

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 4 December 2019 at **10.00 am** in the **Council Chamber,**
College Heath Road, Mildenhall, Suffolk, IP28 7EY

Present: **Councillors**

Chair Andrew Smith

Vice Chair Mike Chester

John Burns

Jason Crooks

Roger Dicker

Andy Drummond

Susan Glossop

Ian Houlder

Sara Mildmay-White

Andy Neal

David Palmer

David Roach

David Smith

Peter Stevens

Don Waldron

Ann Williamson

In attendance:

David Gathercole (Ward Member for Lakenheath)

63. **Apologies for Absence**

Apologies for absence were received from Councillors David Gathercole and Jim Thorndyke.

64. **Substitutes**

The following substitutions were declared:

Councillor Sara Mildmay-White substituting for Councillor Jim Thorndyke

Councillor Andy Neal substituting for Councillor David Gathercole

65. **Minutes**

The minutes of the meeting held on 6 November 2019 were confirmed as a correct record and signed by the Chair.

66. **Planning Application DC/19/1712/FUL - 28-34 Risbygate Street, Bury St Edmunds (Report No: DEV/WS/19/044)**

(The Chair agreed for this item to be brought forward on the agenda.)

Planning Application - Construction of (i) 50no. apartments (ii) communal facilities (iii) access, car parking and landscaping as amended by plans received 04 November 2019 (increasing number of apartments by 1no.)

This application was referred to the Development Control Committee following consideration by the Delegation Panel and at the request of Ward Member (Abbeygate) Councillor Jo Rayner.

Contrary to Report No DEV/WS/19/044's opening paragraph, Bury St Edmunds Town Council did not support the application. A considerable number of objections had also been received from third parties.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in Paragraph 137 of the report.

Attention was drawn to the supplementary 'late papers' which had been circulated following publication of the agenda and which set out an additional condition in respect of solar control glazing and an amendment to condition No 5 (surface water drainage scheme).

As part of her presentation the Principal Planning Officer highlighted the amendments that had been made to the scheme since original submission.

The Officer also advised the meeting that she was aware that the applicant had submitted information directly to Members of the Committee and the images they had received were included with her presentation.

Speakers: Celia Lawrence (representing Nelson Road Residents Association) spoke against the application
The Case Officer read out a prepared statement, on behalf of Ward Member (Abbeygate) Councillor Jo Rayner, against the application (who had been unable to attend the meeting)
Rosie Room (agent) spoke in support of the application

Councillor David Roach opened the debate by advising the meeting that he and other Committee Members had been contacted directly by the applicant via the telephone prior to the meeting, and he considered this to be inappropriate.

Considerable discussion took place on the application with a number of Members remarking on the level of parking to be provided within the scheme.

Comments were also made on the S106 calculations, particularly with regard to the vacant building credit and NHS contribution.

The Principal Planning Officer responded to Members' questions/comments as follows:

S106 Contributions – the Committee were assured that all calculations were correct and in line with current legislation. The Officer also advised that the West Suffolk Clinical Commissioning Group had confirmed that they would accept £15,000 from the scheme.

Resident Age Restriction – it was clarified to Members that residents of the proposed scheme were to be aged 60 and over. In addition, the applicant had advised that the average age of residents within their existing premises was 80.

Parking Provision – Members were advised that the average number of parking spaces provided as part of the scheme was 0.46 which was above the applicant's average of 0.42, based on all their existing UK premises. The Committee was also advised that similar premises that already existed within Bury St Edmunds (from other developers) had less parking than the level proposed in the application.

Pedestrian Crossing – attention was drawn to Paragraph 97 of the report and the Officer highlighted that the provision of a pedestrian crossing did not meet the test of the CIL Regulations; the application site was situated very close to the Town Centre with amenities easily accessible to pedestrians without a designated crossing.

Some Members spoke in support of the application; making reference to the bus and taxi services available to residents. The design of the scheme was also commented upon as being in keeping with surrounding buildings.

Councillor Ian Houlder proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Mike Chester.

Further discussion then took place specifically with regard to the overlooking concerns that had been raised by neighbouring residents.

Councillor Andy Neal asked it if would be possible to increase the height of the brick wall which formed one of the site's boundaries. In response, the Principal Planning Officer explained that the wall was already fairly imposing and it would be unable to be increased to such a height that would prevent any overlooking.

Councillor Roger Dicker proposed an amendment; that consideration of the application be deferred in order to allow additional time in which for Officers to consult with the applicant, to establish if it would be possible to amend the scheme to reduce the height of the building by way of removing the seven units on the top floor, in order to address the concerns regarding overlooking as raised by neighbouring residents. This was duly seconded by Councillor David Palmer.

Upon being put to the vote and with 9 voting for the amendment, 6 against and with 1 abstention, it was resolved that

Decision

Consideration of the application be **DEFERRED** in order to allow additional time in which for Officers to consult with the applicant to establish if it would be possible to amend the scheme to reduce the height of the building by way of removing the seven units on the top floor, in order to address the concerns regarding overlooking as raised by neighbouring residents.

(Following this resolution Councillor Peter Stevens sought clarification as to the next steps that would be taken; the Service Manager (Planning – Development) advised that the Planning Authority would, in the first instance, seek to agree a further extension of time with the applicant beyond 6 December 2019.)

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

67. **Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath (Report No: DEV/WS/19/042)**

The Chair advised the Committee that a letter had been received from a law firm this morning in relation to this application.

As a result of the timing of this and the matters raised, this item was **WITHDRAWN** from the agenda and deferred in order to allow Officers time in which to undertake consideration of the issues raised.

68. **Planning Application DC/19/1392/VAR - Land off Briscoe Way, Lakenheath (Report No: DEV/WS/19/043)**

Amendments to condition 20 (measures to mitigate noise impacts) of planning permission DC/13/0660/FUL for the 67no. Dwellings (including 20 affordable dwellings) together with public open space, as amended. The amendments proposed to condition 20 are full removal of sub-parts A (ii) and B

This application was referred to the Development Control Committee as Lakenheath Parish Council had raised objection which was contrary to the Officer recommendation of approval as set out in Paragraphs 52 and 53 of Report No DEV/WS/19/043.

A Member site visit was held prior to the meeting.

As part of his presentation to the Committee the Principal Planning Officer - Major Projects explained that the 'parent' planning permission for 67 dwellings at the site was granted by (the now dissolved) Forest Heath District Council's Development Control Committee in October 2018.

The application before Members was simply seeking to amend the wording of one condition attached to the permission.

Since publication of the agenda one further late representation had been received from Lakenheath Parish Council which reaffirmed their earlier comments made, as set out in the report.

During the debate there was some discussion as to the noise contours and the future aircraft to be stationed at RAF Lakenheath. Whilst the Principal Planning Officer - Major Projects responded to these comments and provided explanation, he also reiterated that the dwellings in the scheme had permission and the application before Members purely related to the wording of one condition.

Councillor Andy Drummond proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Roger Dicker.

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

Decision

1. Following completion of a S106 Agreement (or equivalent) to secure the planning obligations captured from the related planning permission DC/13/0660/FUL planning permission be **GRANTED**; and
2. The planning permission shall be subject to the same conditions as attached to planning permission DC/13/0660/FUL with the exception of condition 20 which shall be amended as follows:

Condition 20 - No construction for any dwelling shall commence until details in respect of each of the following have been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 Db (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 Db laEQ (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated.

(On conclusion of this item, and Part A of the agenda, the Chair permitted an interval before proceeding with Part B of the agenda at 1.00pm. During the interval Members of the Committee received a short training seminar where Officers delivered an update on West Suffolk appeals.)

69. **Planning Application DC/19/1019/FUL - Garages, Paske Avenue, Haverhill (Report No: DEV/WS/19/045)**

Planning Application - 9no. dwellings (Demolition of existing garages)

This application was referred to the Development Control Committee following consideration by the Delegation Panel; having been referred to the Panel at the request of Ward Member (Haverhill Central) Councillor Aaron Luccarini.

Haverhill Town Council had raised objections to the scheme which was in contrast to the Officer recommendation of approval, subject to conditions as set out in Paragraph 62 of Report No DEV/WS/19/045.

A Member site visit was held prior to the meeting. Attention was drawn to the supplementary late paper which had been circulated following publication of the agenda and which set out a superseded site plan.

The Principal Planning Officer advised that further public late representations had been received which largely covered earlier points raised by local residents. These had been forwarded to Members of the Committee for their reference.

Speakers: Donna Anderson (neighbouring resident) spoke against the application
The Chair advised that Ward Member (Haverhill Central) Councillor Aaron Luccarini had registered to speak at the Committee but had been unable to attend the meeting. Instead, Councillor Luccarini had emailed all Members of the Committee directly with his written representation
Scott Bailey (Havebury – applicant) spoke in support of the application

A number of Members voiced comment on the application with the majority raising concerns in respect of the scheme being out of keeping with the surrounding area and overbearing.

Councillor Jason Crooks proposed that the application be refused, contrary to the Officer recommendation, on the basis of it being inappropriate for the site and overdevelopment. This was duly seconded by Councillor Don Waldron.

The Service Manager (Planning – Development) explained that if Members were minded to refuse the application, contrary to the Officer recommendation, then the Decision Making Protocol would not need to be invoked. She further advised on the Policies that could be appended to the reasons for refusal as being: CS3 DM2 and DM22.

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

Decision

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

1. Existing development in Paske Avenue is characterised by small two-storey red brick semi-detached houses generally of a uniform scale and appearance. The scale, design and appearance of the 3-storey flat block is out-of-keeping with the adjoining development, resulting in an awkward and dominant relationship harmful to the appearance of the street scene.
The proposal is therefore contrary to Core Strategy Policy CS3, Joint Development Management Policies DM2 and DM22, and paragraph 127 of the National Planning Policy Framework (2019).
2. This small (0.14 hectare) site is at the end of a residential cul-de-sac adjacent to a large bus-depot building and has a narrow tapered shape at its southern end. The need to accommodate parking, access, cycle storage and turning space has resulted in a flat block with no outside amenity garden space. The proposed 3-storey flat block would also dominate the site and have an over-bearing impact on the proposed bungalows and the neighbouring dwellings on Paske Avenue. For these reasons a proposal of 9 dwellings is considered to be over-development of the site, contrary to Core Strategy Policy CS3, Joint Development Management Policies DM2 and DM22, and paragraph 127 of the National Planning Policy Framework (2019).

70. **Planning Application DC/19/0514/FUL - Offices, James Reinman Marine Ltd, The Broadway, Pakenham (Report No: DEV/WS/19/046)**

Planning Application - 2 no. dwellings (following demolition of existing work sheds) and associated works (as amended by email received 31.07.2019 to reduce the scheme from 3 dwellings to 2)

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

Both Pakenham Parish Council and the Ward Member (Pakenham and Troston) Councillor Simon Brown supported the application, which was contrary to the Officer recommendation of refusal, for the reasons set out in Paragraph 102 of Report No DEV/WS/19/046.

A Member site visit was held prior to the meeting. As part of her presentation to the Committee the Senior Planning Officer spoke in detail on the planning and appeal history of the site.

Speaker: James Platt (agent) spoke in support of the application

Following discussion by the Committee, the Officer gave further explanation on the lawful use of the site, the subdivision of the site and the buildings on the site that had been converted under Permitted Development rights.

Members were also advised that as the application was not for a change of use this did not trigger the marketing criteria for loss of a commercial use.

Councillor David Roach spoke in support of the scheme and moved that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Peter Stevens.

The Service Manager (Planning – Development) clarified with Members what their reasoning was for supporting the application. Members agreed that their reasons for support related to the complex nature of the planning history of the site, whether there was a fallback position and the unsuitability of local roads for commercial vehicles.

The Service Manger then explained that if Members were minded to approve the application, contrary to the Officer recommendation, then the Decision Making Protocol would need to be invoked and a risk assessment would be produced for consideration by the Committee at a subsequent meeting.

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

Decision

Members be **MINDED TO APPROVE PLANNING PERMISSION CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL**. The application was therefore **DEFERRED** in order to allow a Risk Assessment to be produced for consideration by the Committee at a future meeting.

71. **Planning Application DC/18/0544/HYB - Land North of Green Acre, Thetford Road, Ixworth Thorpe (Report No: DEV/WS/19/047)**

Hybrid Planning Application - (i) Full Planning permission - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings as amended by the drawings received 30.11.2018

This application had been originally referred to the Development Control Committee of (the now dissolved) St Edmundsbury Borough Council in January 2019 at the request of the Assistant Director (Planning and Regulatory Services) on behalf of Councillor John Griffiths (Ward Member: Ixworth).

At the January meeting the Committee resolved that they were 'minded to approve' the application contrary to the Officer recommendation of refusal. The Decision Making Protocol was invoked and a Risk Assessment was produced, as set out in Report No DEV/WS/19/047.

A Member site visit was held prior to the meeting for the West Suffolk Committee. The Parish Council supported the proposal.

Officers were continuing to recommend that the application be refused for the reason set out in Paragraph 36 of the report.

Speakers: Councillor Ben Lord (Chairman, Ixworth & Ixworth Thorpe Parish Council) spoke in support of the application
Councillor Andrew Smith (neighbouring Ward Member of Bardwell) read out a statement in support of the application on behalf of Ward Member (Ixworth) Councillor John Griffiths
Phil Cobbold (agent) spoke in support of the application

In response to comments made by the Committee during the debate, the Service Manager (Planning – Development) made reference to Policy DM27 and asked Members to give particular consideration to those recent appeal decisions made in connection with this policy.

The Committee was also advised that Ixworth was currently in the process of developing its Neighbourhood Plan; small developments such as the application site could be addressed as part of the Plan's development as well as having the potential to be put forward as part of the consultation on the emerging West Suffolk Local Plan.

Councillor David Roach proposed that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Peter Stevens.

Upon being put to the vote and with 4 voting for the motion and 12 against, the Chair declared the motion lost.

Councillor Roger Dicker then proposed that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Jason Crooks.

Upon being put to the vote and with 12 voting for the motion, 3 against and with 1 abstention it was resolved that

Decision

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

The broad overall aim of paragraphs 77 and 78 of the National Planning Policy Framework (NPPF) is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, by supporting its three dimensions - economic, social and environmental. This approach is also set out in the St Edmundsbury Core Strategy (CS), and the Joint Development Management (DM) Policy DM1 and DM5 which aims to protect the countryside from unsustainable and unjustified housing. In addition to this the Council's settlement strategy is derived from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably.

The proposal is for dwellings outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited generally within a very loose collection of dwellings, and therefore, as a result of its conflict with Policies DM5 and DM27 cannot be supported as a matter of principle.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.

The application site lies outside of the defined Housing Settlement Boundaries and is therefore classified as countryside where rural area policies of restraint apply. There is a presumption against residential development in such locations as set out in Policies CS4, CS13 and DM5.

Given the remote location of the site it follows that the occupiers of the proposed dwellings would have to travel by car to access shopping, education, recreation, and social facilities. The dwellings would also create demand for additional trips by visitors and service vehicles. There are no local shops, services or other facilities within a reasonable walking distance of the site that would appropriately cater for the day to day needs of any future occupiers of the proposed dwellings. The nearest reasonable range of day to day facilities are in Ixworth or Honington Airfield, both of which are over 2.5km from the site. In view of the limited options for travel other than by private car, which is exacerbated by the lack of a continuous formal pedestrian foot path linking the site to those settlements, the proposal would not contribute to sustainable travel patterns.

Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Residential development within the countryside is only permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture in accordance with the requirements of Policy DM26, infill development within existing clusters in

accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.

The NPPF represents up-to-date Government planning policy and is a material consideration when determining planning applications. The Framework reiterates that proposals that conflict with the development plan should be refused permission unless material considerations indicate otherwise.

Policy DM2 requires development proposals to recognise the character and appearance of the area in which they are proposed. By reason of the location, but in particular from the expansive layout, the regular spacing of the buildings, and the visually prominent frontage car parking and driveway, the proposal would create a visual intrusion, having an unwelcome and highly urbanising effect on public views of the locality, creating a significant impact so as to cause material harm to the surrounding loosely grained rural character, contrary to the provisions of Policy DM2.

The proposal would not provide any substantial contributions to the locality in terms of economic, social and environmental dimensions of sustainable development. The proposal would be contrary to the pattern of development established in the Core Strategy, and would not respect the character and context of the countryside setting.

The proposal therefore fails to accord with policies DM2, DM5, DM13, DM27, DM33 of the Joint Development Management Policies Document 2015, policies CS2, CS3, CS4 and CS13 of the St Edmundsbury Core Strategy 2010 and paragraphs 77 and 78 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

72. **Planning Application DC/19/1519/OUT - Land Adjacent to Fishwick Corner, Thurston Road, Rougham (Report No: DEV/WS/19/048)**

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 referred to the Development Control Committee 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 meeting. Since publication of the agenda a late representation had been received from Thurston Parish Council which the Officer had circulated to all Members of the Committee.

Officers were recommending that the application be approved subject to conditions as set out in Paragraph 91 of Report No DEV/WS/19/048 and subject to Mid Suffolk Council approving the remainder of the cross-boundary application at their Committee meeting in January 2020.

Speakers: Councillor Sara Mildmay-White (Ward Member for Rougham) spoke against the application
Sophie Waggett (applicant) spoke in support of the application

A number of Members voiced concern at the application and objected to determining it prior to Mid Suffolk Council considering their element of the scheme.

The Committee also expressed disappointment that the Suffolk County Council Highways representative who was due to attend the meeting had, at the last minute, been unable to do so.

Councillor David Roach proposed that consideration of the application be deferred 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. 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

Consideration of the application be **DEFERRED** 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.

The meeting concluded at 3.20pm

Signed by:

Chair
