Highways were not recommending that the application before the Committee be refused, subject to the identified highways mitigation.

The Principal Planning Officer also responded to the Committee on other, non-highways, elements raised as follows:

10 years – Members were advised that the extended time limit proposed for commencement of the application was due to the scale of the development;

Masterplan expiry - whilst the Masterplan adoption period had expired, it was still considered to have some weight as a material consideration in the determination of the application due to the expiry only having taken place in December 2022;

Refusal reason – as explained within the report, the Officer further clarified that the Local Highway Authority had indicated that there were no technical grounds for refusing this application for the refusal reason set out by Members at the last meeting of the Committee. Notwithstanding this, formal wording for a refusal on the grounds of cumulative highways impact on neighbouring amenity had been drafted within the report.

Following a question from Councillor Susan Glossop, the Service Manager (Planning – Development) explained that whilst the proposed development did not accord with all the criteria of Policy RV4, the main employment elements of the scheme did accord with the policy.

Councillor Phil Wittam proposed that the application be refused, contrary to the Officer recommendation, on the grounds of the cumulative highway impact on the amenity of neighbouring villages, as per the wording in the risk assessment report. This was duly seconded by Councillor Rachel Hood.

Further to the earlier discussion in relation to policy compliance in respect of Policy RV4, the Chair sought clarification from the proposer and seconder if they also wished to include this as a second refusal reason, in relation to the lack of a viability assessment for the additional 'higher value' uses proposed within the scheme. Councillors Wittam and Hood confirmed they would support this inclusion.

Accordingly, upon being put to the vote and with 10 voting in favour and with 4 against, it was resolved that

Decision

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

1. The proposed development has the potential to create in excess of 1000 additional two-way traffic movements on the local highway network, some of which would use local roads through villages. The

additional vehicular traffic generated by the proposed development routing through surrounding villages to avoid peak time congestion on the A143 would have a harmful impact on the amenity of residents. The roads through local villages such as Hepworth, Barningham, and Walsham le Willows, are not suitable as regular commuter routes and should not be used as alternative routes for vans and lorries. The existing impact of traffic avoiding existing congestion on the A143 to access Shepherds Grove Industrial Estate results in an increase in traffic in local villages and a loss of amenity for residents through a reduction of opportunities for safe walking and cycling. The additional traffic on local roads resultant from the development would further harm the amenity of residents in these villages. The additional traffic on the local highway network and unsuitable local roads and the resultant harm caused to the amenity of local residents is considered to be significant. This harm outweighs the benefits of the proposal. The development is considered to be contrary to Joint Development Management Policy DM2 and paragraph 115 of the NPPF in this regard; and

2. If, having regard to prevailing market conditions, it is demonstrated that the development of the available land at the Shepherd's Grove site for B1/B2/B8 uses together with the provision of the required access road could not be viably achieved, the inclusion of a proportion of residential and/or other higher-value development will be considered. Any higher-value development included for this purpose shall be no more than is necessary to achieve a viable B1/B2/B8 development together with the access road, and shall not include any main town centre uses as defined in the Glossary to the National Planning Policy Framework, other than retail development to serve local needs. The amount, location and nature of any higher-value development will be specified in the masterplan for the site and will be subject to regular review, having regard to market conditions and development viability.

A Masterplan for the site was adopted in December 2019 that included a detailed economic viability assessment to help inform the quantum of higher value uses required to deliver the significant highway infrastructure costs of the formation of the new access and link road. Due to the market conditions at the time, the 'higher value' uses proposed included residential (400 dwellings) and roadside uses including restaurant, pub, hotel and petrol filling station. However, this Masterplan was adopted for a period of 3 years and expired in December 2022.

Policy RV4 requires the masterplan to be reviewed having regard to market conditions and development viability. Without a viability appraisal having been undertaken, the amount, location and nature of any higher-value uses has not been proven to be 'no more than is necessary to achieve a viable Planning and Growth, West Suffolk Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU B1/B2/B8 development together with the access road', as required by Policy RV4.

The 'higher value' uses now proposed are hotel (use class C1), pub (sui generis use), restaurant (use class E(b), hot food take away

(sui generis use), and other Class E 'Commercial, Business and Service' (excluding class E(a)) uses on plots A, B and C. Some of these uses are defined as 'main town centre uses' in the glossary of the NPPF and are specifically excluded from Policy RV4. The inclusion of town centre uses within the application without viability justification is contrary to Policy RV4, and consequently contrary to Joint Development Management Policy DM35 and paragraph 91 of the NPPF.

(On conclusion of this item and Part A of the meeting, the Chair permitted a short interval before commencing Part B of the meeting. On commencement of Part B the apologies, substitute and declarations of interest made at the start of Part A were reiterated for the benefit of the public attendees who had joined the meeting for Part B. Councillor Donna Higgins joined the meeting at the start of Part B.)

434. **Planning Application DC/23/0630/FUL - Vicarage Farm Cottage, Vicarage Farm Lane, Great Barton (Report No: DEV/WS/24/015)**

Planning application - one dwelling (following demolition of existing dwelling)

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

Members were advised that during the course of the application two consultations had taken place with statutory consultees and neighbouring properties due to amendments being received, including alterations to the site layout and dwelling design.

The Senior Planning Officer explained that Great Barton Parish Council had originally submitted objections to the planning application, however, following the submission of amended plans the Parish Council had responded with 'no objection'.

Following publication of the agenda papers the Chair of Great Barton Parish Council had made contact with the Officer and explained that the 'no objection' response had been made in error and the Parish Council wished to confirm that they still objected to the application.

As part of her presentation to the meeting the Senior Planning Officer outlined the limited fallback available to the applicant in respect of Permitted Development rights.

A Member site visit was held prior to the meeting and the Officer also provided videos of the site to the Committee.

Officers were recommending that the application be refused for the reasons set out in Paragraph 73 of Report No DEV/WS/24/015.

Speakers: Councillor Maggie Dunn (Chair, Great Barton Parish Council) spoke against the application

Stacey Cobbold (architect) and Ben Hutton (applicant) spoke in support of the application

During the debate some Members of the Committee recognised that the design of a scheme such as this was often subjective, and considered the proposal to be a visual improvement on the existing property on the site.

A number of other Members, however, referenced the noncompliance with policy and the fact that the site fell outside the settlement boundary for Great Barton.

Accordingly, Councillor Ian Houlder proposed that the application be refused as per the Officer recommendation. This was duly seconded by Councillor Rachel Hood.

Upon being put to the vote and with 10 voting for the motion, 2 against and with 3 abstentions it was resolved that

Decision

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

1. The development site sits outside the housing settlement boundary of Great Barton, in land designated as countryside for the purpose of planning, as such, DM5 of the Joint Development Management Policies Document is engaged. Policy DM5 deals with development within the countryside and states that the replacement of an existing dwelling on a one for one basis would be acceptable where it can be demonstrated that the proposed replacement dwelling respects the scale and floor area of the existing dwelling, in accordance with other policies. The existing dwelling is a modest rural bungalow that measures just 3.6 metres in height and has a floor area of 95m². The proposed dwelling is two storeys, measuring 5.4 metres in height when measured from the existing ground level and has a floor area of 174.25m². The proposal would therefore result in a dwelling which has an 83% larger floor area and an additional storey, from which it can be concluded does not respect the floor area or scale of the existing dwelling, as required by policy DM5.
2. Policies DM2 and DM22 of the Joint Development Management Policies Document and paragraphs 135 and 139 of the NPPF attach great importance to good design, expecting new developments to be visually attractive, responding to local character and reinforcing local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable. This is supported by CS3 of the St Edmundsbury Core Strategy, as well as GB5 and GB12 of the Great Barton Neighbourhood Plan which state proposals for new dwellings should have regard to the character of the immediate area within which the site is located and not have a detrimental impact on that character, as well as reflecting the local characteristics and circumstances of the site by creating and contributing to a high quality, safe and sustainable environment.

The design of the proposed dwelling is considered to be inelegant, with an over wide frontage and disorderly fenestration. Whilst the setting down of the proposed dwelling into the ground lessens the impact of its two storey height to some degree and the black cladding would tie in with the barn to the east, with the high eaves line, the wall dormers and the overall bulk of the proposed development, the replacement dwelling is not considered to respect the scale and character of the existing dwelling, nor would it result in good design which reflects and respects the character of the area, conflicting with policy DM2 and DM22 of the Joint Development Management Policies Document, CS3 of the St Edmundsbury Core Strategy, GB5 and GB12 of the Great Barton Neighbourhood Plan, and paragraphs 135 and 139 of the National Planning Policy Framework.

435. **Planning Application DC/23/1578/HH - 2 Stonebridge Avenue, Bury St Edmunds (Report No: DEV/WS/24/016)**

(Councillor Donna Higgins declared, in the interests of openness and transparency, that she had attended Bury St Edmunds 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.)

Householder planning application - a. first floor side extension b. detached cart lodge

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

The Planning Officer advised the meeting that Bury St Edmunds Town Council had originally objected to the scheme, however, following receipt of amended plans the Town Council withdrew their original objection and recommended approval.

Attention was drawn to Paragraph 11 of Report No DEV/WS/24/016 which referenced neighbour representations made in respect of the application. The occupiers of No. 25 Vinery Road asked that it be clarified to the Committee that, contrary to the report, they did not in fact support the proposal, whilst also not objecting to it.

Officers were recommending that the application be refused for the reason set out in the report.

Speaker: Emma Green (applicant) spoke in support of the application by way of a pre-recorded audio file which was played to the meeting

Councillor Sara Mildmay-White remarked on the prominence of the site in question, which was a corner plot, and raised concerns that the proposal was overdevelopment.

Other Members voiced support for the design, including Councillor Lora-Jane Miller-Jones who did not consider the proposal to be out of keeping with the

surrounding area or to cause harm to the host dwelling. Accordingly, she proposed that the planning application be granted, contrary to the Officer recommendation and this was duly seconded by Councillor Jon London.

The Service Manager (Planning – Development) responded on the reasons cited for refusal and informed the Committee that she would not invoke the Decision Making Protocol and the recommendation would not be 'minded to'.

The Chair then invited the Planning Officer to verbally outline conditions which could be appended to a permission.

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

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, as the application was not considered to be out of keeping with the surrounding area or to cause harm to the host dwelling, 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 approved plans and documents, unless otherwise stated.

(Councillor Susan Glossop left the meeting at 2.21pm during the Case Officer's presentation to the meeting on this item.)

436. **Planning Application DC/23/2040/FUL - 30-38 High Street, Haverhill (Report No: DEV/WS/24/017)**

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

Planning application - change of use from Class E (c)(i) (professional services) to Class F.1(a) for the provision of education to part of the ground floor and part of the second floor

This application was originally referred to the Development Control Committee on 6 March 2024 because it was on land owned by West Suffolk Council.

Members resolved to grant planning permission in March. However, the application was returned to the Committee due to the applicant requesting an extension to the previously required hours of construction condition limits.

Officers were continuing to recommend that the application be approved, subject to conditions as set out in Report No DEV/WS/24/017.

Councillor Jon London proposed that the application be approved, as per the Officer recommendation and this was duly seconded by Councillor Sara Mildmay-White.

However both Vice Chairs asked that their displeasure at the application having to be brought back to the Committee, for the reason explained, be passed on to the applicant.

Upon being put to the vote and with 12 voting for the motion and 2 abstentions, it was resolved that

Decision

Planning permission be **GRANTED** subject to:

- 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 approved plans and documents, unless otherwise stated.
- 3 Any construction / conversion / strip-out works and ancillary activities in connection with the change of use shall only be carried out between the hours of:
07:00 to 21:30 Mondays to Fridays
08:00 to 18:00 Saturdays
10:00 to 16:00 Sundays
At no times during Bank / Public Holidays without the prior written consent of the Local Planning Authority.
- 4 The hours of opening of the education facility hereby approved shall be restricted to only between the following hours:
Monday to Friday from 07:30 to 21:30
Saturday from 07:30 to 17:00
Sundays or Bank / Public Holidays from 09:00 to 14:00
- 5 No external mechanical plant / equipment and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.
6. The six Sheffield hoop bike stands located at the Helions reception shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

The meeting concluded at 2.40pm

Signed by:

Chair

