

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Development Control Committee** held on **Thursday 6 December 2018** at **10.00 am** at the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

**Chairman** Jim Thorndyke

**Vice Chairman** Andrew Smith

John Burns

Carol Bull

Mike Chester

Terry Clements

Susan Glossop

David Nettleton

Peter Stevens

Julia Wakelam

**Substitutes attending:**

Sara Mildmay-White

Frank Warby

60. **Apologies for Absence**

Apologies for absence were received from Councillors Jason Crooks, Robert Everitt, Paula Fox, Ian Houlder and David Roach.

61. **Substitutes**

Councillor Frank Warby attended the meeting as substitute for Councillor Paula Fox. And Councillor Sara Mildmay-White attended as substitute for Councillor Ian Houlder.

62. **Minutes**

The minutes of the meeting held on 1 November 2018 were unanimously received by the Committee as an accurate record and were signed by the Chairman.

63. **Planning Application DC/18/0464/FUL - King Edward VI Upper School, Grove Road, Bury St Edmunds (Report No: DEV/SE/18/042)**

*(The following Councillors all declared non-pecuniary interests in this item due to the appointments they held as listed against their names below:*

- *Councillor Terry Clements - Co-opted Governor of King Edward VI School and Trustee of Abbeycroft Leisure*
- *Councillor Sara Mildmay-White - St Edmundsbury Borough Council representative on the King Edward VI School Bury St Edmunds Foundation*

- *Councillor Julia Wakelam - Trustee of Suffolk Academies Trust and Governor of West Suffolk College*

*All of the above Members would remain in the meeting and would take part in the discussion and voting thereon.)*

**Planning Application - Provision of sixth form college with new access from Beetons Way and associated parking and landscaping; provision of new signalised junction; improvements to existing playing fields and replacement of existing all-weather pitch with 3G pitch for King Edward VI Upper School. As amended by plans and documents received on 16th August, 5th October and 1st November 2018**

This application had been referred to the Development Control Committee at the request of one of the Ward Members (Risbygate).

Since publication of the agenda, supplementary 'late papers' were issued in respect of this item and which included:

- A corrected site plan;
- Further comments received from the Environment Agency; and
- A full list of recommended conditions.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved subject to the completion of a Section 106 Agreement and conditions, as set out in the supplementary 'late papers'.

The Senior Planning Officer made a detailed presentation to the meeting which was recognised and thanked by the Committee.

It was highlighted to Members, as part of the presentation, that whilst Sport England no longer objected to the application there was still a policy conflict in respect of DM42 and this had to be recognised in the planning balance.

Attention was also drawn to Paragraph 56 of Report No DEV/SE/18/042 which explained that the National Policy Statement set out the Government's view that the creation and development of state-funded schools was strongly in the national interest.

Speakers: Mr Paul Nightingale (Former PE teacher, King Edward VI School) spoke against the application  
Councillor David Nettleton (Ward Member: Risbygate) spoke against the application  
Mr Alan Gunne-Jones (agent) spoke in support of the application

Councillor Julia Wakelam (the other Risbygate Ward Member) spoke in support of the application. She considered the site to be the best location for the proposed facility in order to provide linkage with neighbouring West Suffolk College. Councillor Wakelam also highlighted that the development would, by default, free up much needed space on the King Edward VI School's existing site. She therefore proposed that the application be approved, as per the Officer recommendation.

Councillor Terry Clements duly seconded the motion for approval and equally spoke in support of the application. He highlighted the need for the development; which would provide excellent sports facilities.

A lengthy debate ensued with a number of Members making comments both in support and in objection to the application.

Particular concerns raised related to the perceived highways impact and the parking provision. Councillor David Nettleton highlighted the potential impact on air quality and the need for sustainable transport and Councillor Sara Mildmay-White queried the conflict between the loss of playing fields for car park provision and the Government's national health agenda.

Comments were also made with regard to the condition relating to a Full Travel Plan which would be required six months *after* first occupation of the college – questions were posed by Members as to whether this needed to be in place prior to first occupation and, indeed, if the application needed to be deferred to allow for this to be produced.

In response to the highways matters the Highways Officer in attendance was invited to address the meeting by the Chairman.

The Highways Officer explained why Suffolk County Council Highways had come to the position they had in relation to the application and the highways network/parking provision. The Committee was advised that occupation of the site was to be on a phased basis, therefore, the first six months of data would be used to inform the Full Travel Plan; whilst recognising that a Framework Travel Plan had already been produced.

Councillors Andrew Smith and Carol Bull both spoke on the importance of car usage for rural populations who often had a limited public transport network at their disposal. As such, they endorsed the car park provision within the application.

Councillors Wakelam and Clements (as original proposer and seconder, respectively, of the motion to approve) both remarked on the need for reasonableness when considering the potential highways impact; in that it would not be possible by way of the application to address all traffic movement issues within that part of Bury St Edmunds.

The Senior Planning Officer and the Service Manager (Planning – Development) also responded to other questions/comments as follows:

Landscaping – the maximum amount of landscaping had been secured via the scheme and as agreed with the Council's Tree Officer. The drainage infrastructure and visibility requirements restricted any additional planting;

Design – the design proposed was very similar to other local modern educational buildings. Members were also advised that the Vitec Videocom base in Western Way was to be redeveloped as part of the West Suffolk College campus and the appearance would look very similar to the building within the application site; and

Alternative Site(s) – the Committee was reminded that whether or not other sites had been considered for the application by the applicant was not a

material planning consideration for the determination of the application before them.

Upon being put to the vote and with 8 voting for the motion and with 4 against, it was resolved that

### Decision

Planning permission be **GRANTED** subject to:

The applicant first entering into a Section 106 agreement to secure the following:

- a) A contribution of £10,000 to provide a new bus stop shelter on Western Way.
- b) A contribution of £35,000 towards improvements to the Tollgate junction.
- c) A contribution of £200,000 to make improvements to the Western Way/Newmarket Road junction.

Any such approval to thereafter be granted by Officers to also be subject to the following conditions:

- 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 details of the external facing and roofing materials to be used for the college building 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) Prior to the installation of the solar PV array, details of the siting, scale and appearance of the array shall be submitted to and approved in writing by the Local Planning Authority. The array shall be installed in accordance with the approved details prior to the college being first brought into use and shall be thereafter retained as approved.
- 5) Within six months of the first educational use of the college building hereby approved, a final Certificate must be issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating VERY GOOD has been achieved for this development and evidence of such certification must have been submitted to and acknowledged in writing by the Local Planning Authority.
- 6) The existing sand-dressed artificial pitch will be resurfaced with a 3G surface within 12 months of the date of this planning permission, in accordance with a specification that shall have first been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England.
- 7) No development shall commence until a Sports Pitch Implementation Scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The scheme shall take into account the findings of the submitted feasibility study by TGMS dated 30 April 2018 and shall include a written specification of

the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment, together with a programme and timescale for implementation. The development shall be carried out in accordance with the approved Sports Pitch Implementation Scheme and the land shall thereafter be maintained and made available for playing field use in accordance with the approved Scheme.

- 8) Prior to the college building being first brought into use, a Community Use Agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The Agreement shall apply to the college's indoor and outdoor sports facilities comprising the sports hall, activity studio and floodlit multi-use games area. The Agreement shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for periodic review. The facilities shall thereafter be made available for community use in accordance with the approved Community Use Agreement.
- 9) No development shall commence until details of the design and layout of the replacement artificial cricket wicket and the timescale for its implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The facility shall thereafter be constructed in accordance with the approved details and timescale.
- 10) Prior to work commencing on the new multi-use games area, full details of the proposed floodlighting shall be submitted to and approved in writing by the Local Planning Authority. The multi-use games area and floodlighting shall be implemented in accordance with the approved details prior to the college building being first brought into use and shall thereafter be retained as approved.
- 11) The development shall be carried out in accordance with the submitted Site Waste Management Plan ref. PrS-065 received on 14 November 2018, both during the construction phase and thereafter.
- 12) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The applicant shall submit a detailed design based on the FRA & Drainage Strategy by AKS Ward Construction Consultants (drawing refs. 9201 P06 & 9202 P07) and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The surface water drainage scheme shall include:
  - a) Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
  - b) Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices

and the conveyance network. A statement on the amount of impermeable area served by each soakaway should also be illustrated on the plans and should be cross referenceable with associated soakaway calculations.

- c) Full modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
  - d) Infiltration devices will have a half drain time of less than 24hours.
  - e) Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table.
  - f) Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.
  - g) Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
- 13) No development shall commence until a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of all construction activities on the site. The approved CSWMP must include:
- a) Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:
    - i) Temporary drainage systems.
    - ii) Measures for managing pollution / water quality and protecting controlled waters and watercourses.
    - iii) Measures for managing any on or offsite flood risk associated with construction.
- 14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 15) Prior to any works commencing on site, including site clearance, site set-up and deliveries of materials, a Deliveries and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the access(es) to be used by construction vehicles, details of contractor parking on site and methods to prevent debris entering the highway. No HGV or construction vehicle movements shall be permitted to or from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and

record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the construction period.

- 16) The new vehicular access shall not be brought into use until details of the visibility splays and any access gates to be erected have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details prior to being first brought into use and shall be retained thereafter in its approved form.  
Clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 17) The approved new vehicular access and signalised junction, as shown on drawing no. 42717/5501/101/P7, shall be laid out and constructed in accordance with the details approved in their entirety prior to the college being first brought into use. The signalised junction shall incorporate cycle and pedestrian crossing facilities on at least three arms and shall make provision for the existing cycle route on Beetons Way. The access signals must be in place and fully functional prior to the college being first brought into use.
- 18) Prior to the provision of the cycle stores, details of their siting and design shall be submitted to and approved in writing by the Local Planning Authority. The cycle stores shall thereafter be provided in accordance with the approved details prior to the college being first brought into use, and shall thereafter be retained and used for no other purpose.
- 19) Prior to the college being first brought into use, the areas within the site shown on drawing no. ABSE6F-ARE-ZZ-00-DP-L-0002 S2 P07 received on 1 November 2018 for the purposes of the loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter those areas shall be retained and used for no other purposes.
- 20) The electric vehicle charging points shown on drawing no. ABSE6F-ARE-ZZ-00-DP-L-0002 S2 P07 received on 1 November 2018 shall be of a minimum 7kWh and shall be provided prior to the college being first brought into use. The electric vehicle charging points shall be retained thereafter as approved and installed.
- 21) Prior to the college being first brought into use, the full contact details of the Travel Plan Coordinator appointed to implement the Framework Travel Plan (dated March 2018 Rev:A) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Suffolk County Council as Highway Authority. The Travel Plan Coordinator must be funded and maintained by the occupier to oversee

the implementation of the Interim and Full Travel Plans for the full duration of the Travel Plan.

- 22) Six months after the first occupation of the college, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Suffolk County Council as Highway Authority. The Full Travel Plan must include the following:
- a) A commitment to achieve the interim objectives and targets set out in the Framework Travel Plan (dated March 2018 Rev:A).
  - b) A timetable for the provision of revised baseline data that includes travel to data for the actual students and employees.
  - c) An action plan that contains suitable objectives and targets to reduce the vehicular trips made by students and employees, with a commitment to implement remedial measures if the agreed targets and objectives are not met.
  - d) A suitable marketing strategy to engage all students and employees with the Travel Plan process.
  - e) A commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to the Local Planning Authority for a minimum period of five years using the same methodology as the baseline monitoring.
  - f) A commitment by the occupier to fund and maintain the Full Travel Plan for five years.

The measures set out within the approved Travel Plan shall be implemented as agreed.

- 23) All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
- 24) Prior to the commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
- i) Measures for the protection of those trees and hedges on the application site that are to be retained.
  - ii) Details of all construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths.
  - iii) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.



- 25) The development shall be carried out strictly in accordance with the approved Tree Protection Plans, refs. P2866.5 003 revB and P2866.5 004 revB, and with the provisions of the Arboricultural Method Statement approved pursuant to Condition 24 of this Planning Permission.
- 26) The mitigation measures set out within the approved Preliminary Ecological Appraisal ref. P2866.2.0 dated 18 May 2017 shall be implemented.
- 27) Prior to the first educational use of the building, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- i) Identify those areas/features on site that are particularly sensitive for protected/notable species and that are likely to be disturbed by lighting;
  - ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.
- 28) Prior to the first educational use of the building 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.
- 29) No development above existing ground level shall take place until a landscape and ecological management plan (LEMP) has been submitted to and be approved in writing by the Local Planning Authority. The LEMP shall include the following:
- i) Description and evaluation of features to be managed
  - ii) Ecological trends and constraints on site that might influence management
  - iii) Aims and objectives of management
  - iv) Appropriate management options for achieving aims and objectives
  - v) Prescriptions for management actions
  - vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
  - vii) Details of the body or organization responsible for implementation of the plan
  - viii) Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 30) Prior to their provision on site, details of the substation and bin store shall be submitted to and approved in writing by the Local Planning Authority. The substation and bin store shall be implemented in accordance with the approved details prior to the college being first brought into use and shall thereafter be retained as approved.
- 31) Prior to its provision on site, details of the proposed terraced seating within the embankment to the south of the college building shall be submitted to and approved in writing by the Local Planning Authority. The seating shall be implemented in accordance with the approved details prior to the college being first brought into use and shall thereafter be retained as approved.
- 32) The college hereby approved shall have a maximum pupil number of 1,700 pupils.

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

**64. Planning Application DC/18/1018/FUL - Land at Queens Hill, Chevington (Report No: DEV/SE/18/043)**

As a result of further representations received in relation to this application since the publication of the agenda, and in light of uncertainties raised within such at this late stage, a decision had been made to **WITHDRAW** this item from the agenda.

**65. Planning Application DC/18/0900/FUL - Proposed Flat Parking Courtyard, Prince of Wales Close, Bury St Edmunds (Report No: DEV/SE/18/044)**

**Planning Application - 1no. flat over existing car parking spaces with additional car parking bay created**

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

Bury St Edmunds Town Council objected to the proposal; raising concerns in relation to parking, loss of amenity and overlooking.

As part of his presentation the Senior Planning Officer drew attention to Paragraph 14 of the report and explained that over the course of the application the previously proposed roof lights had been replaced with sun pipes.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 22 of Report No DEV/SE/18/044.

Speakers: Ms Jenny Curtlin (resident) spoke against the application

Councillor David Nettleton (Ward Member: Risbygate) spoke on the application in order to endorse the consideration of the item by the Committee  
Mr Phillip Cobbold (on behalf of the Agent) spoke in support of the application

Councillor Julia Wakelam (other Risbygate Ward Member) raised a number of concerns in relation to the application relating to:

- The cramped site which could restrict car movement/parking;
- The potential impact on neighbouring residential amenity and lack of shadow drawings;
- Potential difficulties with emergency access; and
- The materials proposed being out-of-keeping.

A number of other Members echoed these concerns. Councillor John Burns raised particular issue with the four parking spaces and their relationship with the adjacent staircase access. He also questioned as to whether four vehicles would actually be able to park in the space provided.

Councillor Burns therefore proposed that the application be deferred in order to allow for these matters to be investigated, however, this motion did not achieve a seconder.

In response, the Case Officer explained that Suffolk County Council Highways Authority had not objected to the parking provision, access or the relationship with the adjacent staircase. Furthermore, the materials to be used could be controlled by way of a condition.

Councillor Peter Stevens stressed the importance of focussing on material planning considerations and moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Terry Clements.

However, upon being put to the vote and with 4 voting for and 8 against, the motion was lost.

Councillor David Nettleton then proposed that the application be refused as contrary to the relevant policies of the development plan pertaining to the following reasons:

1. The cramped and contrived overdevelopment of the site;
2. The dominant and unneighbourly impact of the development; and
3. The design being incongruous and out-of-keeping with the surrounding area.

This was duly seconded by Councillor Sara Mildmay-White.

The Service Manager (Planning – Development) confirmed that the Decision Making Protocol would not need to be invoked in this case and that a risk assessment was not considered necessary by Officers.

Therefore, upon being put to the vote and with 8 voting for the motion, 2 against and with 2 abstentions, it was resolved that

## Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** as contrary to the relevant policies of the development plan pertaining to the following reasons:

1. The cramped and contrived overdevelopment of the site;
2. The dominant and unneighbourly impact of the development; and
3. The design being incongruous and out-of-keeping with the surrounding area.

*(On conclusion of this item, and Part A of the agenda, the Chairman permitted an interval before proceeding with Part B of the agenda at 1pm.)*

66. **Planning Application DC/18/1222/OUT - Land East of 1 Bury Road, Stanningfield (Report No: DEV/SE/18/045)**

**Outline Planning Application (all matters reserved) - 9no. dwellings**

This application was referred to the Development Control Committee meeting on 4 October 2018 following consideration by the Delegation Panel and in light of the objection received from the Parish Council.

At the October meeting Members resolved that they were **MINDED TO REFUSE THE APPLICATION, CONTARY TO THE OFFICER RECOMMENDATION OF APPROVAL**, due to the following reasons:

1. The evidence and risk of flooding in the vicinity and the further impact the development could have on this;
2. Reservations relating to the fact that neither the Borough Council or a registered housing provider had been approached by the applicant with regard to the management of the affordable housing that was proposed – therefore being unable to demonstrate local need; and
3. The lack of detail provided, in light of it being an outline application.

In light of the resolution, Officers invoked the Decision Making Protocol and the report before the Committee now also, therefore, contained a risk assessment.

A Member site visit was held prior to the October Committee. Officers were continuing to recommend that the application be approved subject to the completion of a Section 106 Agreement and conditions, as set out in Paragraph 32 of Report No DEV/SE/18/045.

As part of her presentation the Senior Planning Officer explained that an additional condition had been added which outlined mitigation required in respect of flooding.

Members were also advised that since the October Committee meeting the Council's Strategic Housing team had been in contact with the applicant and local registered providers and Officers were content that the proposed affordable housing could be delivered via the scheme.

Speaker: Councillor Clive Mears (Bradfield Combust with Stanningfield Parish Council) spoke against the application

Councillor Sara Mildmay-White (Ward Member: Rougham) raised concerns at the mitigation proposed in the additional condition; which she considered would just relocate the flooding from the application site to elsewhere in the village. This concern was echoed by a number of other Members.

Councillor Terry Clements made reference to a recent appeal decision on the site relating to landscape impact. The Service Manager (Planning – Development) reminded the Committee that each application was to be considered on its own merits and to refer to the refusal reasons previously provided by Councillors.

Councillor David Nettleton proposed that the application be refused, for the two reasons as proposed by the Officer in Section C of the report. This was duly seconded by Councillor John Burns.

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

#### Decision

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

1. Due to the unique topography of the site which sits in a hollow it appears to be subject to high risk of surface water flooding. Whilst a flood risk assessment has been submitted listing various recommendations to combat this risk these are not fully detailed and neither is it identified how they would be achievable within the site. Without further comfort that this issue can be overcome the scheme is considered to conflict with DM6 of the Development Management Policies Document which requires schemes to detail the management of on-site drainage so as not to cause or exacerbate flooding elsewhere and to paragraph 155 of the National Planning Policy Framework which states that development should be directed away from areas at highest risk; and
2. The application site is located within the Countryside where locally adopted policies seek to restrict unsustainable development. Without submission of a fully detailed scheme and commitment from a registered provider the Local Authority is not satisfied that an entirely affordable housing development is achievable. As such, the proposal conflicts with CS5 of the Core Strategy which requires the mix, size, type and tenure of affordable homes to be identified as well as DM5 of the Development Management Policies Document which allows residential development outside of Housing Settlement Boundaries in exceptional circumstances only.

67. **Planning Application DC/18/1376/FUL - Land and Barns at Willow Tree Farmhouse, Mill Road, Brockley (Report No: DEV/SE/18/046)**

**Planning Application - (i) 1no dwelling with attached ancillary outbuilding, (ii) new access and (iii) associated works (following demolition of 2no existing barns)**

This application was referred to the Development Control Committee on the basis of the defined conflict with policy, nothing that, in order to progress as a delegated item, proposals otherwise needed to be 'consistent' with the provisions of the Development Plan.

As part of her presentation the Case Officer drew attention to the supplementary 'late papers' which had been issued following publication of the agenda and which set out the full wording of the recommended conditions.

The Senior Planning Officer explained that Members should note the conflict identified within the report, alongside the material considerations that Officers believed in this circumstance justified a recommendation of approval subject to conditions, as set out in the supplementary 'late papers'.

The Committee were also advised that:

- The Parish Council were in support of the scheme;
- The significant weight that needed to be attributed to the 'fallback position' of the barn conversion via the prior approval process;
- The enhancements to the setting of the listed building Willow Tree Farmhouse as a result of the development; and
- The other recent developments in the locality, which were indicated on a map.

Councillor Peter Stevens (Ward Member: Cavendish) spoke in support of the application which he considered would enhance the area. He therefore moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor John Burns.

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:

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 following approved plans and documents
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling
4. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays
5. The acoustic insulation of the dwelling shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to

23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00

6. The demolition of the barns shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
  - i) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
  - ii) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
7. Details of any proposed external lighting on site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation
8. Site clearance, removal of hedgerows, trees, shrubs, other vegetation and habitats, or works to or demolition of buildings or structures that may be used by breeding birds or bats, shall be overseen on site by an ecological clerk of works, on-site ecologist or other appropriately competent person at the written approval from the Council. A site attendance record shall be maintained by the applicant which shall contain name and purpose of the visit and shall be available for inspection at 24 hours' notice
9. All ecological recommendations and precautionary measures contained in the following reports shall be implemented in full and retained where appropriate:

Biodiversity Assessment (primarily concerned with great crested newts) for Proposed Development of a Barn at Willow Tree Farm, app: DC/18/1376/FUL (7 August).

Bat & Bird Assessment (Including Dusk & Dawn Surveys) at: Willow Tree Farm, Mill Road, Brockley, Hartest (August 2018)

as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
10. Prior to occupation 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
11. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No DM01 and with a maximum entrance width of 4.5 metres and made available for use prior to occupation. It shall be retained thereafter in its approved form
12. Prior to first use of the development hereby permitted, the new access onto the site shall be properly surfaced with a bound impervious material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details shown on plan no. 18/50/11
13. Before the access is first used, visibility splays shall be provided as shown on Drawing No. 18/50/05 with an X dimension of 2.4m and a Y dimension of 43m in each direction and thereafter be retained in the approved form. Notwithstanding the provisions of Part 2, Class A of

the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays

14. Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 15/50/11 for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose
15. The use shall not commence until the area within the site shown on Drawing No. 18/50/11 for the purposes of refuse and recycling bin storage has been provided and thereafter that area shall be retained and used for no other purposes.
16. The use shall not commence until the Aco-drain within the site shown on Drawing No. 15/50/11 for the purposes of preventing the discharge of surface water from the development onto the highway has been provided.
17. The dwelling 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.
18. 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.

**68. Planning Application DC/17/2539/FUL - 5 High Street, Haverhill  
(Report No: DEV/SE/18/047)**

**Planning Application - Conversion of building to provide 14 residential units, including addition of dormer extension, minor operational development and associated car parking**

This application was referred to the Development Control Committee at the request of Councillor Paula Fox (Ward Member: Haverhill South).

Members were made aware that as it was an application for a 'major' development it had not first been presented before the Delegation Panel.

Officers were recommending that the application be approved subject to the completion of a Section 106 Agreement and conditions, as set out in Paragraph 50 of Report No DEV/SE/18/047.

As part of his presentation the Senior Planning Officer advised that:

- The Town Council had objected to the scheme;
- During the course of the life of the application the size of the units had been amended and they now complied with LACORS guidance; and
- The applicant had submitted a viability appraisal justifying why affordable housing could not be provided as part of the application. This had been considered and endorsed by the Council's external consultant.



Speaker: Mr Ben Pridgeon (Agent) spoke in support of the application

Councillor John Burns spoke in objection to the application. He queried how Vacant Building Credit could be applied to the scheme given that the building had only been vacant for a short period of time.

The Service Manager (Planning – Development) explained that Vacant Building Credit was legal requirement set out in the NPPF and it did not specify the length of time in which a building had to be vacant in order to qualify.

Councillor Peter Stevens spoke in support of the application. He remarked on the need for this size of accommodation and considered the scheme to be an appropriate use of a vacant building. He therefore moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Frank Warby.

Upon being put to the vote and with 9 voting for the motion, 2 against and with 1 abstention, it was resolved that

#### Decision

Planning permission be **GRANTED** subject to:

The completion of a Section 106 Agreement with the following contributions:

Primary School contribution: £24,362

Pre School contribution: £16,666

Library Contribution £224

And, the following conditions

- 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 following approved plans and documents:
- 3 No individual dwelling hereby approved shall 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 for that dwelling.
- 4 The dwellings hereby approved shall not be occupied until the area(s) within the site shown on 003\_A-095 Rev 03 (indicating 19 allocated vehicle parking spaces and cycle storage for 38 cycles) for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 5 The dwellings hereby approved shall not be occupied until details of the areas to be provided for bin storage on 003\_A-095 Rev 03 has been provided and thereafter that area shall be retained and used for no other purposes.
6. Prior to first occupation, at least 10% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations.

The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

69. **Planning Application DC/18/1507/FUL - Paltry Farm, Brand Road, Great Barton (Report No: DEV/SE/18/048)**

**Planning Application - Change of use of B8 storage and distribution building to 1no. residential dwelling**

This application was referred to the Development Control Committee on the basis of the defined conflict with policy, nothing that, in order to progress as a delegated item, proposals otherwise needed to be 'consistent' with the provisions of the Development Plan.

The Planning Officer explained that Members should note the conflict identified within the report, alongside the material considerations that Officers believed in this circumstance justified a recommendation of approval subject to conditions, as set out in Paragraph 44 of Report No DEV/SE/18/048.

As part of his presentation the Planning Officer advised that:

- The Ward Member was in support of the scheme, however, the Parish Council had registered objections;
- The significant weight that needed to be attributed to the 'fallback position' of Permitted Development, irrespective of the application being contrary to policy; and
- The three applications listed as refused under the 'planning history' section of the report were all won on appeal.

Speaker: Mr Brian Barrow (Agent) spoke in support of the application  
Councillor Peter Stevens spoke in support of the application and moved that it be approved, as per the Officer recommendation. This was duly seconded by Councillor Andrew Smith.

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:

- 1 The development hereby permitted shall be begun not later than 10<sup>th</sup> June 2019.
- 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 The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. Rev.A 15.08.18 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 4 The use shall not commence until the areas within the site shown on Drawing No. Rev.A 15.08.18 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes.
- 5 No development approved by this planning permission shall commence

until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
  - iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
- 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in iii) is submitted and approved, in writing, by the Local Planning Authority. The long term monitoring and maintenance plan in iii) shall be updated and be implemented as approved.
  - 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
  - 8 The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
  - 9 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
  - 10 No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
  - 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 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 Prior to occupation 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.

*(On conclusion of this item Councillor Mike Chester left the meeting at 2.17pm.)*

70. **Planning Application DC/18/1862/FUL - Prospect House, 57 Hollands Road, Haverhill (Report No: DEV/SE/18/049)**

*(Councillor John Burns declared a pecuniary interest in this item as he was a shareholder of the business who had submitted the application. He therefore left the meeting during the consideration of this item.)*

**Planning Application - 1 no. Portacabin to be used as treatment room**

This application was referred to the Development Control Committee as St Edmundsbury Borough Councillor John Burns had a partial interest in the application given part-ownership of the business.

Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 26 of Report No DEV/SE/18/049.

Councillor Susan Glossop raised a question with regard to the parking rights as made reference to in the comments received from the neighbouring business, as summarised in Paragraph 7 of the report.

In response, the Service Manager (Planning – Development) explained that this was a private matter between the two premises in question and was not part of the planning process.

Councillor Frank Warby moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Andrew Smith.

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:

1. Time limit

2. Compliance with plans
3. Materials as specified
4. Parking/Manoeuvring to be provided (including the removal of the outdoor gym equipment)
5. Cycle storage to be provided and thereafter retained in accordance with details which shall first have been submitted to and approved in writing by the LPA

The meeting concluded at 2.24 pm

**Signed by:**

**Chairman**

---