

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 3 January 2019** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairmen David Roach and Andrew Smith

John Burns

Carol Bull

Mike Chester

Terry Clements

Jason Crooks

Robert Everitt

Paula Fox

Susan Glossop

David Nettleton

Peter Stevens

Julia Wakelam

71. **Apologies for Absence**

Apologies for absence were received from Councillor Ian Houlder.

72. **Substitutes**

There were no substitutes present at the meeting.

73. **Minutes**

Councillor David Nettleton made reference to Minute No 63. Planning Application DC/18/0464/FUL – King Edward VI Upper School, Grove Road, Bury St Edmunds (Report No: DEV/SE/18/042) and the reference therein to him having spoken *against* the application under the public speaking part of the meeting.

Councillor Nettleton explained that he did not speak against the application at this stage, he simply spoke *on* the scheme and requested that the minutes were amended to reflect this.

The minutes of the meeting held on 6 December 2018 were, therefore, unanimously received by the Committee as an accurate record and were signed by the Chairman, subject to the inclusion of the following **amendment** to Minute No 63:

*"Speakers: Councillor David Nettleton (Ward Member: Risbygate) spoke **on** the application"*

74. **Planning Application DC/18/1187/FUL - Land South of Chapelwent Road, Haverhill (Report No: DEV/SE/19/001)**

Planning Application - 87no. dwellings with associated infrastructure

This application had been referred to the Development Control Committee as Haverhill Town Council objected to the scheme.

The Committee was advised that the application site had been previously identified and reserved for the construction of a Middle School. However, following Suffolk's Schools Reorganisation Review the site was no longer required for this purpose and it was not identified for any alternative suitable community uses.

The greenfield site was therefore put forward as a small scale allocation in Policy HV5 of the Haverhill Vision 2031.

Members were advised that over the course of the application amendments had been made to the overall design and layout of the scheme and additional information was submitted regarding ecology, archaeology and drainage.

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 13.1 onwards of Report No DEV/SE/19/001.

As part of the Senior Planning Officer's presentation she advised Members of the following updates:

- A late representation had been received the evening prior to the Committee from a resident at 28 Powell Road who objected to the application on grounds of traffic, safety, privacy, ecology and air/noise pollution. A copy of the email was tabled to all Members for their reference; and
- At the site visit Members had asked a question with regard to the timing of the delivery of the area of open space. The Officer confirmed that the open space would be required prior to the occupation of the 78th dwelling.

Speakers: Mrs Eileen Bocock (neighbouring resident) spoke against the application
Ms Audrey Cain (neighbouring resident) spoke against the application
Mr Jordan Last (applicant) spoke in support of the application

Councillor John Burns spoke at length on the application and made reference to the number of changes that had been made since initial submission. Whilst he welcomed a number of elements of the scheme, such as the disabled-access bungalow, he strongly opposed the proposed pedestrian/cycle link which would connect the site to the existing footpath along Howe Road, and which had been objected to by a number of residents.

Councillor Burns made reference to a number of photographs that he had emailed his fellow Members of the Committee and which he argued showed that the Howe Road was not suitable for the proposed pedestrian/cycle link.

The Senior Ecology and Landscape Officer was invited to speak by the Chairman in order to outline to the Committee the reasoning for the proposed linkage.

The Officer highlighted the ecological importance of the area of Public Open Space and explained that this was part of the reason why a pedestrian/cycle link had been eliminated on the South/East side of the site. If a foot/cycle way was to be accommodated in that region it would require trees to be removed and lighting to be provided, which would have an impact on the natural area.

A number of other Members expressed a similar view to that of Councillor Burns. Councillor Julia Wakelam stated that she understood that the developer had been willing to explore an alternative pedestrian/cycle link but had not undertaken this in light of concerns raised by statutory consultees.

Councillor Terry Clements made reference to some of the proposed properties being slightly smaller than the National Prescribed Space Standards. The Service Manager (Planning – Development) explained that a defined Planning Authority Policy for Space Standards would be picked up as part of the development of the West Suffolk Local Plan.

Following further discussion, Councillor John Burns proposed that approval of the application be delegated to Officers, subject to the removal of the Howe Road pedestrian/cycle link and the inclusion of alternative provision, in consultation with the Chairman, Vice Chairmen and Ward Members for Haverhill North and Haverhill East. This was duly seconded by Councillor Julia Wakelam.

Upon being put to the vote and with 13 voting for the motion and 1 against, it was resolved that

Decision

Planning permission be **DELEGATED** to the Assistant Director (Planning & Regulatory Services), subject to the removal of the Howe Road pedestrian/cycle link and the inclusion of alternative provision, in consultation with the Chairman, Vice Chairmen and Ward Members for Haverhill North and Haverhill East.

75. **Planning Application DC/17/0339/FUL - Land to the South of A1088 and Crown Lane, Crown Lane, Ixworth (Report No: DEV/SE/19/002)**

Planning Application - Access road to serve residential development

This application was referred to the Development Control Committee as it related to a major planning application.

A Member site visit was held prior to the meeting. The Parish Council objected to the proposal which was contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 11.0 of Report No DEV/SE/19/002.

As part of her presentation the Principal Planning Officer explained that the applicant had cited operational reasons for requiring this application to be determined at this time.

Officers had intended to bring both the access road and residential development applications to the Development Control Committee at the same time, however, the applicant was still working with Officers on the final number of dwellings proposed on the residential land and the design and layout of those dwellings.

Attention was also drawn to the 'late papers' which had been circulated after the agenda had been published and which contained a corrected plan and additional/reworded conditions.

Speaker: Councillor Ben Lord (Chairman, Ixworth & Ixworth Thorpe Parish Council) spoke against the application

Considerable discussion took place on the application, primarily in relation to; prematurity, highway safety, drainage and the impact on the established tree belt.

In response to which the Principal Planning Officer:

- Explained that Officers considered the principle of development to have been established as the site in question had been allocated for the development of housing;
- Made reference to the right turn ghost island junction that had been granted on appeal and was not part of the application before the Committee;
- Advised that it was not unusual for the Highways Authority to choose not to adopt the drainage attached to a road scheme such as that proposed and for the management to be carried out by a separate commercial company, and clarified that this was not a material planning consideration; and
- Informed the Committee that approximately 5% of the tree belt was likely to be lost to accommodate the road and there was limited scope for replacement planting, however, this could potentially be addressed via future residential development applications.

Councillor Julia Wakelam proposed that the application be refused, contrary to the Officer recommendation of approval, due to the insufficient detail provided on the potential impact on the established tree belt. This was duly seconded by Councillor David Nettleton.

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 the vote being unanimous, it was resolved that

Decision

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

1. The proposed access road will encroach upon the established tree belt along the western boundary of the wider area and will result in the loss of trees and vegetation at this point. The applicant has failed to supply a detailed arboricultural survey for the area and the number of trees to be removed is unknown. Consequently the Local Planning Authority is unable to fully assess the impact of the proposal on this significant landscape and biodiversity feature and the effect of the access road on the landscape character of the area. As submitted the proposal fails to demonstrate that it will conserve and protect the local landscape and that it will not have an unacceptable adverse impact on the character and appearance of the area. The proposal therefore fails to comply with Core Strategy Policies CS2 and CS3, Joint Development Management Policy DM13 and paragraph 170 of the National Planning Policy Framework in this regard.

76. **Planning Application DC/18/0068/FUL - 26 Angel Hill, Bury St Edmunds (Report No: DEV/SE/19/003)**

Planning Application - (i) Ground floor retail unit; (ii) 4 no. flats on first and second floor (following demolition of existing building). As amended by plans and documents received on 14 August 2018 removing garden areas

This application had been referred to the Development Control Committee following call-in by Councillor Jo Rayner (Ward Member: Abbeygate).

The Chairman of the Development Control Committee subsequently expressed a view that the application should be presented directly to the Development Control Committee rather than the Delegation Panel and this was agreed by the Assistant Director (Planning and Regulatory Services).

A Member site visit was held prior to the Committee. Bury St Edmunds Town Council had raised objection to aspects of the scheme.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 57 of Report No DEV/SE/19/003.

Speakers: Mr David Marjoram (Owner of the neighbouring One Bull Public House) spoke against the application
Mr David Barker (Agent for the One Bull Public House) spoke against the application
Councillor Tom Murray (Bury St Edmunds Town Council) spoke against the application

During the debate the Committee's discussion largely concerned the relationship between the proposed scheme and that of the neighbouring One Bull Public House which was both a business and private residence of the owners.

Members largely commended the design of the proposal which they considered would enhance that area of Bury St Edmunds.

Whilst recognising the amendments which had already been made to the scheme during the course of the application; the Committee did not consider the requests raised by the One Bull owner/agent to be unreasonable.

It was therefore proposed by Councillor David Nettleton that consideration of the application be deferred, in order allow additional time in which for the applicant to consider the requests put forward by the One Bull, these being:

1. The construction of a permanent structure to form the bin store;
2. The inclusion of a screen to prevent overlooking into the One Bull's private residence's garden and access to the proposed flat roof adjacent; and
3. Amendments to the internal layout of Flat 3 including obscured glazed windows closest to the One Bull.

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

Consideration of the application be **DEFERRED** in order allow additional time in which for the applicant to consider the requests put forward by the One Bull, these being:

1. The construction of a permanent structure to form the bin store;
2. The inclusion of a screen to prevent overlooking into the One Bull's private residence's garden and access to the proposed flat roof adjacent; and
3. Amendments to the internal layout of Flat 3 including obscured glazed windows closest to the One Bull.

(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.)

77. **Planning Application DC/18/0034/FUL - Suffolk Business Park, Rougham Tower Avenue (Report No: DEV/SE/19/004)**

DC/18/0034/FUL | Planning Application – i) Construction of Agricultural dealership building with associated offices, servicing and repairs of agricultural machinery, parking, access, cleaning facility and outside storage and display areas of agricultural machinery for sale (sui generis use) ii) Construction of new access road with cycle ways and footpaths, pumping station, substation and associated landscaping

This application was referred to the Development Control Committee as the Officer recommendation was not wholly consistent with the Development Plan, noting the designation of part of the site as being within an airfield.

The Principal Planning Officer – Major Projects explained that the application site sat between Rougham Tower Avenue (formerly known as the Eastern Relief Road (ERR)) to the North and the Rougham Industrial Estate, to the South.

The site was previously part of a much larger arable field/airfield which was allocated principally in the Local Plan as the Rougham Airfield. However, the realignment of the ERR in a more northerly route had resulted in the application plot becoming available as it was now cut off from the wider airfield site.

The Parish Council supported the application. Officers were recommending that planning permission be approved, subject to conditions as set out in Paragraph 28 of Report No DEV/SE/19/004.

Members largely considered the application to offer both a sensible and acceptable solution.

Some questions were raised with regard to the proposed colour palate and if there was an aspiration to form some kind of cohesive design palate across the Borough.

In response, the Service Manager (Planning – Development) explained that the Planning Authority was currently working alongside other authorities on the development of a Suffolk-wide design guide.

Councillor Julia Wakelam posed a question as to why Officers accepted a BREEAM standard of V Good when Policy DM7 required the application to achieve Excellent standard or equivalent.

The Case Officer explained that, whilst not ideal, Officers were satisfied that the lesser level should be accepted because the scheme included:

- i. On site renewable energy generation;
- ii. Enhancements for biodiversity and landscape; and
- iii. Enhanced facilities to allow people to walk and cycle to work.

As the above matters were covered in the BREEAM Assessment Officers considered that the harm of the scheme not being at Excellent standard could only be afforded limited weight and so the application was, on balance, acceptable.

Councillor David Nettleton proposed that the application be granted, as per the Officer recommendation. This was duly seconded by Councillor Peter Stevens.

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

Decision

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

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. The existing access off Fred Castle Way shall be used for the construction of the development hereby approved and no other access shall be used.
4. The area to be provided for storage of Refuse/Recycling bins within the service area, as shown on 18 1573 01 REV C shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.
5. The building hereby approved shall not be first brought into use until the new road and vehicular accesses serving the plot have been laid out and completed in all respects in accordance with drawing Drawing no. MMD-372751-C-DR-09-XX-9021 Rev P2, Drawing no. 18 1573 01 Rev C and Technical Highway Note 1; and been made available for use. Thereafter the road and access shall be retained in the specified form.
6. Prior to the building hereby approved being first brought into use the area(s) within the site shown on 18 1573 01 Rev C, 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.
7. Before the access is first used that would serve the proposed plot visibility splays shall be provided as shown on Drawing No. C281_SK_FES_001A-with an X dimension of 2.5m and a Y dimension of 43m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (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.
8. The building hereby approved shall not be brought into operation until the area(s) within the site shown on drawing No. 3635-23-P2 for the purpose of storage of cycles has been provided and thereafter those area(s) and facilities shall be retained and used for no other purposes.
9. The area for unloading, loading, turning and manoeuvring of delivery vehicles outside of the warehouse building hereby approved shall be retained and used solely for that purpose and no other. The area shown for unloading, loading, turning and manoeuvring of delivery vehicles shall be used for that purpose and at no time shall delivery of vehicles or machinery take place outside the business plot hereby approved.
10. The building hereby approved shall not be first brought into operation until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
11. 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 drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year +CC storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Details of which will include:

1) 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.

2) 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, unless otherwise agreed with the Environment Agency.

3) 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 infiltration device should also be illustrated on the plans and should be cross referenceable with associated design calculations.

4) 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.

5) Infiltration devices will have a half drain time of less than 24hours.

6) 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.

7) Infiltration devices shall only be used where they do not pose a threat to groundwater. Only clean water will be disposed of by infiltration devices due to the site being inside an Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.

8) 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.

9) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

- 10) Arrangements to enable any Surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.
12. No development shall commence until details of 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) is 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 construction. The approved CSWMP and shall include:
- i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
 - ii. Temporary drainage systems
 - iii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iv. Measures for managing any on or offsite flood risk associated with construction
13. No development shall commence until details of 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) is 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 construction. The approved CSWMP and shall include:
- i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - ii. Temporary drainage systems
 - iii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iv. 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 of the associated area of the site (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.
15. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

16. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
17. Prior to the commencement of development details of temporary fencing to secure the site during construction shall be submitted to the Local Planning Authority and approved in writing. The fencing as approved shall be erected prior to construction works commencing and shall be retained in situ during construction works. The details provided shall include the location and type of fencing and how it will be secured in place. No materials shall be stored or machines operated outside of the secure fenced area.
18. Before any development hereby permitted is commenced, a comprehensive construction and site management programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include the following details:-
 - a. site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - b. noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - c. dust, dirt and vibration method statements and arrangements;
 - d. site lighting.
 - e. wheel washing
 - f. complaints response procedure
 - g. community liaison proceduresThe measures and procedures within the statement shall be agreed in writing with the Local Planning Authority and only those construction measures and procedures agreed shall be implemented by the developer.
19. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and 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 period of occupation of the site.
20. Prior to the building hereby approved being first brought into operation details shall be submitted to the Local Planning Authority which demonstrate that the installed heating/cooling systems have achieved at least the COP/EER figures stated in the Energy Statement. Furthermore the submitted details shall demonstrate that the installed lighting efficiency meets or exceeds the details set out in the approved Energy Statement.
21. The site preparation and construction works, including road works, shall be carried out only between the hours set out below without the prior

- written consent of the Local Planning Authority:
07:00 to 18:00 Mondays to Fridays; (8am start for the road)
08:00 - 13.30 Saturdays;
No times during Sundays or Bank Holidays;
22. No generators shall be used in external areas on the site outside the hours set out below:
07:00 to 18:00 Mondays to Fridays (8am start for the road)
08:00 - 13.30 Saturdays
No times during Sundays or Bank Holidays
 23. The Local Planning Authority shall be provided with three working days notice prior to any extended concrete pour taking place outside the agreed hours of construction for agreement that the works can proceed.
 24. Any waste material arising from site, preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.
 25. Within three months of development commencing details of a fire hydrant to serve the site shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be installed and made available prior to any of the building hereby approved first being brought into use.
 26. Details of the facing and roofing materials for the hereby approved building shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.
 27. Within three months of the development commencing details of 2 charging points for non accessible car parking spaces and 1 accessible car parking space shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented prior to any building hereby approved first being brought into use and shall be retained thereafter.
 28. All planting shown on drawing number 17.3038.01 Rev L shall be carried out in the first planting season following the building hereby approved being first brought into use (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.
 29. The skylark mitigation shall be implemented in accordance with the details of the Rougham Estate Farms letter dated 16th February 2018 and thereafter shall be maintained for a period of 5 years from the commencement of development.
 30. Within three months of the development commencing details of external lighting for the plot site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, lux levels and other features necessary to control light spillage. The approved details shall be implemented before the building is first brought into use and retained thereafter.
 31. Within three months of development commencing full details of the lockers and drying rooms for each changing room shall be submitted to and approved in writing with the Local Planning Authority. The

- approved details shall be fully installed and available to staff before the building hereby approved is first brought into operation and thereafter retained.
32. Notwithstanding the submitted details, prior to their installation details of the siting, design, height and materials of screen walls, fences and gates shall be submitted to and approved in writing by the Local Planning Authority. The approved screen walling and/or fencing and/ or gates shall be constructed or erected before any of the buildings hereby approved are first brought into use and thereafter retained in the form and manner installed.
 33. The development hereby permitted shall be constructed to BREEAM Very Good standard or equivalent unless otherwise agreed in writing with the local planning authority.
 34. Within three months of the development of the buildings hereby approved commencing an ecological mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timeline for implementation and take account of the recommendations as set out in the Ecological Appraisal Rev CO4. The approved details shall thereafter be implemented in the approved timeframe and retained thereafter.
 35. Within three months of the development commencing a noise management plan shall be submitted to and agreed in writing by the Local Planning Authority. The submission shall amongst other things include noise details of all mechanical plant to be installed on the site and the working practices that will be implemented to minimise noise generated from the use of the site. The approved mechanical plant shall be installed prior to the building hereby approved first being brought into operation and retained thereafter unless otherwise agreed in writing. The approved working practices shall also be followed unless otherwise agreed in writing with the Local Planning Authority.
 36. In the event that primary cooking is to be undertaken on site, suitable extraction and filtration equipment shall be installed to disperse smells created from the premises in which cooking activities take place. Before the installation of such a system, details of the proposed filtration plant, its ducted route through the building and its final discharge point shall be submitted to the Local Planning Authority. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of any primary cooking, and be retained in the approved form thereafter.
 37. The grass area north of the grey area and immediately south of the northern landscape boundary shown on drawing no. 18 1573 01 Rev C shall be kept free at all times and shall not be used to store machinery, vehicles or other items.
 38. The development shall deliver at least 20% on-site renewable/low carbon energy provision in line with the approved Energy Statement.
78. **Planning Application DC/18/1443/FUL - No's 2-4 St. Andrews Street North and Land to Rear of No's 106-108 Risbygate Street, Bury St. Edmunds (Report No: DEV/SE/19/005)**
- Planning Application - (i) Change of use from shops and offices A1/B1 to 3no. dwellings - 2-4 St Andrews Street North (ii) 2no.**

dwelling (demolition of existing accommodation/garage building and partial boundary wall) - Land to rear of 106-108 Risbygate Street

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

A Member site visit was held prior to the meeting. Bury St Edmunds Town Council and Ward Members (Risbygate) had expressed concerns on the application.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 71 of Report No DEV/SE/19/005.

Speakers: Ms Sally Burrows (neighbouring resident) spoke against the application
Councillor Tom Murray (Bury St Edmunds Town Council) spoke against the application
Mr Patrick Stephenson (agent) spoke in support of the application

Comments made by Members during the debate largely indicated support for the St Andrews Street North element of the scheme but with concerns in respect of the Risbygate Street element.

The Service Manager (Planning – Development) reminded the Committee that they were required to determine the application before them and the Planning Authority could not insist that the scheme was split into two separate proposals.

Councillor David Nettleton moved that the application be refused, contrary to the Officer recommendation of approval, for the following reasons:

1. The cramped, small, overdeveloped element of the Risbygate Street proposal; and
2. The unneighbourly impact the Risbygate Street proposal would have on the amenity of neighbouring residents.

This was duly seconded by Councillor Julia Wakelam.

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.

Upon being put to the vote and with 11 voting for the motion, 2 against and 1 abstention, it was resolved that

Decision

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

1. The cramped, small, overdeveloped element of the Risbygate Street proposal; and
2. The unneighbourly impact the Risbygate Street proposal would have on the amenity of neighbouring residents.

79. **Planning Application DC/18/1018/FUL - Land at Queens Hill, Chevington (Report No: DEV/SE/19/006)**

(Councillor Mike Chester declared a non-pecuniary interest in this item due to being both the Ward Member and the Chairman of the Parish Council in question. He would remain in the meeting and would take part in the discussion but would abstain from the voting thereon.)

Planning Application - (i) change of use of site from agriculture use (Sui Generis) to equine educational establishment (Class D1); (ii) conversion of existing agricultural storage barn to stables, tack room and storage; (iii) 1no. Manège; (iv) 1no. rural worker's dwelling and (v) 1no. classroom building

This application was referred to the Development Control Committee at the request of Councillor Mike Chester (Ward Member: Chedburgh) given the level of public interest in the proposal.

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 136 of Report No DEV/SE/19/006.

As part of his presentation the Senior Planning Officer:

- Made reference to the 'late papers' which had been circulated after the agenda had been published and which provided additional clarification/information;
- Advised of a correction to his report in that the location of the windows on the agricultural barn were on the **West** elevation (and not the East, as incorrectly stated in the report); and
- Informed the Committee that Suffolk County Council Highways Authority had confirmed that the accident information made reference to in their response was fully up to date and clarified that the statistics related to instances where the emergency services attended the scene.

Speakers: Mr James O'Donnell (neighbouring resident) spoke against the application
Miss Diane Harvey (Equine Industry Representative) spoke in support of the application
Ms Julie Brega (applicant) spoke in support of the application

Councillor Mike Chester spoke on the proposal and outlined some of the changes that had been made to the scheme over the life of the application. He continued to have some concerns which included; road signage/safety, street lighting and bus services.

Other Members supported the application and spoke on the appropriateness of the countryside location for this type of venture. The need for villages to diversify to provide local employment was also remarked upon.

In response to a question with regard to the lack of solid wall between the domestic and business element of the building, the Service Manager (Planning – Development) confirmed that even if a solid wall was built as part of the

construction a door/opening could be added at a later date without planning permission being required.

The Senior Planning Officer also responded to a question with regard to flood risk and provided further explanation.

Councillor Peter Stevens moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Carol Bull.

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 the following conditions:

1. The development hereby permitted shall be commenced no 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. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed by the business operating on the land edged red or a dependent of such person residing with him or her, or a widow or widower of such a person.
4. No development above slab level shall take place until details of the materials 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.
5. No development above existing ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
6. 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.

7. 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.
8. The office hours, study times and pupil numbers shall all be strictly as set out within the Planning Statement And Definitive Statement of Operations document dated 25th May 2018.
9. There shall be no lighting installed on site other than in accordance with details and specifications shown on the submitted external lighting strategy received on 25th May 2018. No other external lighting shall be installed without the prior written approval of the Local Planning Authority.
10. The mitigation measures set out in the Flood Risk Assessment prepared by AGB Environmental (dated 19.06.2017) and Manège plan (drawing no. 1718-102 rev D) shall be implemented in full prior to first use of the site and thereafter retained as so installed.
11. The procedure for management of manure detailed in the Planning Statement and Definitive Statement of Operations received on 25th May 2018 shall be complied with at all times. The approved scheme shall be implemented in accordance with the approved details prior to the development first being brought into use. Thereafter all waste materials shall continue to be stored and disposed of in accordance with the approved details.
12. 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.
13. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - I. The parking of vehicles of site operatives and visitors
 - II. Loading and unloading of plant and materials
 - III. Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - IV. The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate

- V. Wheel washing facilities
 - VI. Measures to control the emission of dust and dirt during construction
 - VII. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - VIII. Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - IX. Noise method statements and noise levels for each construction activity including piling and excavation operations
 - X. Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
 - XI. A plan showing the alignment of the habitat protection fencing required during construction.
14. All ecological measures and/or works shall be carried out in accordance with the recommendations and timescales contained within:
 AGB Environmental Preliminary Ecological Appraisal dated 14.11.2017
 AGB Environmental Reptile Report dated 14.11.2017
 AGB Environmental Badger Survey Report dated 09.10.2018
 AGB Environmental Great Crested Newt: Method Statement dated 08.11.2018
 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
15. 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 and Drainage Strategy by Atkins Ltd 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 also include:-
1. 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). The use of infiltration as the means of drainage will be taken forward only if the infiltration rates and groundwater levels show it to be possible. Borehole records should also be submitted in support of soakage testing.
 2. Provided infiltration rates are satisfactory:-
 - I. Applicant shall submit dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of soakaways 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.
 - II. SCC require modelling results (or similar method) to demonstrate that the soakaways have been adequately sized to

contain the 30yr event for the catchment area they serve. Each soakaway 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.

III. Infiltration devices will only dispose of clean water due to the site area overlying a Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted.

IV. Infiltration devices should be no more than 2m deep and will have at least 1 - 1.2m of unsaturated ground between base of the device and the groundwater table. If individual soakaways are being used they will be at least 5m away from any foundation (depending on whether chalk is present).

V. Soakaways will have a half drain time of less than 24hours.

VI. Any conveyance networks in the 1 in 30 event show no flooding above ground.

VII. Details of any exceedance volumes during the 1 in 100 year rainfall + CC and their routes should be submitted on the drainage plans. These flow paths will demonstrate that the risks to people and property are kept to a minimum. There shall be no offsite flows.

3. If the use of infiltration is not possible then modelling OR a similar method shall be submitted to demonstrate that:-

i. Surface water runoff will be discharged to local watercourses and restricted to the existing greenfield runoff rates for the site.

ii. Any attenuation features will contain the 1 in 100 year rainfall event including climate change

iii. Any pipe networks in the 1 in 30 event show no flooding above ground

iv. Modelling of the volumes of any above ground flooding during the 1 in 100 year rainfall + climate change to ensure no flooding to properties on or off-site. This should also include topographic maps showing where water will flow and/or be stored on site.

v. Existing watercourses (ditches) along Queens Hill roadside to be cleared to hard bed level and existing pipe underneath existing main entrance to be upsized to match existing dimensions of the watercourse.

4. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

16. There shall be no use of the development hereby permitted unless and until advance access warning signs have been provided in the vicinity of the highway access in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

17. There shall be no use of the development hereby permitted unless and until a bus stop has been provided in the vicinity of the highway access in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

18. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 1718-105 Rev A and with an entrance width of 6.0m and pedestrian access with bus stop provision and made

available for use prior to first use. Thereafter the access shall be retained in the specified form.

19. Prior to the development hereby permitted being first operated, the agreed access onto the C661 shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
20. Before the development is first used details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
21. Prior to the access being constructed the ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form. (See Note 6).
22. Gates shall be set back a minimum distance of 10m from the edge of the carriageway, as shown on drawing number 1718-105 Rev A, and shall open only into the site and not over any area of the highway.
23. All HGV and construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and 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 period of occupation of the site.
24. Before the development is first used details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
25. Before the access is first used visibility splays shall be provided as shown on Drawing No. 210210-01 with an X dimension of 2.4m and a Y dimension of 162m to the left and 150m to the right and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (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.
26. Prior to first occupation and use of the site, there shall be two operational electric vehicle charging points at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
27. 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.

(On the conclusion of this item, the meeting was adjourned for a short comfort break, during which Councillor Carol Bull left the meeting. The meeting reconvened at 3.05pm.)

80. Planning Application DC/18/0544/HYB - Land North of Green Acre, Thetford Road, Ixworth Thorpe (Report No: DEV/SE/19/007)

Hybrid Planning Application - (i) Full Planning Application - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings

This application had been referred to the Development Control Committee at the request of the Assistant Director (Planning and Regulatory Services) on behalf of Councillor John Griffiths (Ward Member: Ixworth).

A Member site visit was held prior to the meeting. The Parish Council did not object to the proposal.

Officers were recommending that the application be refused for the reasons set out in Paragraph 33 of Report No: DEV/SE/19/007.

Members acknowledged that the proposed development would be situated outside the settlement boundary and Officers had considered that the proposal did not fall within the remit of planning policies DM5 and DM27. These policies set out specific criteria that proposals would need to meet to feasibly allow development in the countryside, as summarised in Paragraph 13 of the report.

A detailed discussion was held and a motion to approve the application was proposed and seconded, contrary to the Officer recommendation, as it was considered that the proposal would not contravene Policy DM27, reasoning that no adverse impact would be created on the character of the countryside, particularly as three dwellings already existed on this site which were proposed to be demolished and the proposed replacement with five new dwellings was not considered to be significantly harmful to the landscape.

In addition, and whilst it was acknowledged that the Council's existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised National Planning Policy Framework (NPPF), Members recognised that the policies set out in the new NPPF aimed to promote sustainable development in rural areas by locating housing where it would enhance or maintain the vitality of rural communities, by supporting its three dimensions – economic, social and environmental. The proposal was considered by the majority of Members to accord with this.

A discussion was then held on the fact that a biodiversity survey had not been undertaken and some Members were mindful that the application should not be approved without one. It was also felt that should the application be approved, the proposed design for the dwellings could be improved to be

more attractive and in keeping with the character of the countryside landscape.

The Service Manager (Planning - Development) suggested that the application be deferred to enable a risk assessment report to be produced. If Members were minded to approve the application, contrary to the Officer recommendation, a more detailed analysis of Policy DM27 would need to be undertaken to provide Members with further information regarding the interpretation of this policy and the potential implications of approving the application. A deferral would also provide the opportunity to request the applicant to undertake a biodiversity study.

The proposer and seconder of the motion to approve the application agreed to withdraw that original motion and proposed and seconded that, as the majority of Members were minded to approve the application, the application should be deferred to enable a risk assessment report to be produced to address the issues outlined above, and to request the applicant to undertake a biodiversity study.

Upon being put to the vote and with 10 voting for the motion, 3 against and no abstentions, it was resolved that

Decision

As Members were minded to approve the application, contrary to the Officer recommendation, Planning Application DC/18/0544/HYB (Report No: DEV/SE/19/007) be **DEFERRED** to:

- (1) Enable a risk assessment report to be produced containing a more detailed analysis of Policy DM27 to provide the Committee with further information regarding the interpretation of this policy and the potential implications of approving the application; and
- (2) The applicant be requested to undertake a biodiversity study.

81. **Planning Application DC/18/2154/FUL - 23 Rookwood Way, Haverhill (Report No: DEV/SE/19/008)**

Planning Application - 1no. storage building (following removal of part of existing industrial building)

This application had been referred to the Development Control Committee following consideration by the Delegation Panel. The item had been presented to the Delegation Panel at the request of Councillor Jason Crooks (Ward Member: Haverhill South).

Haverhill Town Council objected to the scheme on the grounds of overdevelopment of the site and the impact on residential amenity.

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 32 of Report No: DEV/SE/19/008.

Speakers: Councillor Maureen Byrne (Haverhill Town Council) spoke against the application
Mr Lee Frere (agent) spoke in support of the application

Concern was expressed by Councillor Jason Crooks, one of the Ward Members, that the amended plans were not sufficiently significant to warrant approval of the application. Specific concerns raised included that:

- The buffer zone between the industrial estate and residents' rear gardens was not insufficiently substantial to mitigate potential adverse impact on these residents' amenity;
- Despite the plans being amended, the proposal was considered to remain an overdevelopment of the site that adversely impacted residential amenity;
- More clarity was needed on the industrial Use Classes intended for the building;
- A noise assessment report had not been undertaken to accompany the application;
- No additional employment would be created as a result of the new building; and
- Should permission be granted, a sprinkler system should be installed.

Councillor Crooks moved that the application be refused, contrary to the Officer recommendation, on the grounds that Officers had previously considered the original proposal to be unacceptable in terms of its impact on residential amenity, and although the application had been amended, the changes were not sufficiently significant to mitigate this impact. The motion was duly seconded.

Other Members shared Councillor Crooks' concerns, particularly in respect of the potential noise impact on neighbouring residents due to the perceived lack of depth to the buffer zone and whether a change of use to residential could take place under Permitted Development rights.

In response to questions and the concerns raised, the Committee was informed that:

- Proposed Condition 8 specified that the unit should be used for storage (Use Class B8) associated with that use. Should the application be approved, an additional condition could be imposed that sought to restrict the potential for any further change of use of this building using Permitted Development rights. The applicant could therefore not use the building for residential use without prior permission being sought (**see note at the foot of this minute*);
- A noise assessment report had not been submitted by the Council's Environmental Health and Housing service as it was not considered necessary or proportionate;
- Issues regarding the installation of a sprinkler system would form part of discussions between the Fire Service and the Building Regulations team;
- The operating hours for deliveries/despatch to and from the building would be restricted to 8am to 6pm on Mondays to Saturdays with no operation permitted on Sundays or Bank Holidays. The Council's Public Health and Housing service was satisfied with these operating hours

and it would be unreasonable and disproportionate to make further restrictions; and

- The site was located on an industrial estate therefore there was no ability to restrict articulated lorries from accessing the building via Duddery Hill.

Upon being put to the vote and with 5 voting for the motion, 8 against and no abstentions, the motion for refusal was defeated.

The debate continued with a discussion held on the acceptability of the proposal following the amendments to the original plans. Members reasoned that the proposed building would be located on an existing industrial estate which provided the existing use requested; the applicant had amended their plans in response to comments received from those objecting to the original scheme and it was not now considered to be overbearing, intrusive or have a detrimental impact on the residential amenity of the neighbouring properties.

A motion for approval was then moved and duly seconded with the additional imposition of a condition that sought to restrict the potential for any further change of use of this building using Permitted Development rights. (**see note at the foot of this minute*)

Upon being put to the vote and with 9 voting for the motion, 4 against and no abstentions, it was resolved that

Decision

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

1. Time limit - The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. Compliance with plans - 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. Parking/manoeuvring to be provided - Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 18012-02 C 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.
4. Deliveries to and from the unit - No deliveries shall be taken or despatched outside the hours of 08:00 - 18:00 Mondays to Saturdays and no deliveries shall be take or despatched on Sundays and Bank Holidays unless agreed in writing with the Local Planning Authority.
5. Construction hours - 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.
6. Security/floodlights - 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.
7. Soft landscaping - No development above ground level shall take place

until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following 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.

8. Unit to be used in conjunction with Bradnams Joinery only for storage associated with that use - The building hereby permitted shall be used only for ancillary storage associated with the existing joinery business taking place within the red line shown on drawing number 1 8 0 1 2 - 0 2, and not for any manufacturing or other process otherwise within class B2 of the use classes order.
9. Additional condition: to restrict the potential for any further change of use of this building using Permitted Development rights (**see note at the foot of this minute*)

NOTE OF IMPORTANCE:

(Subsequent to the meeting following consideration of the above application, the Committee resolved to grant planning permission. Part of this resolution included the imposition of a condition that sought to restrict the potential for any further change of use of this building using Permitted Development rights.

Having given some further thought to this matter since the meeting, in discussion with the Chairman, and for the reasons set out below, on reflection it is not considered that the imposition of such a condition is necessary and that such should not be imposed.

It was mistakenly understood by the Committee and by Officers that this proposed building will fall within a B8 storage use. Had this been the case then yes, it would in theory have been capable of a change of use, in due course, to residential under the Permitted Development rights. However, this misunderstands the situation of the planning unit. The red line extends around the entire joinery site, and the building proposed is for storage associated with and ancillary to that joinery use. In planning law therefore it actually falls within a B2 use class, general industrial, as a constituent part of the wider planning unit. It was for this reason that Paragraph 26 of Report No DEV/SE/19/008 was written as follows:–

26. It is also the case that the wider planning unit, noting the manufacturing processes undertaken, would appear to fall within B2 use. Noting the proximity of this building to offsite dwellings, the undertaking of any B2 type activities within the building might otherwise be prejudicial to amenities. On this basis, and noting that the proposal is submitted as a storage building

associated with the manufacturing use on site, it is proposed to limit the use of the building to storage purposes only, in association with this use, in the interest of limiting the scope of the consent, in the further interests of residential amenity.

This was to ensure that any B2 manufacturing use did not take place in the building, noting the proximity to dwellings. However, in this light, and noting that the only permitted change away from B2 is to either B8 or B1, Officers advise that a condition in the terms resolved by Committee is not actually necessary, since there is no need to restrict something that otherwise needs permission anyway, and any change to residential for example could never take place. What could of course take place would be a change of use to B1 or B8, but it is suggested that restricting such would not be necessary, and clearly was not the intention of the Committee last week.

Officers have drafted the following as a simple condition, but clearly this does not now, noting there is not in fact a need, seek to restrict Permitted Development. This approach has been agreed with the Chairman and all Members of the Committee have been appraised of this position:

The building hereby permitted shall be used only for ancillary storage associated with the existing joinery business taking place within the red line shown on drawing number 1 8 0 1 2 - 0 2, and not for any manufacturing or other process otherwise within class B2 of the use classes order.

Reason: In the interest of limiting the scope of the consent, in the further interests of residential amenity.)

82. Planning Application DC/18/1925/HH - Briar Cottage, Bury Lane, Stanton (Report No: DEV/SE/19/009)

(Councillor Andrew Smith declared a non-pecuniary interest in this item, being familiar with the applicant having contracted him to carry out work to his own property over a year ago. He would remain within the meeting and would take part in the discussion and voting thereon.

Councillor Jim Thorndyke declared a personal interest in this item, having been acquainted with the applicant and his family for a number of years. He would remain in the meeting but would abstain from the voting thereon.)

Householder Planning Application - Oak cart lodge and office

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

A Member site visit was held prior to the meeting. The Parish Council supported the proposal, which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 11.1 of Report No DEV/SE/19/009.

Speaker: Mr Anthony Bray (applicant) spoke in support of the application

Despite noting that the original scheme proposed had been amended to mitigate concerns of the occupiers of the neighbouring property and that the

Parish Council was now supportive of the application, the majority of Members considered the proposal remained overbearing and would have a harmful impact on the residential amenity of the occupiers of the neighbouring property.

A motion for refusal, as per the Officer recommendation, was then moved and seconded.

Upon being put to the vote and with 11 voting for the motion, 1 against and 1 abstention, it was resolved that

Decision

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

- 1 Policy DM24 requires proposals to respect the character of the local area, not overdevelop the curtilage of a dwelling, and to not adversely affect the residential amenity of occupants of nearby properties, and this supports the requirements of DM2. In this regard the neighbouring property, Meadowside, will experience a material and significant reduction in the quality of its residential amenity as a direct result of the proposed development, with the proximity and height of the proposed outbuilding resulting in loss of light, obstructed outlook and a notable overbearing impact arising from the proximity between this structure and the property and amenity space of Meadowside. Consequently it fundamentally fails to meet the requirements of Policies DM24 and DM2 with respect to development protecting the residential amenity of occupants of nearby properties, conflicting in turn therefore with the provisions of the NPPF which seek to protect amenity.

83. **Planning Application DC/18/2243/HH & DC/18/2244/LB - Manor House, Church Road, Great Barton, Bury St Edmunds (Report No: DEV/SE/19/010)**

Householder Planning Application - single storey rear extension with associated alterations

This application had been referred to the Development Control Committee as a St Edmundsbury Borough Councillor Sarah Broughton was the applicant.

Great Barton Parish Council were in support of the application. Officers were recommending that both planning permission and the associated Listed Building Consent be approved, subject to conditions, as set out in Paragraphs 11 and 12 of Report No DEV/SE/19/010.

A motion for approval, as per the Officer recommendation, was moved and seconded.

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

Decision

- (A) 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 approved plans and documents.
- (B) Listed building consent be **GRANTED** subject to the following conditions:
1. Time limit: The development hereby permitted shall be begun not later than 3 years from the date of this permission.
 2. Compliance with plans: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
 3. Window details 0900: No works involving new/replacement windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/ replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
 4. Door details 09PP:
No works involving new/replacement doors shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/ replacement internal/external doors and surrounds to be used (including details of panels and glazing where relevant) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
 5. Sample of external materials 09D ii:
No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.
 - a. Samples of external materials and surface finishes
 6. Sample panel of flintwork 09CC :
No development above ground level shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - (i) Sample panel(s) of all new facing brickwork/ flintwork shall be constructed on site showing the proposed brick types, colours, textures, finishes/dressings of the flint; face bond; and pointing mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority;

i) The materials and methods demonstrated in the sample panel(s) shall be approved in writing by the Local Planning Authority.

The approved sample panel(s) shall be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

7. Foundation design - A detailed design scheme of the proposed foundations to the relevant location shall be submitted to and approved in writing by the LPA to demonstrate the existing underground structure will not be affected by the proposal.

The meeting concluded at 4.30pm

Signed by:

Chairman
